

LEGAL RESOURCES FOR TOBACCO CONTROL

Compiled by:

California Attorney General's Office

Technical Assistance Legal Center

Action on Smoking and Health

University of Maryland School of Law

Massachusetts Association of Health Boards

Massachusetts Municipal Association

Tobacco Control Resource Center

Smoke-Free Environments Law Project

Tobacco Law Project, William Mitchell College of Law

Technical Assistance Legal Center

A Project of the Public Health Institute

November 2001



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Technical Assistance Legal Center
A Project of the Public Health Institute
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DEAR TOBACCO CONTROL ADVOCATE:

An emerging network of tobacco control attorneys from throughout the United States has compiled this unique guide, *Legal Resources for Tobacco Control*, for use by the tobacco control community. Our hope is that the guide supports your advocacy efforts by providing the legal analyses and defenses you will need to succeed. These resources are not presented as a substitute for community organizing efforts. Legal tools are most powerful when they support, not replace, a broad based community effort.

Focus of the Guide: The guide primarily provides legal resources for public policy initiatives. Some of the resources are applicable to individuals and private litigants, but the main focus of the guide is on legal tools to change the social norms regarding smoking and tobacco use. The sections of the guide regarding litigation mostly address how litigation is used to force changes in the tobacco industry.

How to Use the Guide: The guide is divided into two sections. Each section provides a list of resources with a brief description of the resource and an indication if the resource is intended for a municipal attorney (MA), lay audience (LA), tobacco control advocate (TC), or elected official (EO); and whether it addresses state law (SL) and/or federal law (FL) issues.

Section I provides a list of resources by organization. It is first organized alphabetically by state. Within each state the list is alphabetized for each legal technical assistance center within the state. Contact information is provided for each center, and a listing of that center's publications and other resources is provided by subject area (advertising, secondhand smoke, litigation, etc.)

Section II provides a list of resources by subject area. The subject areas are alphabetized and a listing of all the legal resources for that subject is provided. The list indicates which technical assistance center developed the resource. The reader can obtain the contact information for the center in Section 1.

As you will see, not every state has a center devoted to legal assistance for tobacco control advocates. If you are in a state without such a center, some of the resources developed by the listed organizations may be helpful to you. Even the resources relating to the laws of another state should be useful models from which to begin a legal analysis applicable to your own state's laws.

You can find an electronic version of this guide on a password protected website at <http://ntcp.forum.cdc.gov>. We hope the guide meets your advocacy needs!

On behalf of the contributors to this guide,

Marice Ashe, JD, MPH
Program Director, Technical Assistance Legal Center

The following individuals and organizations have developed legal expertise in addition to the resources listed in the remainder of this guide. Please contact them in their areas of expertise as listed in the chart below.

California

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Professor Sugarman is available to talk with law professors and others about starting or working with a legal technical assistance center. He is the chairperson of the Legal Team working with the Technical Assistance Legal Center (TALC). Steve has edited a new book in conjunction with Robert Rabin, *Regulating Tobacco*, (Oxford University Press 2001).

District of Columbia

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Anne Marie O'Keefe is an expert at applying communication skills, research, legal and policy analysis, public and media relations, and extensive experience in management, training, and advocacy toward solving important health problems. Her legal specialties include: restrictions on the use of federal funds (FASA); permissible advocacy activities; and tax guidelines for nonprofits.

Oregon

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Sarah Rosenberg directs a resource for community school programs, school policy programs, comprehensive cessation program including Quit Line services, and health care provider 5 A's training. Web-site for the program is at www.oshd.org/tobacco links to many resources related to public policy developments.

Wisconsin

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Brion Fox is a trained attorney and a tobacco scientist. He has been an active member of the legal team of the California Technical Assistance Legal Center since its inception. Mr. Fox both researches and consults on translating tobacco science into law and the public health implications of tobacco regulation. Mr. Fox also works on issues related to ethics and tobacco control.

CALIFORNIA

Office of the Attorney General1
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DISTRICT of COLUMBIA

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Tobacco Law Project40

Office of the Attorney General

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Geographic area of focus

State of California

Number of attorneys

9

Number of other staff

4

Year started

1998

Funding: MSA

N

Funding Tobacco Tax

N

Other Funding

State General Fund

Access to publications

Website	Snailmail	Email	Fax
Y	Y	Y	Y

Organization Focus

The Tobacco Litigation & Enforcement Section of the California Attorney General’s Office focuses primarily on enforcing the terms of the 1998 Master Settlement Agreement in California. The section also defends court challenges to the MSA and STMSA, monitors the MSA payment process, oversees the state escrow agreement, by which eligible counties and cities share in MSA payments, and enforces other California consumer protection laws related to tobacco promotion and marketing.

PUBLICATION TITLE

LITIGATION

1) Various MSA enforcement complaints, settlement agreements, and amicus briefs are available on the Attorney General’s Tobacco Info web page.

Target Audience & Type of Law

DESCRIPTION

1) This website is updated periodically and includes court actions filed by the State of California against signatories to the MSA and settlements or court orders that result from such actions. See www.caag.state.ca.us/tobacco

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	Y

MASTER SETTLEMENT AGREEMENT

- 1) Brochure: Tobacco Industry Settlement – Brand Name Sponsorship Restrictions (1999).
- 2) Brochure: Tobacco Industry Settlement – Youth Marketing Restrictions (1999).
- 3) Video: Tobacco Industry Watch (2001).

- 1) Brochure summarizes restrictions and limitations on Brand Name Sponsorship imposed by the Master Settlement Agreement.
- 2) Brochure summarizes the major non-economic provisions of the Master Settlement Agreement.
- 3) A joint project of the Attorney General’s Office and the California Department of Health Services Tobacco Control Section and Project SMART\$. The video is intended to train tobacco control advocates and volunteers to monitor tobacco industry sponsorship of events.

Target Audience & Type of Law

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	Y

SPONSORSHIP

- 1) Video: Tobacco Industry Watch (2001).

- 1) A joint project of the Attorney General’s Office and the California Department of Health Services Tobacco Control Section and Project SMART\$. The video is intended to train tobacco control advocates and volunteers to monitor tobacco industry sponsorship of events.

Target Audience & Type of Law

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	Y

Technical Assistance Legal Center

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Geographic area of focus

State of California

Number of attorneys

2.3

Number of other staff

2.5

Year started

1998

Funding: MSA

N

Funding Tobacco Tax

Y

Other Funding

CA Dept. of Justice, & Southern Illinois Univ. School of Law

Setting: Non-Profit Org

Public Health Institute

Access to publications

Website	Snailmail	Email	Fax	Other
Y	Y	Y	Y	Distribution at trainings.

Organization Focus

The Technical Assistance Legal Center (TALC) works to change social norms about tobacco by developing cutting-edge policies in California and by working with our partners to guide local policy activities to reduce the health damage caused by the tobacco industry. We accomplish this by partnering with a legal team of academics and practitioners, as well as a community advisory board. TALC provides free legal technical assistance on the following tobacco control policies: advertising, enforcement, licensing, self service displays, sponsorship, Master Settlement Agreement, zoning restrictions, divestment, drifting smoke, and other issues upon request.

PUBLICATION TITLE

DESCRIPTION

DIVESTMENT

- 1) Divestment Action Guide (July 2000).
- 2) Tobacco Divestment by Taft-Hartley Pension Funds (May 2001).

- 1) Provides legal justification and organizing tools for a tobacco divestment campaign.
- 2) Describes legal justification for union pension funds divesting from tobacco.

3) Educational Foundations and Endowments: Legal Standards for Tobacco Divestment (April 2001).

Target Audience & Type of Law

FDA

1) How Local Governments Can Regulate Tobacco (May 2000).

Target Audience & Type of Law

LAND USE

1) Model California Land Use Ordinance (June 2000).

2) Memo: Municipal Authority to Regulate the Location and Operation of Tobacco Retailers (June 2000).

Target Audience & Type of Law

LICENSING

1) Model California Ordinance Requiring a Tobacco Retailer License (September 1998).

2) Frequently Asked Questions About an Ordinance Licensing Tobacco Retailers (September 1998).

3) Summary of Model Ordinance Requiring a Tobacco Retailer License (September 1998).

4) Financing Enforcement of Local Tobacco Regulations and Prop. 218 Fact Sheet (April 2001).

Target Audience & Type of Law

3) Describes the legal standards for colleges and universities divesting from tobacco.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	Y

1) Describes ways in which local communities can restrict tobacco in their communities. Includes checklist.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	Y

1) A model ordinance using California land use law to control the location, number, and density of tobacco retailers.

2) A background paper describing the legal authority of local government to control the location, number, and density of tobacco retailers under California law.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	N	Y

1) A model ordinance for local California governments to require a license to sell tobacco products and suspend the license upon violation of tobacco laws.

2) Answers to common questions regarding tobacco licensing ordinances.

3) Bullet-point summary of the key elements of the model licensing ordinance.

4) Outlines the legal requirements that communities must follow when imposing taxes or fees to fund tobacco control laws in California.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

LITIGATION

1) Memo to Municipal Attorneys Regarding *Lorillard v. Reilly* (2001).

Target Audience & Type of Law

1) Synopsis of the decision with a list of policy approaches still available to local governments.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	Y

MASTER SETTLEMENT AGREEMENT

1) Securitization of Master Settlement Agreement Payments (July 2000).

2) Master Settlement Agreement Overview (2000).

Target Audience & Type of Law

1) Provides a basic explanation of securitization; the advantages and costs involved in securitizing settlement funds; and a list of on-line resources available to learn more about the subject.
2) Describes the MSA provisions, what is prohibited and allowed.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	Y

OTHER PUBLICATIONS

1) Piecing it Together: Tobacco Laws Affecting California (October 2000).

2) TALC Tobacco Talk Newsletter (Semi-Annual).

Target Audience & Type of Law

1) A compilation of all tobacco control laws affecting California.

2) Informs tobacco control community and municipal attorneys on legal updates, and latest model policies available from TALC.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	Y

3) A Day in the Life of a Code Enforcer (2002).

4) Monograph: Technical Assistance Legal Center (2002).

Target Audience & Type of Law

3) Findings from a study on the pressures and incentives faced by municipal staff charged with enforcing tobacco control laws.

4) A discussion of how and why the Technical Assistance Legal Center (TALC) was established, including questions and answers regarding staffing, developing subject matter expertise, budget, political support, etc.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	N	N

SECONDHAND SMOKE/DISABILITY

1) Your Right to a Smoke-Free Workplace in California Under Disability Laws (April 2001).

Target Audience & Type of Law

1) Describes rights and protections for persons with disabilities under California’s Fair Employment and Housing Act and American’s with Disabilities Act.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
N	Y	Y	N	Y	Y

2) California Legal & Dispute Resolution Services for Tenants and Smokers Injured by Tobacco. (May 2001).

Target Audience & Type of Law

2) Provides resources for tobacco control advocates seeking to assist Californians in two different situations: (1) those adversely affected by drifting smoke in their apartment buildings who have disputes with their landlord or other tenants; and (2) injured smokers seeking legal representation to file suit against a tobacco company(ies).

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	N

SECONDHAND SMOKE/HOUSING

1) Smoking in an Apartment Building: What Can Be Done to Protect the Non-Smoking Neighbors (September 1999).

Target Audience & Type of Law

1) Describes tenants’ rights vis-a-vis their landlords and neighbors; rights of disabled tenants; what tenants, landlords, and a community can do to prevent such problems.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	N

SECONDHAND SMOKE/WORKPLACES

1) Your Right to a Smoke-Free Workplace in California Under Disability Laws (April 2001).

Target Audience & Type of Law

1) Describes rights and protections for persons with disabilities under California’s Fair Employment and Housing Law and American’s with Disabilities Act.

MA	LA	TC	EO	SL	FL
N	Y	Y	N	Y	Y

2) Outdoor Smoking Policies on College Campuses (2001).

Target Audience & Type of Law

2) A summary of California law regarding the authority of statewide public college systems and individual campuses to designate outdoor smoke-free zones on campuses.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	N

SPONSORSHIP

1) Model Policy for State or Local Fair Boards: Non-Acceptance of Tobacco Sponsorship and Smoke-Free Grounds (April 1999).

1) A model policy for a fair to prohibit tobacco sponsorship and smoking on the grounds.

2) Model Policy for Rodeos: Prohibiting Tobacco Sponsorship and Requiring Smoke-Free Ground (April 2001).

2) A model policy for a rodeo to prohibit tobacco sponsorship and smoking on the grounds.

3) Model Policy for Race Tracks: Prohibiting Tobacco Sponsorship and Requiring Smoke-Free Grounds (2002).

3) A model policy for motorsport racing events to prohibit tobacco sponsorship and smoking on the grounds.

Target Audience & Type of Law

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	N

TOBACCO INDUSTRY BANKRUPTCY

1) The Prospect and Implications of Tobacco Industry Bankruptcy (May 2001).

Target Audience & Type of Law

1) Describes the possibility and implications of tobacco industry bankruptcy and provides website of related resources.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	N	Y

YOUTH ACCESS/SELF-SERVICE DISPLAYS

1) Model California Ordinance Banning Self-Service Tobacco Displays (2002).

Target Audience & Type of Law

1) A model ordinance prohibiting the self-service display of tobacco products and requiring tobacco to be sold only through the assistance of a vendor.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

Action on Smoking and Health (ASH)

Contact Person

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Organization Focus

Action on Smoking and Health (ASH) is the oldest and largest organization in the U.S. (and possibly the world) devoted solely to the problems of smoking and the rights of nonsmokers. ASH serves as a legal action arm of the antismoking community, bringing and/or participating in law-related actions concerning smoking. ASH's legal actions have helped to get antismoking messages on the air, and cigarette commercials off the air; smoking prohibited and then banned on airplanes, buses, and in a growing number of public places; health warnings on cigars; FDA regulation of cigarettes (until the Supreme Court's decision), etc. From its more than 30 years of successful operations, ASH has numerous legal and other materials far too numerous to list, but some of them can be found on ASH's "Top 2500" web site: <http://ash.org>

**University of Maryland School of Law
 Legal Resource Center for Tobacco Regulation, Litigation, and Advocacy**

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Geographic area of focus

State of Maryland

Organization Focus

The Legal Resource Center for Tobacco Regulation, Litigation and Advocacy is dedicated to giving legal support to communities, community groups, employers, local governments, and others wishing to reduce smoking, the sale of tobacco products to children, and the dangerous health effects of tobacco products. The Center for Tobacco Regulation is funded by a grant to the University of Maryland School of Law from the Maryland Department of Health and Mental Hygiene. The Center for Tobacco Regulation provides legal and technical assistance to local governments and community groups including the drafting and adoption of local ordinances, resolution of enforcement issues, and implementing strategies for reducing tobacco use.

The Center for Tobacco Regulation was started in late August, 2001. Therefore, the 2001-2002 year is a plan and design year. During this initial year, the Center is looking ot hire additional faculty and attorneys, and will not begin to deliver services until approximately July 2002.

Massachusetts Association of Health Boards

Contact Person

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Geographic area of focus

Primarily Massachusetts, however MAHB also works with bordering states, other state’s board of health trade associations and tobacco control programs, and the National Association of Local Boards of Health.

Number of attorneys

3

Number of other staff

3, including a science advisor

Year started

1982

Funding: MSA

Y

Funding Tobacco Tax

Y

Other Funding:

Robert Wood Johnson Foundation

Setting: Non-Profit Org

Y

Access to publications

Website	Snailmail	Email	Fax
Y	Y	Y	Y

Organization Focus

MAHB’s Tobacco Control Program provides technical assistance and legal consultation to local boards of health and local tobacco control programs within these local boards of health on tobacco control issues such as secondhand smoke in public places, municipal buildings, restaurants, bars, worksites and schools, including enforcement issues. We also assist boards with issues surrounding youth access, including compliance check protocols and other enforcement issues.

PUBLICATION TITLE

DESCRIPTION

ENFORCEMENT

1) Guidebook for Massachusetts Boards of Health, produced by the Massachusetts Association of Health Boards in collaboration with the University of Massachusetts School of Public Health and Health Sciences, the Department of Public Health and the Department of Environmental Protection (September 1998, Tobacco Control Chapter updated in June 2000).

2) The Legal Handbook for Local Boards of Health, © Massachusetts Association of Health Boards (June 2001).

Target Audience & Type of Law

3) Preventing a Postal Employee from Smoking on the Job, Memorandum (April 2001).

Target Audience & Type of Law

LITIGATION

1) Amicus Brief for the Supreme Judicial Court in the matter of *Tri-Nel Management, Inc. v. the Board of Health of the Town of Barnstable*, submitted by the Mass. Association of Health Boards and the Tobacco Control Resource Center (August 2000).

Target Audience & Type of Law

2) The *Barnstable Case* in a “Nutshell” (February 2001).

Target Audience & Type of Law

1) This guidebook is a comprehensive manual for use by Boards of Health and Tobacco Control Programs. It outlines specific enforcement procedures of Boards of Health, such as hearing requirements and other due process issues, as well as legal authority issues. Chapter Two is especially relevant to tobacco control enforcement issues, as is Chapter 38.

2) A comprehensive manual describing relevant statutes, regulations and case law surrounding legal authority, enforcement and specific tobacco control issues, such as the ability to require permits and issue fines. Chapter 12 specifically addresses the authority to enact secondhand smoke and youth access regulations, including provisions that should be including in strong tobacco control regulations.

MA	LA	TC	EO	SL	FL
Y	N	Y	Y	Y	N

3) This article explains whether local or state laws can be enforced on post office property and enforcement of the postal service’s restrictions on workplace smoking.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	N	Y

1) Brief in support of the Barnstable Board of Health authority to prohibit smoking in restaurants, bars and lounges. Argued that state law did not preempt local boards of health from going further than the state law and that secondhand smoke was a legitimate health concern.

MA	LA	TC	EO	SL	FL
Y	N	Y	Y	Y	N

2) The Mass. Association of Health Boards produced a three-page and a one-page summary of the finding of the Court for local tobacco control programs and boards of health, as well as for the Massachusetts Association of Health Boards’ Journal.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	N

3) Summary of the U.S. Supreme Court’s Decision in *Lorillard Tobacco Co. v. Reilly*, Attorney General Of Massachusetts, Memorandum (2001).

Target Audience & Type of Law

OTHER PUBLICATIONS

1) Memorandum to Gloucester and Amesbury Boards of Health relative to the efficacy of fining minors and adults for smoking on school property in violation of the Massachusetts’ Education Reform Act (July 2001).

Target Audience & Type of Law

SECONDHAND SMOKE/GENERAL

1) Clearing the Air, A Resource Manual on Environmental Tobacco Smoke for Massachusetts, 2nd edition (June 2000).

Target Audience & Type of Law

3) The Health Effects of Environmental Tobacco Smoke, Clearing the Air 2000: A Resource Manual on Environmental Tobacco Smoke for Massachusetts (July 2000).

Target Audience & Type of Law

3) This article provides a summary of the U.S. Supreme Court’s decision to overturn the Massachusetts’ AG’s advertising regulations while keeping other point of sale restrictions intact.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	Y

1) School districts have been requesting help from local boards of health in enforcing the Education Reform Act requirement that smoking be prohibited in school buildings and on school grounds. Some schools have adopted policies that have been incorporated in Board of Health regulations that fine violators. MAHB identifies some issues schools and boards of health should consider, such as the possible ramifications of fines against students, staff, and visitors; possible ramifications of regulations prohibiting possession of tobacco on school property; the difference between a school policy and a board of health regulation; and enforcement tools available to boards of health.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

1) A comprehensive manual on secondhand smoke, including information on the health effects of ETS, the current status of secondhand smoke measures in Massachusetts, studies on the economic effect of secondhand smoke measures, a compilation of related laws, sample regulations, court challenges and tobacco industry tactics.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

3) This article provides an overview of the health effects of environmental tobacco smoke broken down by categories such as cardiovascular disease and cancer.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	Y

SECONDHAND SMOKE/OTHER

1) Massachusetts Association of Health Boards’ Response to the Walpole Independent Restaurateurs’ Association’s Memorandum in Support of Reasonable Smoking Regulations for the Town of Walpole (June 2001).

2) Massachusetts Association of Health Boards’ Rebuttal to Scientific Challenges to the Overwhelming International Scientific Consensus that Secondhand Smoke is not only a carcinogen, but also Produces an Increased Risk of Cardiovascular and Respiratory Diseases (May 2001).

Target Audience & Type of Law

1) Response to arguments commonly heard at public hearings in opposition to secondhand smoke regulations, including those that challenge board of health authority and the science surrounding secondhand smoke.

2) This document specifically deals with allegations that arose after EPA report, the Congressional Research Service report, the World Health Organization report, and the Center for Indoor Air Quality Study. It also attempts to describe just how a substance is classified as a carcinogen.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

SECONDHAND SMOKE/RESTAURANTS

1) Clearing the Air, A Resource Manual on Environmental Tobacco Smoke for Massachusetts, 2nd edition (June 2000).

Target Audience & Type of Law

1) A comprehensive manual on secondhand smoke, including information on the health effects of ETS, the current status of secondhand smoke measures in Massachusetts, studies on the economic effect of secondhand smoke measures, a compilation of related laws, sample regulations, court challenges and tobacco industry tactics.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

SECONDHAND SMOKE/WORKPLACES

1) Clearing the Air, A Resource Manual on Environmental Tobacco Smoke for Massachusetts, 2nd edition (June 2000).

Target Audience & Type of Law

1) A comprehensive manual on secondhand smoke, including information on the health effects of ETS, the current status of secondhand smoke measures in Massachusetts, studies on the economic effect of secondhand smoke measures, a compilation of related laws, sample regulations, court challenges and tobacco industry tactics.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

YOUTH ACCESS

1) The Most Common Claims of Illegality Arising from Tobacco Control Compliance Checks (August 2001).

Target Audience & Type of Law

1) A brief memorandum identifying the most common challenges to compliance checks and providing legal authority to address claims of illegality.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	Y	Y

2) Compliance Checks and Common Legal Liability (January 2001).

3) Doctrine of Respondeat Superior as it Relates to Tobacco Retailers and Their Employees (September 2001).

Target Audience & Type of Law

4) Memos provided to the City of New Bedford in support of its authority to suspend tobacco sales permits regardless of the finding of a Clerk Magistrate in District Court

5) What's Left of the Massachusetts Attorney General's Cigarette, Smokeless Tobacco, Cigar, and Little Cigar Regulations After the U.S. Supreme Court's Decision in *Lorillard Tobacco Co. v. Reilly*, Attorney General Of Massachusetts, Memorandum (July 2001).

Target Audience & Type of Law

6) Internet Sales Compliance Checks after *Santa Fe Natural Tobacco v. Spitzer*, Memorandum (July 2001).

Target Audience & Type of Law

2) This brief memorandum was prepared at the request of local tobacco control programs who were interested in addressing issues surrounding the actual legal liability of their staff and their municipal governments if an individual is injured during a compliance check.

3) Frequently, retailers will claim that the employee who sold to a minor should be solely responsible for a sale to the minor. This brief memorandum explains the common law principle that holds an employer responsible for the acts of his or her employee.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	N	N	N

4) These memos provide support for the authority of a board of health to suspend a tobacco sales permit in a separate administrative proceeding, regardless of the outcome of a hearing before a Clerk Magistrate on the grounds that a government may impose both criminal and civil sanctions for the same act or omission.

5) This article provides an overview of what remains of the Massachusetts AG's point of sale regulations after the U.S. Supreme Court decision. A good guide to what might be acceptable to the court in state AG regulations in other states

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	Y

6) This article provides an analysis of the Ninth Circuit's decision on restrictions on internet sales of tobacco. A good guide to what restrictions might survive judicial scrutiny in other states.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

**Massachusetts Municipal Association
Tobacco Control Technical Assistance Program**

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Geographic area of focus

Massachusetts

Number of attorneys

1

Number of other staff

0

Year started

1994

Funding: MSA

N

Funding Tobacco Tax

Y

Setting: Non-Profit Org

Y

Access to publications

Website	Snailmail	Email	Fax
N	Y	Y	Y

Organization Focus

MMA provides membership, training, lobbying and educational services to all of Massachusetts’ 351 cities and towns. The tobacco control program provides technical and legal assistance to cities and towns wishing to move forward with local tobacco control measures. The focus is to provide any assistance needed for our 351 cities and towns on tobacco control issues.

PUBLICATION TITLE

DESCRIPTION

SECONDHAND SMOKE/GENERAL

1) Clearing the Air, Second Edition.
(June 2000).

1) A “how-to” manual for cities and towns wishing to enact ETS policies.

Target Audience & Type of Law

MA	LA	TC	EO	SL	FL
Y	N	Y	Y	Y	N

SECONDHAND SMOKE/RESTAURANTS

1) Clearing the Air, Second Edition.
(June 2000).

1) A “how-to” manual for cities and towns wishing to enact ETS policies.

Target Audience & Type of Law

MA	LA	TC	EO	SL	FL
Y	N	Y	Y	Y	N

2) Maps (July 2001).

Target Audience & Type of Law

SECONDHAND SMOKE/WORKPLACES

1) Clearing the Air, Second Edition. (June 2000).

Target Audience & Type of Law

YOUTH ACCESS/VENDING MACHINES

1) Map (July 2001).

Target Audience & Type of Law

YOUTH ACCESS/SALES TO MINORS

1) Map (July 2001).

Target Audience & Type of Law

YOUTH ACCESS/SELF-SERVICE DISPLAYS

1) Map (July 2001).

Target Audience & Type of Law

2) A color-coded map of Massachusetts cities and towns coding them according to the level of ETS protection provided by local measures for restaurants and bars.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	N

1) A “how-to” manual for cities and towns wishing to enact ETS policies.

MA	LA	TC	EO	SL	FL
Y	N	Y	Y	Y	N

1) Color-coded map indicating which cities and towns have acted on vending machines. Coding is according to complete ban, FDA language or lock-out devices.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	N

1) Color-coded map indicating which cities and towns have put in place a requirement for a local tobacco sales permit. The permit is accompanied by a prohibition of sales to minors, fines and possible suspension of the permit.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	N

1) Color-coded map indicates local policy on self-service display complete ban, ban using FDA language, or restrictions on placement of displays.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	N

Tobacco Control Resource Center

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Geographic area of focus

Massachusetts, national, international

Number of attorneys

7

Number of other staff

3

Year started

1983

Funding: MSA

Y

Funding Tobacco Tax

Y

Other Funding

Robert Wood Johnson Foundation

Setting: University

Northeastern University School of Law

Access to publications

Website	Snailmail	Email	Fax
Y	Y	Y	Y

Organization Focus

TCRC addresses policy issues of tobacco control.

PUBLICATION TITLE

ADVERTISING

1) Tobacco Advertising After the Settlement: Where We Are and What Remains to be Done.

2) A Pack Of Lies: A First Amendment Case for Improved Warning Labels on Cigarettes.

Target Audience & Type of Law

3) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Volume Ten, State and Local Tobacco Advertising Restrictions in Massachusetts.

Target Audience & Type of Law

4) Supreme Court Sides with the Tobacco Industry, Tobacco Control Update, Vol. 5, Issue 3 (Spring 2001).

5) Have a Cigar, But Not Before You Read the New Federally Mandated Health Warnings for Cigars – You’ll Think Twice.

Target Audience & Type of Law

DESCRIPTION

1) Discussion of MSA advertising sections and ways the tobacco industry attempts to avoid compliance.

2) Discussion of First Amendment issues regarding warning labels on packages including commercial purpose and compelled speech.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	N	Y

3) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states. The intended audience ranges from tobacco control beginners to senior public health professionals. This 35-page booklet provides a comprehensive examination of advertising tobacco-related laws and rules that affect Massachusetts, including federal laws, the U.S. Constitution, and the Master Settlement Agreement. Chapter One examines the advertising provisions of the MSA. Chapter two looks at state advertising laws. Chapter three looks at federal preemption of state and local advertising laws. Chapter four looks at the First Amendment and tobacco advertising. Lastly, chapter five looks at local authority to adopt tobacco advertising laws.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	Y

4) This Tobacco Control Update article examines the history of the Massachusetts Attorney General tobacco advertising regulations, the legal tactics employed by the tobacco industry to invalidate those regulations, a summary of the Supreme Court’s decision invalidating the advertising-related provisions of the Massachusetts Attorney General’s regulations, and conclusions about public health after the Court’s decision.

5) This Tobacco Control Update article examines the Federal Trade Commission’s new cigar-related health warnings for advertising, including an analysis of how to spot violations of the FTC orders.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	N	Y

6) A Guide to Enforcing the Multistate Master Settlement Agreement, An Analysis of Selected Topics and Provisions of the MSA and a Brief Guide to Enforcement (June 2000).

Target Audience & Type of Law

7) Tobacco Control Resource Center’s Amicus Brief in the U.S. Supreme Court case, Lorillard Tobacco Co. v. Reilly, Attorney General of Massachusetts, 533 U.S. 121 S.Ct.2404 (2001) republished at (www.tobaccocontrol.neu.edu).

Target Audience & Type of Law

8) Untangling the Web: Legal and Policy Tools to Restrict Online Cigar Advertisements, 35(1) Univ. San Francisco Law Rev. 1 (Fall 2000).

9) Memorandum of Law on Banning Cigarette Advertisements from Television and Cable Broadcasts through Existing Federal Law (May 2001).

Target Audience & Type of Law

6) This 76 page booklet is divided into two parts. The first part reviews the historical background of the MSA, and introduces the reader to the nature and policies of the MSA. The second part of this booklet details the practical rules of the MSA, including advertising, youth protection, and lobbying.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

7) The amicus brief analyzes in detail the First Amendment and tobacco-related youth access regulations. Particular attention is paid to self-service displays.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	Y	Y

8) This 56 page law review article examines tobacco on the internet. The first part defines the problem of cigar advertisements and sales over the Internet. The next part reviews the recent increase in cigar use. The third part examines federal regulation and potential regulation of the Internet, looking at the Federal Communication Commission, the Federal Trade Commission, the Food and Drug Administration, and other federal law. The fourth section reviews state-level efforts to regulate tobacco on the Internet. The final section reviews the First Amendment and Internet advertising.

9) This memorandum of law describes in-depth the exact reach and nature of the Federal Cigarette and Labeling and Advertising Act’s ban on television, radio and the like advertising of cigarettes. It identifies recent violations of this ban, and provides a step-by-step guide on how to trigger enforcement of this ban. Additionally, this memorandum identifies the ban’s theoretical reach over the Internet.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	N	Y

ENFORCEMENT

1) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Volume Five, City, Town and Local Health Agency Power to Regulate the Sale and Use of Tobacco in Massachusetts (Including Enforcement Powers) (June 2000).

Target Audience & Type of Law

2) Controlling the Sale and Use of Tobacco in Massachusetts 2000: A Legal Policy Manual for Municipal Officials and Public Health Personnel: 10 Volume Set (June 2000).

Target Audience & Type of Law

3) Municipal Legislative Authority to Control the Sale and Use of Tobacco in Massachusetts, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

4) The Enforcement Powers of Towns and Cities in Massachusetts, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

5) The Authority of Local Health Agencies to Regulate the Sale and Use of Tobacco in Massachusetts, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

6) The Enforcement Powers of Local Health Agencies in Massachusetts, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

1) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states. The intended audience ranges from tobacco control beginners to senior public health professionals. This 55-page booklet provides a comprehensive examination of local authority to regulate tobacco (including enforcement.) Chapter one reviews the basic regulatory structure of towns and cities. Chapter two reviews the enforcement powers of towns and cities in Massachusetts. Chapter three reviews the basic regulatory authority of boards of health, the prime tobacco regulatory authority in Massachusetts. Chapter four reviews the enforcement powers of boards of health. Lastly, chapter five compares the authority of these the above listed regulatory bodies.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	Y	N

2) This ten-volume set provides an overview of controlling the sale and use of tobacco. Can be used as a model for producing similar sets in other states.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	N	Y

3) This article provides an overview of city and town authority to control the sale and use of tobacco. Can be used as a model for producing similar articles in other states.

4) This article provides an overview of the enforcement powers available to cities and towns in their efforts to control the sale and use of tobacco. Can be used as a model for producing similar articles in other states.

5) This article provides an overview of local health agency authority to control the sale and use of tobacco. Can be used as a model for producing similar articles in other states.

6) This article provides an overview of the enforcement powers available to local health agencies in their efforts to control the sale and use of tobacco. Can be used as a model for producing similar articles in other states.

7) The Status of Local Health Agencies as Agents of the State Legislature and the Consequent Inability of Cities and Towns to Effectively Preempt Local Health Regulations by Passing Contradictory Ordinances or By-Laws, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

Target Audience & Type of Law

7) This article argues that local municipal laws (ordinances and bylaws) cannot preempt local health regulations which are passed by local health agencies acting as agents of the state legislature.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	N

8) The Logic of Local Action and Enforcement, Tobacco Control Update, Vol. 1, Issues 3 & 4 (Summer/Fall 1997).

Target Audience & Type of Law

8) This article provides an overview of rationales for acting at the local level to control the sale and use of tobacco rather than at the federal or state level where the tobacco industry is more powerful.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	Y

FDA

1) Meaningful Authority: An Analysis of Some Key Elements to Effective Food and Drug Administration Authority to Regulate Tobacco Products, Tobacco Control Update, Vol. 5, Issue 3 (Summer 2001).

1) This article in tobacco control update examines the key parts to effective FDA tobacco regulation.

Target Audience & Type of Law

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	N	Y

2) Q & A on the U.S. Supreme Court’s Decision on FDA Jurisdiction over Tobacco, Tobacco Control Update, Vol. 4, Issue 4 (Summer 2000).

2) This article in tobacco control update reviews the basics behind the Supreme Courts March 2000 decision about the Food and Drug Administration’s authority.

3) A Quick Summary of The U.S. Supreme Court’s Decision on FDA authority Jurisdiction over Tobacco, Tobacco Control Update, Vol. 4, Issue 4 (Summer 2000).

3) This article in tobacco control update reviews the basics behind the Supreme Courts March 2000 decision about the Food and Drug Administration’s authority. The intended audience includes all new tobacco control professionals.

4) U.S. Supreme Court Invalidates FDA Jurisdiction over Tobacco Products in 5-4 Decision, Tobacco Control Update, Vol. 4, Issue 4 (Summer 2000).

4) This article in tobacco control update examines the legal theories behind the Supreme Courts March 2000 decision about the Food and Drug Administration’s authority. The intended audience includes experienced tobacco control attorneys.

Target Audience & Type of Law

MA	LA	TC	EO	SL	FL
Y	N	Y	Y	N	Y

5) Why Home Rule Still Rules After the U.S. Supreme Court’s Decision on FDA Jurisdiction over Tobacco, Tobacco Control Update, Vol. 4, Issue 4 (Summer 2000).

5) This article briefly indicates that local tobacco control efforts in Massachusetts may continue despite the U.S. Supreme Court’s invalidation of FDA authority over tobacco. The intended audience includes all tobacco control professionals.

Target Audience & Type of Law

MA	LA	TC	EO	SL	FL
Y	N	Y	N	Y	N

LICENSING

1) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Vol. Nine, Controlling Youth Access to Tobacco Products, Part Four: Local Initiatives (Including Sample Regulations) (2000).

Target Audience & Type of Law

2) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Vol. Three, An Overview of Constitutional Concerns Surrounding Tobacco Control Law (June 2000).

Target Audience & Type of Law

3) Authority to Establish Local Retailer Permitting Schemes, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

Target Audience & Type of Law

LITIGATION

Publication Title

1) Amicus Brief for Supreme Court case regarding Mass. AG advertising regulations (*Lorillard Tobacco Co. v. Reilly*).

Target Audience & Type of Law

1) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states. The intended audience ranges from tobacco control beginners to senior public health professionals. This 64-page booklet serves as a blueprint to the Massachusetts Tobacco Control Programs youth access initiative. Chapter one describes the authority to establish local permitting schemes. Chapter two outlines restrictions on manufacturer’s gifts to minors, distribution of free samples, sales of single cigarettes, and sales of “Kiddie Packs.” Chapter three restrictions on self-service displays. Chapter four describes restrictions on vending machines. Chapter five talks about other youth access and point of sale restrictions. Chapter six reviews fourth amendment warrant requirements and compliance checks. Lastly, chapter seven provides sample youth access laws.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	Y	N

2) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states. The intended audience ranges from tobacco control beginners to senior public health professionals. Chapter one reviews the Commerce Clause. Chapter two reviews the due process rights, including rights relating to permitting tobacco sales. Chapter three covers equal protection. Chapter four reviews the contract clause. Lastly, chapter five covers the antitrust concerns.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	Y	Y

3) This article provides an overview of the authority that local health agencies and local governments have to establish retailer permitting schemes for tobacco products. The article also explains the rationale for such schemes.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

Description

1) Discussion of use of cigars by youth and compliance with First Amendment even in the event Central Hudson is modified.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	N	N	N	Y

- 2) Keys to Litigating Against Tobacco Companies.
- 3) Is Janet Reno’s RICO Lawsuit Against Big Tobacco Legally Justified?
- 4) The New Public Health Litigation.
- 5) Tobacco Litigation Worldwide.
- 6) Casting Blame on the Tobacco Victim: Impact on Assumption of the Risk and Related Defenses in U.S. Litigation.
- 7) The *Engle* Verdicts and Tobacco Litigation.

Target Audience & Type of Law

- 8) Tobacco Industry Tactics. British Medical Bulletin (January 1996).

Target Audience & Type of Law

- 9) Tobacco Litigation: A Mid-Course Review. as a public health strategy as of 2001.

Target Audience & Type of Law

- 10) Litigation Approaches in chapter 5 (Regulatory Efforts) in U.S. Department of Health and Human Services, Reducing Tobacco Use: A Report of the Surgeon General. Atlanta, GA: Centers for Disease Control and Prevention, Office on Smoking and Health (August 2000).

- 11) Judicial Approaches to Tobacco Control, in Jeffrey Schaler and Magda Schaler, Smoking: Who Has the Right? (Prometheus Books, 1999).

- 12) The Many Virtues of Tobacco Litigation: In the Failed Global Settlement, the Tobacco Industry Almost Freed Itself from the Civil Justice System, Trial (November 1998).

Target Audience & Type of Law

- 2) Discussion of litigation strategies for trial attorneys.
- 3) Discussion of the underlying legal principles supporting the federal lawsuit against the tobacco industry.
- 4) Discussion of the success of litigation as a public health tool to bring about change in law as well as the actions of the tobacco industry.
- 5) A review of the status of tobacco litigation in several countries.
- 6) Discussion of the legal theory of Assumption of the Risk and the tobacco industry’s often successful use of this legal defense.
- 7) Discussion of the verdicts in the *Engle* class action lawsuit in Florida.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	N	N

- 8) An overview of tobacco industry tactics fighting litigation and legislation, engaging in PR, and influencing politicians and the news media.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
N	Y	Y	N	Y	Y

- 9) This article discusses the status and efficacy of tobacco litigation

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
N	N	Y	N	Y	Y

- 10) This article provides a general overview of the use of litigation as a cancer control strategy.

- 11) This book chapter provides an overview of the use of litigation as a cancer control strategy.

- 12) This article provides an overview of the use of litigation as a cancer control strategy.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	Y

13) Federal Initiatives to Codify the Attorney General Settlement of 1997, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

14) Fight the Future or Everything You Always Wanted to Know About How the Tobacco Industry (a.k.a. The Cigarette Smoking Men) Killed the McCain Bill But Were Afraid to Ask, Tobacco Control Update, Vol. 2, Issues 3 & 4 (Spring/Summer 1998).

15) The Proposed Tobacco Settlement, Tobacco Control Update, Vol. 1, Issues 3 & 4 (Summer/Fall 1997).

Target Audience & Type of Law

16) The Role of Litigation in the Effective Control of the Sale and Use of Tobacco, Stanford Law & Policy Review, Vol. 8:1 (Winter 1997).

17) Judicial Approaches to Tobacco Control: The Third Wave of Tobacco Litigation as a Tobacco Control Mechanism, Journal of Social Issues, Vol. 53, No. 1 (Spring 1997).

18) Tobacco Litigation as a Public Health and Cancer Control Strategy, Journal of the American Medical Women’s Association (March 1996).

Target Audience & Type of Law

19) The Woodman Cometh: Florida Attorneys Win Landmark Case Management Ruling, Tobacco On Trial (March 1996).

Target Audience & Type of Law

MSA

1) Tobacco Advertising after the Settlement: Where We Are and What Remains to be Done.

Target Audience & Type of Law

13) This article provides historical background on the efforts to codify the attorney general settlement of 1997 in congressional legislation.

14) This article provides an overview of the historical events leading up to the killing of the attorneys general settlement of 1997 in Congress.

15) This article provides an analysis of the key provisions of the attorneys general settlement of 1997.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	N	Y

16) This article provides an overview of the use of litigation as a cancer control strategy. This is a good guide to the Third Wave of Tobacco Litigation.

17) This article provides an overview of the use of litigation as a cancer control strategy. This is a good guide to the Third Wave of Tobacco Litigation.

18) This article provides an overview of the use of litigation as a cancer control strategy. This is a good guide to the Third Wave of Tobacco Litigation.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	Y

19) This article provides an analysis of the case management order that paved the way to victory for Woody Wilner.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

1) This memorandum discusses the MSA advertising sections and ways to avoid compliance.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	Y	Y

2) A Guide to Enforcing the Multistate Master Settlement Agreement, An Analysis of Selected Topics and Provisions of the MSA and a Brief Guide to Enforcement.

Target Audience & Type of Law

3) An Action Plan to Protect the Health of Massachusetts Citizens and Their Children, Using Tobacco Settlement Funds to Reduce the Health/ Economic Costs of Tobacco-Related Diseases in the Commonwealth (February 1999).

Target Audience & Type of Law

4) Fight The Future or Everything You Always Wanted to Know About How the Tobacco Industry Killed the McCain Bill But Were afraid to Ask, 2(3&4) Tobacco Control Update 5 (Spring/Summer 1998).

Target Audience & Type of Law

5) Implications of the Multistate Tobacco Settlement for Tobacco Control, American Public Health Association Journal.

6) A Guide to Enforcing the Multistate Master Settlement Agreement (June 28, 2000).

7) Historical Background of the MSA, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

8) Consent Decrees and Judgments and the MSA, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

9) Checklists for Enforcing Selected Provisions of the MSA, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

10) The Multistate Master Settlement Agreement's Youth Access Provisions, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

2) This 76 page booklet is divided into two parts. The first part reviews the historical background of the MSA, and introduces the reader to the nature and policies of the MSA. The second part of this booklet details the practical rules of the MSA, including advertising, youth protection, and lobbying.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	N

3) This a booklet provides in layman's terms a cost- benefit analysis describing why public funds (especially those received from the MSA) should be spent on the public health field of tobacco control.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	N	N

4) This article examines the history of the Federal Legislature's failure to enact a global settlement of state lawsuits to recover medical cost associated with treating sick smokers, allowing formation of the private settlement, MSA.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	Y

5) This article provides an overview of the implications of the MSA for the future of tobacco control.

6) This guidebook aims to allow for easy enforcement of the main provisions of the MSA.

7) This short article provides an overview of the events leading up to the promulgation of the MSA.

8) This article explains the nature of the consent decrees and judgments whereby states adopted the MSA.

9) This series of checklists provides a handy tool for enforcing selected provisions of the MSA.

10) This article provides an overview of the MSA's youth access provisions.

11) Enforcing the MSA’s Youth Access Restrictions at a Glance, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

12) The Multistate Master Settlement Agreement’s State and Local Lobbying Restrictions, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

13) Enforcing the MSA’s Lobbying Restrictions at a Glance, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

Target Audience & Type of Law

11) This article provides a short guide to enforcing the MSA’s youth access provisions.

12) This article provides a guide to the MSA’s state and local lobbying restrictions.

13) This article provides a quick guide to enforcing the MSA’s state and local lobbying restrictions.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	N	Y

OTHER PUBLICATIONS

1) Big Tobacco: Its Strategy, Tactics and Behavior During the Past Half Century. Massachusetts Tobacco Control Program (June 2000).

Target Audience & Type of Law

1) It analyzes industry behavior in several contexts, including: ETS; nicotine and addiction; youth smoking; smoking and health; racial and ethnic minorities; products liability; terms of debate; attacks on laws; and front groups. Has examples based on state law.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	N

2) Cigars: Proceed with Caution, 33(3) John Marshall Law Rev. 521 (Spring 2000).

2) This article traces the history of cigar regulation up to the present ending with the Federal Trade Commissions 2000 cigar-related orders.

3) The Continuing Tobacco War: State and Local Tobacco Control in Washington, 23(4) Seattle Univ. Law Rev. 1097 (Spring 2000).

3) This law review article examines tobacco control efforts in the State of Washington.

Target Audience & Type of Law

MA	LA	TC	EO	SL	FL
Y	N	Y	Y	Y	N

4) Question: Is Janet Reno’s RICO Lawsuit Against Big Tobacco Justified – Yes: A Pattern of Deception is the Smoking Gun Evidence Against Cigarette Makers.

4) This article explains the basis of the Department of Justice’s lawsuit, and why it should be pursued vigorously.

Target Audience & Type of Law

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	N	Y

5) The Basics of Government, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

5) This article provides an overview of the workings of federal, state, and local government.

6) The Doctrine of Preemption, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

6) This article provides an overview of the tobacco industry’s use of preemption to thwart local regulation of the sale and use of tobacco products.

7) The Logic of Local Action, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

Target Audience & Type of Law

8) An Overview of the Massachusetts Tobacco Control Program and its Successes, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

9) The Massachusetts Tobacco Control Program and the Community Assistance Statewide Team (CAST), Controlling the Sale and Use of Tobacco in Massachusetts (2000).

10) The Massachusetts Coalition for a Healthy Future, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

Target Audience & Type of Law

OTHER PUBLICATIONS – TOBACCO INGREDIENTS/SMOKE CONSTITUENTS

1) Tobacco Ingredients and Smoke Constituents Reporting and Disclosure Law: The Case for Expansion, 77(1) Univ. Denver Law Rev. 1 (1999).

Target Audience & Type of Law

OTHER PUBLICATIONS – INTERNET

1) Memorandum of Law on Banning Cigarette Advertisements from Television and Cable Broadcasts through Existing Federal law.

7) This article provides an overview of the rationales for regulating the sale and use of tobacco at the local level.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	Y

8) This article provides an overview of the Massachusetts Tobacco Control Program and its many successes.

9) This article provides an overview of way that attorneys are utilized to provide technical assistance in Massachusetts.

10) This article provides an overview of Massachusetts Coalition for a Healthy Future and its procedures for evaluating state legislation. A good guide for other state NGO coalitions.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	N

1) This article explores the federal and state level efforts to require reporting and disclosure requirements. It examines the policy behind the laws and recommends how to draft disclosure and reporting laws that will withstand tobacco industry challenges.

MA	LA	TC	EO	SL	FL
Y	N	Y	Y	Y	Y

1) This memorandum of law describes in-depth the exact reach and nature of the Federal Cigarette and Labeling and Advertising Act’s ban on television, radio and the like advertising of cigarettes. It identifies recent violations of this ban, and provides a step-by-step guide on how to trigger enforcement of this ban. Additionally, this memorandum identifies the ban’s theoretical reach over the Internet.

2) Untangling the Web: Legal and Policy Tools to Restrict Online Cigar Advertisements, 35(1) Univ. San (Fall 2000).

Target Audience & Type of Law

OTHER PUBLICATIONS – PUBLIC HEALTH FUNDING

1) An Action Plan to Protect the Health of Massachusetts Citizens and Their Children, Using Tobacco Settlement Funds to Reduce the Health/Economic Costs of Tobacco-Related Diseases in the Commonwealth (February 1999).

Target Audience & Type of Law

SECONDHAND SMOKE/DISABILITY

1) Accommodating Vulnerabilities to Environmental Tobacco Smoke: A Prism For Understanding the ADA.

Target Audience & Type of Law

2) The Americans with Disability Act: How it Can Protect you from Secondhand Smoke, (1996).

3) The Physician’s Role in Helping Smoke-Sensitive Patients to Use the Americans with Disability Act to Secure Smoke-free Workplaces and Public Spaces, JAMA (September 1996),

4) Secondhand Smoke and the ADA: Ensuring Access for Persons with Breathing and Heart Disorders.

Target Audience & Type of Law

2) This 56 page law review article examines tobacco on the internet. The first part defines the problem of cigar advertisements and sales over the Internet. The next part reviews the recent increase in cigar use. The third part examines federal regulation and potential regulation Francisco Law Rev. 1 of the Internet, looking at the Federal Communication Commission the Federal Trade Commission, the Food and Drug Administration, and other federal law. The fourth section reviews state-level efforts to regulate tobacco on the Internet. The final section reviews the First Amendment and Internet advertising.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	N	Y

1) This booklet provides in layman’s terms a cost-benefit analysis describing why public funds (especially those received from the MSA) should be spent on the public health field of tobacco control.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

1) Discussion of using the Americans With Disabilities Act as a litigation tool to protect individuals affected by ETS.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	N	N

4) This article explains the relevant provisions of the ADA, relevant case law, and theories of recovery.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	N	Y

SECONDHAND SMOKE/GENERAL

1) Litigation on behalf of victims of exposure to environmental tobacco smoke,” European Journal of Public Health (2001:11;201-205).

Target Audience & Type of Law

1) The article is an overview of ETS litigation: mostly in the USA, with some mention of Europe and Australia. Lay audience. Refers to cases based primarily on state law. European Journal of Public Health (2001:11;201-205).

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
N	Y	Y	Y	Y	Y

2) The Tobacco Control Resource Center and Massachusetts Association of Health Boards’ Amicus Brief in the Massachusetts Supreme Judicial Court case, *Tri-Nel Management (Windjammer) v. Board of Health of Barnstable*, 433 Mass 217 (2001) republished at (www.tobaccocontrol.neu.edu).

Target Audience & Type of Law

2) This amicus brief examines the reasons and authority for local regulation of environmental tobacco smoke. Particular attention is paid to board of health authority, and the historic and constitutionally recognized role that local officials play in protecting public health. Additionally, preemption is discussed.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	Y	N

3) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Vol. Three, An Overview of Constitutional Concerns Surrounding Tobacco Control Law (June 2000).

3) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states. The intended audience ranges from tobacco control beginners to senior public health professionals. Chapter one reviews the Commerce Clause. Chapter two reviews the due process rights, including rights relating to permitting tobacco sales. Chapter three covers equal protection. Chapter four reviews the contract clause. Lastly, chapter five covers the antitrust concerns.

4) Litigation on Behalf of Victims of Exposure to Environmental Tobacco Smoke, European Journal of Public Health, Vol. 11, No. 2 (June 2001).

5) High Court Ruling Gives Go-Ahead to Local, Smoke-Free Laws, 5(2) Tobacco Control Update 3.

5) This amicus brief examines the reasons and authority for local regulation of environmental tobacco smoke. Particular attention is paid to board of health authority, and the historic and constitutionally recognized role that local officials play in protecting public health. Additionally, preemption is discussed.

Target Audience & Type of Law

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	Y	Y

6) Protecting Children from Exposure to Environmental Tobacco Smoke, Tobacco Control (Spring 1998).

Target Audience & Type of Law

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	Y	N

7) Summary of Legal Cases Regarding Smoking in the Workplace and other places.

Target Audience & Type of Law

8) Mistaken Ruling, Unmistakable Facts: How Judge Osteen Got It Wrong When He Vacated The EPA's Finding That Secondhand Smoke Is A Known Carcinogen and Why His Ruling May Not Matter, Tobacco Control Update, Vol. 3, Issue 1 (Fall 1998).

Target Audience & Type of Law

SECONDHAND SMOKE/HOUSING

1) Smoke Knows No Boundaries: Legal Strategies for Environmental Tobacco Smoke Incursions Into the Home Within Multi-Unit Residential Dwellings.

Target Audience & Type of Law

2) How to Use the Massachusetts Sanitary Code to Deal with ETS Incursion in Multi-Unit Dwellings, Tobacco Control Update, Vol. 5, Issue 1 (Fall 2000).

Target Audience & Type of Law

SECONDHAND SMOKE/OTHER

1) Judge Rejects EPA Secondhand Smoke Report, An Analysis of Judge Osteen's June 1998 ruling on the EPA report. (Trial Magazine, November 1998.)

Target Audience & Type of Law

2) Redressing Injuries from Secondhand Smoke, Trial Magazine (March 1992).

Target Audience & Type of Law

7) This booklet, which is annotated and updated regularly, provides a comprehensive list of relevant legal cases surrounding environmental tobacco smoke.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	N	Y	Y

8) This article provides an overview of Judge Osteen's landmark decision vacating the EPA report. It also includes valuable general info about ETS.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	N	Y

1) Discussion of legal remedies for tobacco smoke incursion into residences including administrative remedy before local Boards of Health.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	N	Y	N

2) This article is from Tobacco Control Update provides tenants, boards of health and attorneys with a step-by-step on how to stop ETS pollution in multi-unit dwellings.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	Y	N

1) It's a monthly magazine published by the Assn. of Trial Lawyers of America — plaintiffs' lawyers.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	N	N	N	Y

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	Y	Y

SECONDHAND SMOKE/RESTAURANTS

1) Clearing the Air, a Resource Manual on ETS for Massachusetts (1999).

Target Audience & Type of Law

1) Handbook covers all aspects of ETS — and regulating it — in Massachusetts. It’s a book put out by TCRC, the Mass. Municipal Assn. and the Mass. Assn. of Health Boards.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

SECONDHAND SMOKE/STATE PREEMPTION

1) The Tobacco Control Resource Center and Massachusetts Association of Health Boards’ Amicus Brief in the Massachusetts Supreme Judicial Court case, *Tri-Nel Management (Windjammer) v. Board of Health of Barnstable*, 433 Mass 217 (2001) republished at (www.tobaccocontrol.neu.edu).

Target Audience & Type of Law

1) This amicus brief examines the reasons and authority for local regulation of environmental tobacco smoke. Particular attention is paid to board of health authority, and the historic and constitutionally recognized role that local officials play in protecting public health. Additionally, preemption is discussed.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	Y	N

2) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Vol. Two, The Basics of Government and the Doctrine of Preemption (June 2000).

Target Audience & Type of Law

2) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states. Volume two discusses the guises of preemption.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	Y	Y

SECONDHAND SMOKE/WORKPLACES

1) Summary of Legal Cases. Published by TCRC.

Target Audience & Type of Law

1) A continually updated summary of legal cases on ETS, divided into several categories, including: prison; child custody; disability law; workers’ compensation; assault and battery; real property (including smoke seepage from one unit to another); and cases with tobacco companies as defendants. Tobacco control advocates. Covers a combination of state and federal law.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	Y	N

SPONSORSHIP

1) A Guide to Enforcing the Multistate Master Settlement Agreement, An Analysis of Selected Topics and Provisions of the MSA and a Brief Guide to Enforcement.

Target Audience & Type of Law

1) This 76 page booklet is divided into two parts. The first part reviews the historical background of the MSA, and introduces the reader to the nature and policies of the MSA. The second part of this booklet details the practical rules of the MSA, including advertising, youth protection, and lobbying. Sponsorship issues are covered in the booklet as well.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	Y

YOUTH ACCESS

1) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Volume Six, Controlling Youth Access to Tobacco Products, Part One: An Overview of the Problem, the Logic of Local Action, and Successes of the Massachusetts Tobacco Control Program.

2) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Vol. Nine, Controlling Youth Access to Tobacco Products, Part Four: Local Initiatives (Including Sample Regulations).

3) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Vol. Eight, Controlling Youth Access to Tobacco Products, Part Three: State Level Initiatives.

1) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states. The intended audience ranges from tobacco control beginners to senior public health professionals. This 28-page booklet provides an overview of the problem of youth access to tobacco products and describes the Massachusetts Tobacco Control Program’s general response.

2) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states. The intended audience ranges from tobacco control beginners to senior public health professionals. This 64-page booklet serves as a blueprint to the Massachusetts Tobacco Control Programs youth access initiative. Chapter one describes the authority to establish local permitting schemes. Chapter two outlines restrictions on manufacturer’s gifts to minors, distribution of free samples, sales of single cigarettes, and sales of “Kiddie Packs.” Chapter three describes restrictions on self-service displays. Chapter four describes restrictions on vending machines. Chapter five talks about other youth access and point of sale restrictions. Chapter six reviews fourth amendment warrant requirements and compliance checks. Lastly, chapter seven provides sample youth access laws.

3) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states. The intended audience ranges from tobacco control beginners to senior public health professionals. This 72-page booklet provides a mixture of policy and law regarding state level youth access initiatives. Chapter one reviews state statutes. Chapter two provides an overview of the Massachusetts Tobacco Control Program and the Community Assistance Statewide Team. Chapter three gives an overview of the Massachusetts Coalition for a healthy future, the coalition that has secured the tobacco control funding for the last nine years. Chapters four and five review the Master Settlement Agreement youth protection requirements. Chapters six and seven review the Master Settlement Agreement’s lobbying restrictions. Lastly, Chapter eight covers the Massachusetts Attorney General youth protection regulations.

Target Audience & Type of Law

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	Y	N

4) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Vol. Seven, Controlling Youth Access to Tobacco Products, Part Two: Federal Initiatives.

5) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Vol. Three, An Overview of Constitutional Concerns Surrounding Tobacco Control Law (June 2000).

Target Audience & Type of Law

6) Should the Minimum Age for the Sale of Tobacco Products Be Increased to 21? Tobacco Control Update, Vol. 2, Issues 3 and 4 (Spring & Summer 1998).

Target Audience & Type of Law

7) Tobacco Control Resource Center’s Amicus Brief in the U.S. Supreme Court case, Lorillard Tobacco Co. v. Reilly, Attorney General of Massachusetts, 533 U.S. 121 S.Ct.2404 (2001) republished at (www.tobaccocontrol.neu.edu).

Target Audience & Type of Law

8) The Perils, Promises and Pitfalls of Criminalizing Youth Possession of Tobacco, 1(1&2) Tobacco Control Update 17 (Winter 1997).

Target Audience & Type of Law

9) Should the Minimum Age for the Sale of Tobacco Products be Increased to 21, 2(3&4) Tobacco Control Update 22 (Spring/Summer 1998).

Target Audience & Type of Law

4) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states. The intended audience ranges from tobacco control beginners to senior public health professionals. This 26-page booklet reviews some federal youth access initiatives, including the Synar Amendment, and traces the Food and Drug Administration’s efforts to regulate tobacco.

5) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states. The intended audience ranges from tobacco control beginners to senior public health professionals. Chapter one reviews the Commerce Clause. Chapter two reviews the due process rights, including rights relating to permitting tobacco sales. Chapter three covers equal protection. Chapter four reviews the contract clause. Lastly, chapter five covers the antitrust concerns.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	N	Y

6) This Tobacco Control Update article explores the policy implication behind increasing the minimum tobacco sales age law to 21.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

7) The amicus brief analyzes the in detail the First Amendment and tobacco-related youth access regulations. Particular attention is paid to self-service displays.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	Y	Y

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	N	Y	Y	Y	N

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

10) Controlling the Sale and Use of Tobacco in Massachusetts 2000: A Legal Policy Manual for Municipal Officials and Public Health Personnel: 10 Volume Set (June 2000).

Target Audience & Type of Law

11) An Overview of the Problem of Youth Access to Tobacco Products and the Institute of Medicine’s Recommendations for Solving the Problem, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

12) Restrictions on Manufacturer Gifts to Minors, Distribution of Free Samples, Sales of Single Cigarettes, and Sales of ‘Kiddie Packs,’ Controlling the Sale and Use of Tobacco in Massachusetts (2000).

Target Audience & Type of Law

YOUTH ACCESS/SALES TO MINORS

1) The Synar Amendment, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

Target Audience & Type of Law

2) The Perils, Promises and Pitfalls of Criminalizing Youth Possession of Tobacco, Tobacco Control Update, Vol. 1, Issues 1 & 2 (Winter/Spring 1997).

Target Audience & Type of Law

YOUTH ACCESS/SELF-SERVICE DISPLAYS

1) Restrictions on Self-Service Displays, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

Target Audience & Type of Law

10) This ten-volume set provides an overview of controlling the sale and use of tobacco. Can be used as a model for producing similar sets in other states.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	Y

11) This article provides an overview of the problem of youth access to tobacco products and recommendations for solving the problem.

12) This article provides an overview of the problem of free samples, kiddie packs, etc. and recommendations for solving the problem.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

1) This article provides an overview of the Synar Amendment.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	Y

2) This article provides a comprehensive analysis of the pros and cons of penalizing youth possession of tobacco products.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

1) This article provides an overview of the problem of self-service displays and recommendations for solving the problem.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

YOUTH ACCESS/VENDING MACHINES

1) Restrictions on Vending Machines, Controlling the Sale and Use of Tobacco in Massachusetts (2000).

Target Audience & Type of Law

1) This article provides an overview of the problem of vending machines and recommendations for solving the problem.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

Smoke-Free Environments Law Project
The Center for Social Gerontology, Inc

Contact Person

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Geographic area of focus

Michigan

Number of attorneys

2

Number of other staff

2

Year started

1999

Funding: MSA

Y

Funding Tobacco Tax

N

Other Funding

State

Access to publications

Website	Snailmail	Email	Fax
Y	Y	Y	Y

Organization Focus

The Center for Social Gerontology (TCSG) includes the Smoke-Free Environments Law Project. TCSG focuses on the rights and needs of older persons; among TCSG's programs, since 1985, is serving as a federally-funded National Support Center in Law & Aging, under which TCSG has provided extensive information and technical assistance on tobacco & older persons issues and on the uses of MSA funds for both aging and tobacco control activities. In addition, in 1999, TCSG founded and operates the National Center for Tobacco-Free Older Persons. TCSG's tobacco & older persons web site at <http://www.tcs.org/tobacco.htm> is heavily used. The SFELP focuses on secondhand smoke issues affecting persons of all ages, with particular attention to using the law and legal processes to promote smoke-free environments in workplaces and public places. SFELP activities include drafting and providing expert testimony on smoke-free ordinances and regulations, as well as assisting businesses to develop and implement smoke-free policies. SFELP also provides extensive assistance to citizens whose rights are infringed upon by encounters with secondhand smoke in the workplace and in public places.

PUBLICATION TITLE

DESCRIPTION

MSA

1) TCSG has published a number of short pieces on the MSA. Also, TCSG maintains an extensive Daily State Tobacco Settlement Funds Updates of activities in all 50 states & territories on the allocation of MSA funds, particularly for aging programs and tobacco control programs. Maintained on a web site at <http://www.tcsg.org/tobacco.htm>

Target Audience & Type of Law

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
N	Y	Y	Y	Y	Y

OTHER PUBLICATIONS

1) Tobacco: A Legal and Policy Issue of the Elderly. Published in Clearinghouse Review (1996).

2) Non-Smoking Policies, Tobacco Education, & Smoking Cessation Programmes in Facilities Serving the Elderly in Michigan. Published in Tobacco Control Journal (1997).

3) Numerous articles on tobacco and older persons issues. Published in various publications, including TCSG's Tobacco & the Elderly Notes newsletter which is on the TCSG tobacco web site.

3) SFELP also maintains a very comprehensive web site which contains extensive information on smoke-free environments and secondhand smoke issues; this site includes daily news updates on these issues from around the U.S. and the world. Also, TCSG maintains the most extensive web site anywhere on tobacco and older persons issues; this site includes the heavily-used Daily State Tobacco Settlement Funds Updates, which cover MSA funding activities in all 50 states and the territories, with special focus on the uses of these funds for both aging programs and tobacco control programs.

Target Audience & Type of Law

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
N	Y	Y	Y	Y	Y

SECONDHAND SMOKE/DISABILITY

1) Analyses of Titles I and III of the Americans with Disabilities Act, updated as new decisions come down; also analysis of *Popovich* decision issued by 6th Circuit Court of Appeals in 2000 concerning Title II of the ADA.

Target Audience & Type of Law

1) Multi-page analyses of these laws; posted on SFELP website and made available in hard copy.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	N	Y

SECONDHAND SMOKE/GENERAL

1) TCSG has published a number of short and long pieces on secondhand smoke. Most are found on the SFELP web site.

Target Audience & Type of Law

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	Y

SECONDHAND SMOKE/HOUSING

1) Analysis of legal rights of residents of apartments or condominiums affected by secondhand smoke.

Target Audience & Type of Law

1) Multi-page analysis of state and federal laws, focusing especially on Michigan laws; posted on SFELP website and made available in hard copy.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	N

SECONDHAND SMOKE/RESTAURANTS

1) Analysis of Marquette, MI Court of Appeals Decision on Smoke-Free Restaurant Ordinance.

Target Audience & Type of Law

1) Multi-page analysis; posted on SFELP web site and available in hard copy. Also adapted for publication in Michigan Municipal League magazine.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	N

SECONDHAND SMOKE/STATE PREEMPTION

1) Analysis of the authority of localities to enact smoke-free ordinances and regulations. Also, analysis of Marquette, MI Court of Appeals decision on Smoke-Free Restaurant Ordinance.

Target Audience & Type of Law

1) Analysis of “authority of localities” is available on an individual need basis to localities and others. Marquette decision analysis is multi-page and is posted on SFELP website and available in hard copy; it was also adapted for publication in Michigan Municipal League magazine.

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	N

SECONDHAND SMOKE/WORKPLACES

1) Analyses of: Michigan Clean Indoor Air Act; Michigan Workers' Compensation Laws; and Titles I and III of the Americans with Disabilities Act. Also analysis of *Popovich* decision issued by 6th Circuit Court of Appeals in 2000 concerning Title II of the ADA.

1) Multi-page analyses of these laws; posted on SFELP website and made available in hard copy.

Target Audience & Type of Law

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	Y

Tobacco Law Project

Contact Person

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Geographic area of focus

National (initial funding focuses on Minnesota)

Number of attorneys

2

Number of other staff

0.25

Year started

2000

Funding: MSA

N

Funding Tobacco Tax

N

Other Funding

Minnesota tobacco endowments, project-by-project funding for other activities.

Setting: University

William Mitchell College, School of Law

Access to publications

Website	Snailmail	Email	Fax	Other
Y	Y	Y	Y	Distribution at trainings

Organization Focus

Initial priority areas include local regulation of secondhand smoke and enforcement of youth access restrictions, but we are also initiating activities involving; internet sales, regulation of sales on Indian reservations, tobacco document research, international liability issues and the framework Convention on Tobacco Control. In time, the project plans to develop initiatives in such fields as product regulation, advertising regulation, school policies and taxation.

PUBLICATION TITLE

LICENSING

1) Model Ordinance Regulating the Sale, Use and Possession of Tobacco Products (1997).

Target Audience & Type of Law

DESCRIPTION

1) Revised model ordinance drafted by association of Minnesota cities, creating a municipal retail licensing system with compliance checks and graduated penalties. This ordinance controls self-service sales, prohibits vending machines in locations accessible to youth, and prohibits possession or use of tobacco by minors, procurement of tobacco for minors and the use of false identification. Prepared by the League of Minnesota Cities, available from Tobacco Law Project.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

SECONDHAND SMOKE/GENERAL

Publication Title

1) ETS Resource manual (2001).

Target Audience & Type of Law

Description

1) Resource manual and guide for local officials and advocates for development and implementation of local ordinances.

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	Y

SECONDHAND SMOKE/RESTAURANTS

1) Draft model ordinance restricting smoking in restaurants (2001).

Target Audience & Type of Law

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

SECONDHAND SMOKE/WORKPLACES

1) Draft model ordinance on smoking in workplaces (2001).

Target Audience & Type of Law

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
Y	Y	Y	Y	Y	N

YOUTH ACCESS

1) Minding the Store - Curtailing the Sale of Tobacco to Minnesota Teens: Enforcement Practices, Challenges and Recommendations. (2001).

2) Smoke On The Web: Can Children Buy Cigarettes Online? Enforcement Options, Challenges and Recommendations (2001).

1) This report analyzes experiences in implementing and enforcing local youth access and licensing ordinances, discusses key obstacles to reducing illegal sales, identifies best practices and suggests steps for improvement. Includes results of broad survey of stakeholders, as well as summaries of experiences in other states.

2) This report reviews results of on-line test purchases of cigarettes from Web sites, identifies available enforcement alternatives, legal and constitutional obstacles to effective enforcement, and recommendations for action.

Target Audience & Type of Law

<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
N	Y	Y	Y	Y	Y

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ADVERTISING

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
1) Tobacco Advertising After the Settlement: Where We Are and What Remains to be Done.	1) Discussion of MSA advertising sections and ways the tobacco industry attempts to avoid compliance.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
2) A Pack Of Lies: A First Amendment Case for Improved Warning Labels on Cigarettes.	2) Discussion of First Amendment issues regarding warning labels on packages including commercial purpose and compelled speech.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
3) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Volume Ten, State and Local Tobacco Advertising Restrictions in Massachusetts (June 2000).	3) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	Y
4) Supreme Court Sides with the Tobacco Industry, Tobacco Control Update, Vol. 5, Issue 3 (Spring 2001).	4) This Tobacco Control Update article examines the history of the Massachusetts Attorney General tobacco advertising regulations, the legal tactics employed by the tobacco industry to invalidate those regulations, a summary of the Supreme Court's decision invalidating the advertising-related provisions of the Mass. Attorney General's regulations, and conclusions about public health after the Court's decision.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	Y
5) Have a Cigar, But not Before You Read the New Federally Mandated Health Warnings for Cigars –You'll Think Twice.	5) This Tobacco Control Update article examines the Federal Trade Commission's new cigar-related health warnings for advertising, including an analysis of how to spot violations of the FTC orders.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y

ADVERTISING

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
6) A Guide to Enforcing the Multistate Master Settlement Agreement, An Analysis of Selected Topics and Provisions of the MSA and a Brief Guide to Enforcement (June 2000).	6) This 76 page booklet is divided into two parts. The first part reviews the historical background of the MSA, and introduces the reader to the nature and policies of the MSA. The second part of this booklet details the practical rules of the MSA, including advertising, youth protection, and lobbying.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	N
7) Tobacco Control Resource Center's Amicus Brief in the U.S. Supreme Court case, <i>Lorillard Tobacco Co. v. Thomas Reilly</i> , Attorney General of Massachusetts, 533 U.S. 121 S.Ct.2404 (2001) republished at (www.tobaccocontrol.neu.edu).	7) The amicus brief analyzes the in detail the First Amendment and tobacco-related youth access regulations. Particular attention is paid to self-service displays.	Tobacco Control Resource Center	Y	N	Y	Y	Y	Y
8) Untangling the Web: Legal and Policy Tools to Restrict Online Cigar Advertisements, 35(1) Univ. San Francisco Law Rev. 1 (Fall 2000).	8) This 56 page law review article examines tobacco on the internet.	Tobacco Control Resource Center	Y	N	Y	Y	N	Y
9) Memorandum of Law on Banning Cigarette Advertisements from Television and Cable Broadcasts through Existing Federal Law (May 2001).	9) This memorandum of law describes in-depth the exact reach and nature of the Federal Cigarette and Labeling and Advertising Act's ban on television, radio and the like advertising of cigarettes. It identifies recent violations of this ban, and provides a step-by-step guide on how to trigger enforcement of this ban. Additionally, this memorandum identifies the ban's theoretical reach over the Internet.	Tobacco Control Resource Center	Y	N	Y	Y	N	Y
1) Divestment Action Guide (July 2000).	1) Provides legal justification and organizing tools for a divestment campaign.	Technical Assistance Legal Center	Y	Y	Y	Y	Y	Y

DIVESTMENT

DIVESTMENT

Publication Title

2) Tobacco Divestment by Taft-Hartley Pension Funds (May 2001).

3) Educational Foundations and Endowments: Legal Standards for Tobacco Divestment (April 2001).

Description of Publication

2) Describes legal justification for union pension funds divesting from tobacco.

3) Describes the legal standards for colleges and universities divesting from tobacco.

Organization

Technical Assistance Legal Center

Technical Assistance Legal Center

Target Audience & Type of Law

MA LA TC EO SL FL

N Y Y N Y Y

N Y Y N Y Y

ENFORCEMENT

1) Guidebook for Massachusetts Boards of Health, produced by the Massachusetts Association of Health Boards in collaboration with the University of Massachusetts School of Public Health and Health Sciences, the Department of Public Health and the Department of Environmental Protection (September 1998, Tobacco Control Chapter June 2000).

2) The Legal Handbook for Local Boards of Health, © Massachusetts Association of Health Boards, (June 2001).

3) Preventing a Postal Employee from Smoking on the Job, Memorandum (April 2001).

1) This guidebook is a comprehensive manual for use by Boards of Health and Tobacco Control Programs. It outlines specific enforcement procedures of Boards of Health, such as hearing requirements and other due process issues, as well as legal authority issues. Chapter Two is especially relevant to tobacco control enforcement issues, as is Chapter 38.

2) A comprehensive manual describing relevant statutes, regulations and case law surrounding legal authority, enforcement and specific tobacco control issues, such as the ability to require permits and issue fines. Chapter 12 specifically addresses the authority to enact secondhand smoke and youth access regulations, including provisions that should be included in strong tobacco control regulations.

3) This article explains whether local or state laws can be enforced on post office property and enforcement of the postal service's restrictions on workplace smoking.

Massachusetts Association of Health Boards

Massachusetts Association of Health Boards

Massachusetts Association of Health Boards

Y N Y Y Y N

Y N Y Y Y N

Y Y Y Y N Y

ENFORCEMENT

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
4) Controlling the Sale and Use of Tobacco in Massachusetts 2000: A Legal Policy Manual for Municipal Officials and Public Health Personnel: 10 Volume Set (also authored most of the material contained in these 10 volumes) (June 2000).	4) This ten-volume set provides an overview of controlling the sale and use of tobacco. Can be used as a model for producing similar sets in other states.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
5) Municipal Legislative Authority to Control the Sale and Use of Tobacco in Massachusetts, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	5) This article provides an overview of city and town authority to control the sale and use of tobacco. Can be used as a model for producing similar articles in other states.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	N
6) The Enforcement Powers of Towns and Cities in Massachusetts, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	6) This article provides an overview of the enforcement powers available to cities and towns in their efforts to control the sale and use of tobacco. Can be used as a model for producing similar articles in other states.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	N
7) The Authority of Local Health Agencies to Regulate the Sale and Use of Tobacco in Massachusetts, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	7) This article provides an overview of local health agency authority to control the sale and use of tobacco. Can be used as a model for producing similar articles in other states.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	N
8) The Enforcement Powers of Local Health Agencies in Massachusetts, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	8) This article provides an overview of the enforcement powers available to local health agencies in their efforts to control the sale and use of tobacco. Can be used as a model for producing similar articles in other states.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	N

ENFORCEMENT

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
9) The Status of Local Health Agencies as Agents of the State Legislature and the Consequent Inability of Cities and Towns to Effectively Preempt Local Health Regulations by Passing Contradictory Ordinances or By-Laws, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	9) This article argues that local municipal laws (ordinances and bylaws) cannot preempt local health regulations which are passed by local health agencies acting as agents of the state legislature.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	N
10) The Logic of Local Action and Enforcement, Tobacco Control Update, Vol. 1, Issues 3 & 4 (Summer/Fall 1997).	10) This article provides an overview of rationales for acting at the local level to control the sale and use of tobacco rather than at the federal or state level where the tobacco industry is more powerful.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	Y
11) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Volume Five, City, Town and Local Health Agency Power to Regulate the Sale and Use of Tobacco in Massachusetts (Including Enforcement Powers) (June 2000).	11) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states.	Tobacco Control Resource Center	Y	N	Y	Y	Y	N
FDA								
1) Q & A on the U.S. Supreme Court's Decision Invalidating FDA Jurisdiction over Tobacco Products, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	1) This article provides an overview of the U.S. Supreme Court's decision to invalidate the FDA's jurisdiction over tobacco products in simple question-and-answer format.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
2) A Quick Summary of the U.S. Supreme Court's Invalidating FDA Jurisdiction over Tobacco Products, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	2) This article provides an overview of the U.S. Supreme Court's decision to invalidate the FDA's jurisdiction over tobacco products in narrative summary format.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
3) U.S. Supreme Court Invalidates FDA Jurisdiction over Tobacco Products in 5-4 Decision: An In-depth Analysis, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	3) This article provides a detailed analysis of the U.S. Supreme Court's decision to invalidate the FDA's jurisdiction over tobacco products.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
4) Why Home Rule and Powers of Boards of Health Still Rule after the U.S. Supreme Court's Decision Invalidating FDA Jurisdiction over Tobacco Products, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	4) This article the impact of the U.S. Supreme Court's decision to invalidate the FDA's jurisdiction over tobacco products on local authority to regulate the sale and use of tobacco products.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	Y
5) Reversal of Fortune: The Fourth Circuit, Sitting in Richmond, Virginia, Strikes Down the FDA's Jurisdiction Over Tobacco Products, But Stays Its Order Pending Appeal, Tobacco Control Update, Vol. 3, Issue 1 (Fall 1998).	5) This article provides historical background on the events leading up to the U.S. Supreme Court's decision to invalidate the FDA's jurisdiction over tobacco products.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
6) Say Good-bye to Smokin' Joe Camel and the Cowboy: President Clinton Announces FDA Will Regulate Advertising and Sale and Distribution of Tobacco Products to Minors, Tobacco On Trial (September 1996).	6) This article provides historical background on the events leading up to the U.S. Supreme Court's decision to invalidate the FDA's jurisdiction over tobacco products.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
7) Fool's Gold: The Ever Crafty Philip Morris Proposes Weaker Legislation to Scuttle the FDA's Proposed Regulation of Teen Smoking, Tobacco On Trial (June 1996).	7) This article provides historical background on the events leading up to the U.S. Supreme Court's decision to invalidate the FDA's jurisdiction over tobacco products.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y

Publication Title

8) A Drug is a Drug, Of Course, Of Course, and No One Would Market a Drug to Kids, Of Course, That Is, Of Course, Unless the Drug is Good Old Tobacco (Sung to the Tune of the “Mr. Ed” Theme Song): FDA Declares Nicotine a Drug and Proposes Regulations to Curb Youth Access, Tobacco On Trial (October 1995).

9) How Local Governments Can Regulate Tobacco in the Absence of FDA Regulations, and checklist.

10) Meaningful Authority: An Analysis of Some Key Elements to Effective Food and Drug Administration Authority to Regulate Tobacco Products, Tobacco Control Update, Vol. 5, Issue 3 (Summer 2001).

Description of Publication

8) This article provides historical background on the events leading up to the U.S. Supreme Court’s decision to invalidate the FDA’s jurisdiction over tobacco products.

9) Describes ways in which local communities can restrict tobacco in their communities.

10) This article in tobacco control update examines the key parts to effective FDA tobacco regulation.

Organization

Tobacco Control Resource Center

Technical Assistance Legal Center

Tobacco Control Resource Center

Target Audience & Type of Law

MA LA TC EO SL FL

Y Y Y Y N Y

Y Y Y Y Y Y

Y Y Y Y N Y

LAND USE

1) Model California Land Use Ordinance Controlling the Location and Density of Tobacco Retailers.

2) Memo: Municipal Authority to Regulate the Location and Operation of Tobacco Retailers.

1) A model ordinance using California land use law to control the location, number, and density of tobacco retailers.

2) A background paper describing the legal authority of local government to control the location, number and density of tobacco retailers under California law.

Technical Assistance Legal Center

Technical Assistance Legal Center

Y Y Y Y Y N

Y Y Y Y Y N

LICENSING

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>							
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>		
LICENSING										
1) Authority to Establish Local Retailer Permitting Schemes, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	1) This article provides an overview of the authority that local health agencies and local governments have to establish retailer permitting schemes for tobacco products. The article also explains the rationale for such schemes.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	Y	N	
2) Model California Ordinance Requiring a Tobacco Retailer License (September 1998).	2) Model ordinance for local governments interested in licensing tobacco retailers. The ordinance includes enforcement schemes and penalties for violations.	Technical Assistance Legal Center	Y	Y	Y	Y	Y	Y	N	
3) Frequently Asked Questions About an Ordinance Licensing Tobacco Retailers (September 1998).	3) Answers to common questions regarding tobacco licensing ordinances.	Technical Assistance Legal Center	Y	Y	Y	Y	Y	Y	N	
4) Summary of Model Ordinance Requiring a Tobacco Retailer License (September 1998).	4) Bullet-point summary of the key elements of the model licensing ordinance.	Technical Assistance Legal Center	Y	Y	Y	Y	Y	Y	N	
5) Financing Enforcement of Local Tobacco Regulations and Prop. 218 Fact Sheet (2001).	5) Outlines the legal requirements that communities must follow when imposing taxes or fees to fund tobacco control laws in California.	Technical Assistance Legal Center	Y	Y	Y	Y	Y	Y	N	
6) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Vol. Nine, Controlling Youth Access to Tobacco Products, Part Four: Local Initiatives (Including Sample Regulations).	6) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states.	Tobacco Control Resource Center	Y	N	Y	Y	Y	Y	N	
7) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Vol. Three, An Overview of Constitutional Concerns Surrounding Tobacco Control Law.	7) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states.	Tobacco Control Resource Center	Y	N	Y	Y	Y	Y	Y	

LICENSING

Publication Title

8) Model Ordinance Regulating the Sale, Use and Possession of Tobacco Products (1997).

Description of Publication

8) Revised model ordinance drafted by association of Minnesota cities, creating a municipal retail licensing system with compliance checks and graduated penalties. This ordinance controls self-service sales, prohibits vending machines in locations accessible to youth, and prohibits possession or use of tobacco by minors, procurement of tobacco for minors and the use of false identification.

Organization

Tobacco Law Project.
Prepared by the League of Minnesota Cities, available from Tobacco Law Project.

Target Audience & Type of Law

MA	LA	TC	EO	SL	FL
Y	Y	Y	Y	Y	N

LITIGATION

1) Various MSA enforcement complaints, and settlement agreements, and amicus briefs are available on the Attorney General's Tobacco Info Webpage (1999 – present).

1) This website is updated periodically and includes court actions filed by the State of California against signatories to the MSA and settlements or court orders that result from such actions. See www.caag.state.ca.us/tobacco

California Attorney General's Office

N	N	N	N	N	Y
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2) Amicus Brief for the Supreme Judicial Court in the matter of *Tri-Nel Management, Inc. & another v. the Board of Health of the Town of Barnstable*, submitted by the Mass. Association of Health Boards and the Tobacco Control Resource Center (August 2000).

2) Brief in support of the Barnstable Board of Health authority to prohibit smoking in restaurants, bars and lounges. Argued that state law did not preempt local boards of health from going further than the state law and that secondhand smoke was a legitimate health concern.

Massachusetts Association of Health Boards

Y	N	Y	Y	Y	N
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3) The *Barnstable Case* in a "Nutshell" (February 2001).

3) The Mass. Association of Health Boards produced a three-page and a one-page summary of the finding of the Court for local tobacco control programs and boards of health, as well as for the Massachusetts Association of Health Boards' Journal.

Massachusetts Association of Health Boards

Y	Y	Y	Y	Y	N
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LITIGATION

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
4) Summary of the U.S. Supreme Court's Decision in <i>Lorillard Tobacco Co. v. Reilly</i> , Attorney General Of Massachusetts, Memorandum.	4) This article provides a summary of the U.S. Supreme Court's decision to overturn the Massachusetts' AG's advertising regulations while keeping other point of sale restrictions intact.	Massachusetts Association of Health Boards	Y	Y	Y	Y	Y	Y
5) Litigation Approaches in chapter 5 (Regulatory Efforts) in U.S. Department of Health and Human Services, Reducing Tobacco Use: A Report of the Surgeon General. Atlanta, GA: Centers for Disease Control and Prevention, Office on Smoking and Health (August 2000).	5) This article provides a general overview of the use of litigation as a cancer control strategy.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	Y
6) Federal Initiatives to Codify the Attorney General Settlement of 1997, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	6) This article provides historical background on the efforts to codify the attorney general settlement of 1997 in congressional legislation.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
7) Judicial Approaches to Tobacco Control, in Jeffrey Schaler and Magda Schaler, Smoking: Who Has the Right? (Prometheus Books, 1999).	7) This book chapter provides an overview of the use of litigation as a cancer control strategy.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	Y
8) The Many Virtues of Tobacco Litigation: In the Failed Global Settlement, the Tobacco Industry Almost Freed Itself from the Civil Justice System, Trial (November 1998).	8) This article provides an overview of the use of litigation as a cancer control strategy.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	Y

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
9) Tobacco Legislation More Likely as Positions Clarified: Clinton Administration Endorses Anti-Tobacco Measure Offered by Senate Democratic Task Force on Tobacco as 20 Public Health Groups Tell Congress ‘No Preemption! No Immunity!’ Tobacco Control Update, Vol. 2, Issue 2 (Winter 1998).	9) This article provides an overview of the historical events leading up to the attorneys general settlement of 1997.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
10) An Analysis of the McCain Committee Bill’s State Retail Licensing Program and Related Provisions, in Daynard et al. An Analysis of Selected Provisions of the McCain Committee Bill (S. 1415 rs), Working Paper #8 in a Series on Legal Issues in the Proposed Tobacco Settlement (May 1998).	10) This article analyzes the state retail licensing provisions of the McCain Bill.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
11) Fight the Future or Everything You Always Wanted to Know About How the Tobacco Industry (a.k.a. The Cigarette Smoking Men) Killed the McCain Bill But Were Afraid to Ask, Tobacco Control Update, Vol. 2, Issues 3 & 4 (Spring/Summer 1998).	11) This article provides an overview of the historical events leading up to the killing of the attorneys general settlement of 1997 in Congress.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
12) An Analysis of Section 302 (“Model State Law” of the “Tobacco Use by Minors Prevention Act”) of S. 1530 (the Hatch Bill), Working Paper #6 in a Series on Legal Issues in the Proposed Tobacco Settlement (April 3, 1998).	12) This article provides an analysis of the model state law of the Hatch Bill. A good guide to detecting similarly weak provisions in potentially preemptive state bills.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y

LITIGATION

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
13) The Role of Litigation in the Effective Control of the Sale and Use of Tobacco, <i>Stanford Law & Policy Review</i> , Vol. 8:1 (Winter 1997).	13) This article provides an overview of the use of litigation as a cancer control strategy. This is a good guide to the Third Wave of Tobacco Litigation.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	Y
14) Tobacco Pact Moves Forward: President Clinton Enunciates Principles for Comprehensive Legislation on Tobacco as Divergent Coalitions Form and Legislation is Introduced in Congress Codifying the Proposed National Settlement, <i>Tobacco Control Update</i> , Vol. 2, Issue 1 (Fall 1997).	14) This article provides an overview of the historical events leading up to the killing of the attorneys general settlement of 1997 in Congress.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
15) The Proposed Tobacco Settlement, <i>Tobacco Control Update</i> , Vol. 1, Issues 3 & 4 (Summer/Fall 1997).	15) This article provides an analysis of the key provisions of the attorneys general settlement of 1997.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
16) Judicial Approaches to Tobacco Control: The Third Wave of Tobacco Litigation as a Tobacco Control Mechanism, <i>Journal of Social Issues</i> , Vol. 53, No. 1 (Spring 1997).	16) This article provides an overview of the use of litigation as a cancer control strategy. This is a good guide to the Third Wave of Tobacco Litigation.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	Y
17) The Devil You Say? Legislative Plan That Would Give Tobacco Companies Immunity Advances in Congress, <i>Tobacco On Trial</i> (September 1996).	17) This article provides a Congressional legislative plan that would have given the tobacco companies immunity from litigation.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
18) Tobacco Litigation as a Public Health and Cancer Control Strategy, <i>Journal of the American Medical Women's Association</i> (March 1996).	18) This article provides an overview of the use of litigation as a cancer control strategy. This is a good guide to the Third Wave of Tobacco Litigation.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	Y

LITIGATION

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
19) Pirates of the Caribbean: Tobacco Industry is Now Target of Five Federal Criminal Investigations and Smuggling is Among the Charges, Tobacco On Trial (March 1996).	19) This article provides an overview of the federal criminal probes of the tobacco industry.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
20) The Woodman Cometh: Florida Attorneys Win Landmark Case Management Ruling, Tobacco On Trial (March 1996).	20) This article provides an analysis of the case management order that paved the way to victory for Woody Wilner.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	N
21) Waiting to Exhale: Tobacco Companies Hold Their Breath Over a New Legal Challenge That Could Have a Crushing Effect, The Boston Sunday Globe, Front Page Op Ed of Focus Section (February 11, 1996).	21) This article provides an overview of the use of litigation as a cancer control strategy. This is a good guide to the Third Wave of Tobacco Litigation.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	Y
22) An Overview and Analysis of Class Actions and State Medical Cost Reimbursement Suits in the Third (and Potentially Tidal) Wave of Tobacco Products Liability Litigation, Perspectives on Law and the Public Interest (November 1995).	22) This article provides an overview of the use of litigation as a cancer control strategy. This is a good guide to the Third Wave of Tobacco Litigation.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	Y
23) The Tobacco Industry Under Fire, Trial (November 1995).	23) This article provides an overview of the use of litigation as a cancer control strategy. This is a good guide to the Third Wave of Tobacco Litigation.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	Y
24) The Third Wave of Tobacco Litigation in the U.S. and Beyond, World Health Organization Tobacco Alert (April 1995).	24) This article provides an overview of the use of litigation as a cancer control strategy. This is a good guide to the Third Wave of Tobacco Litigation.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	Y

LITIGATION

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
25) Brave Newt World: Congressional Republicans, Big Tobacco and Tort Reform, Tobacco On Trial (November/December 1994).	25) This article provides an overview of the dangers to tobacco control posed by so-called “tort” reform.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	Y
26) Impact of Supreme Court Decision in <i>Lorillard v. Reilly</i> on Local Tobacco Regulation (2001).	26) A synopsis of the U.S. Supreme Court decision with a list of tobacco control policy approaches still available to local government.	Technical Assistance Legal Center	Y	Y	Y	Y	Y	Y
27) Memo to Municipal Attorneys Regarding <i>Lorillard v. Reilly</i> (2001).	27) Synopsis of the decision with a list of policy approaches still available to local governments.	Technical Assistance Legal Center	Y	Y	Y	Y	Y	Y
28) Keys to Litigating Against Tobacco Companies.	28) Discussion of litigation strategies for trial attorneys.	Tobacco Control Resource Center	Y	Y	Y	Y	N	N
29) Is Janet Reno’s RICO Lawsuit Against Big Tobacco Legally Justified?	29) Discussion of the underlying legal principles supporting the federal lawsuit against the tobacco industry.	Tobacco Control Resource Center	Y	Y	Y	Y	N	N
30) The New Public Health Litigation.	30) Discussion of the success of litigation as a public health tool to bring about change in law as well as the actions of the tobacco industry.	Tobacco Control Resource Center	Y	Y	Y	Y	N	N
31) Tobacco Litigation Worldwide.	31) A review of the status of tobacco litigation in several countries.	Tobacco Control Resource Center	Y	Y	Y	Y	N	N
32) Casting Blame on the Tobacco Victim: Impact on Assumption of the Risk and Related Defenses In U.S. Litigation.	32) Discussion of the legal theory of Assumption of the Risk and the tobacco industry’s often successful use of this legal defense.	Tobacco Control Resource Center	Y	Y	Y	Y	N	N
33) The <i>Engle</i> Verdicts and Tobacco Litigation.	33) Discussion of the verdicts in the <i>Engle</i> class action lawsuit in Florida.	Tobacco Control Resource Center	Y	Y	Y	Y	N	N
34) Tobacco Industry Tactics, British Medical Bulletin (January 1996).	34) An overview of tobacco industry tactics fighting litigation and legislation, engaging in PR, and influencing politicians and the news media.	Tobacco Control Resource Center	N	Y	Y	N	Y	Y

LITIGATION

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
35) Amicus Brief for Supreme Court case regarding Mass. AG advertising regulations (Consolidated Cigar v. Reilly).	35) Discussion of use of cigars by youth and compliance with First Amendment even in the event Central Hudson is modified.	Tobacco Control Resource Center	Y	N	N	N	N	Y
36) Tobacco Litigation: A Mid-Course Review.	36) This article discusses the status and efficacy of tobacco litigation as a public health strategy as of 2001.	Tobacco Control Resource Center	N	N	Y	N	Y	Y

MASTER SETTLEMENT AGREEMENT

1) Brochure: Tobacco Industry Settlement - Brand Name Sponsorship Restrictions.	1) Brochure summarizes restrictions and limitations on Brand Name Sponsorship imposed by the Master Settlement Agreement.	California Attorney General's Office	N	Y	Y	N	Y	N
2) Brochure: Tobacco Industry Settlement - Youth Marketing Restrictions.	2) Brochures summarize the major non-economic provisions of the Master Settlement Agreement.	California Attorney General's Office						
3) Video: Tobacco Industry Watch (2001).	3) A joint project of the Attorney General's Office and the California Department of Health Services Tobacco Control Section and Project SMART\$. The video is intended to train tobacco control advocates and volunteers to monitor tobacco industry sponsorship of events.	California Attorney General's Office	N	Y	Y	N	Y	N
4) Implications of the Multistate Tobacco Settlement for Tobacco Control, American Public Health Association Journal.	4) This article provides an overview of the implications of the MSA for the future of tobacco control.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
5) A Guide to Enforcing the Multistate Master Settlement Agreement (June 28, 2000).	5) This guidebook aims to allow for easy enforcement of the main provisions of the MSA.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
6) Historical Background of the MSA, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	6) This short article provides an overview of the events leading up to the promulgation of the MSA.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y

MASTER SETTLEMENT AGREEMENT

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
7) Consent Decrees and Judgments and the MSA, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	7) This article explains the nature of the consent decrees and judgments whereby states adopted the MSA.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
8) Checklists for Enforcing Selected Provisions of the MSA, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	8) This series of checklists provides a handy tool for enforcing selected provisions of the MSA.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
9) The Multistate Master Settlement Agreement's Youth Access Provisions, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	9) This article provides an overview of the MSA's youth access provisions.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
10) Enforcing the MSA's Youth Access Restrictions at a Glance, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	10) This article provides a short guide to enforcing the MSA's youth access provisions.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
11) An Action Plan to Protect the Health of Rhode Island's Citizens and Their Children: Using Tobacco Settlement Funds to Reduce the Health/Economic Costs of Tobacco-Related Disease in Rhode Island (March 2000).	11) This tobacco settlement blueprint provides elected officials with rationales for allocating tobacco settlement funds to tobacco control purposes to fulfill the original intent of the MSA. Can be used as a model by other states.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
12) How to Spend that Tobacco Settlement Money, The Boston Globe, Op Ed page (July 1999).	12) An Op Ed piece urging the spending of MSA funds on tobacco control.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y

MASTER SETTLEMENT AGREEMENT

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
13) The Multistate Master Settlement Agreement and the Future of State and Local Tobacco Control: An Analysis of Selected Topics and Provisions of the Multistate Master Settlement Agreement of November 23, 1998 (Commissioned and Funded by the American Cancer Society) (March 1999).	13) This booklet provides an analysis of the most important provisions of the MSA.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
14) An Action Plan to Protect the Health of Massachusetts Citizens and Their Children: Using Tobacco Settlement Funds to Reduce the Health/Economic Costs of Tobacco-Related Disease in the Commonwealth (February 1999).	14) This tobacco settlement blueprint provides elected officials with rationales for allocating tobacco settlement funds to tobacco control purposes to fulfill the original intent of the MSA. Can be used as a model by other states.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
15) No Great Expectations: Small Group of State AGs Close to Negotiating Deal That May Prove Unacceptable to the Public Health Community, Tobacco Control Update, Vol. 3, Issue 1 (Fall/Winter 1998).	15) This article provides historical background on the process that led to the promulgation of the MSA.	Tobacco Control Resource Center	Y	Y	Y	Y	N	Y
16) Daily State Tobacco Settlement Funds Updates of activities in all 50 states & territories on the allocation of MSA funds, particularly for aging programs and tobacco control programs.	16) Maintained on the web site at http://www.tcsg.org/tobacco.htm for Social Gerontology, Inc.	Smoke-Free Environments Law Project of The Center	N	Y	Y	Y	Y	Y
17) Securitization of Master Settlement Agreement Payments (July 2000).	17) Provides a basic explanation of securitization; the advantages and costs involved in securitizing settlement funds; and a list of on-line resources available to learn more about the subject.	Technical Assistance Legal Center	Y	Y	Y	Y	Y	Y

MASTER SETTLEMENT AGREEMENT

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			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
18) Master Settlement Agreement Overview (2000).	18) Describes the MSA provisions, what is prohibited and allowed.	Technical Assistance Legal Center	Y	Y	Y	Y	Y	Y
19) Tobacco Advertising after the Settlement: Where We Are and What Remains to be Done.	19) This memorandum discusses the MSA advertising sections and ways to avoid compliance.	Tobacco Control Resource Center	Y	N	Y	Y	Y	Y
20) A Guide to Enforcing the Multi-state Master Settlement Agreement, An Analysis of Selected Topics and Provisions of the MSA and a Brief Guide to Enforcement.	20) This 76 page booklet is divided into two parts. The first part reviews the historical background of the MSA, and introduces the reader to the nature and policies of the MSA. The second part of this booklet details the practical rules of the MSA, including advertising, youth protection, and lobbying.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	N
21) Fight The Future or Everything You Always Wanted to Know About How the Tobacco Industry Killed the McCain Bill But Were afraid to Ask, 2(3&4) Tobacco Control Update 5, (Spring/Summer 1998).	21) This article examines the history of the Federal Legislature's failure to enact a global settlement of state lawsuits to recover medical cost associated with treating sick smokers, allowing formation of the private settlement, MSA.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	Y

OTHER PUBLICATIONS

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>							
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>		
OTHER PUBLICATIONS										
1) Memorandum to Gloucester and Amesbury Boards of Health relative to the efficacy of fining minors and adults for smoking on school property in violation of the Massachusetts' Education Reform Act (July 2001).	1) School districts have been requesting help from local boards of health in enforcing the Education Reform Act requirement that smoking be prohibited in school buildings and on school grounds. Some schools have adopted policies that have been incorporated in Board of Health regulations that fine violators. MAHB identifies some issues schools and boards of health should consider, such as the possible ramifications of fines against students, staff, and visitors; possible ramifications of regulations prohibiting possession of tobacco on school property; the difference between a school policy and a board of health regulation; and enforcement tools available to boards of health.	Massachusetts Association of Health Boards	Y	Y	Y	Y	Y			N
2) The Basics of Government, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	2) This article provides an overview of the workings of federal, state, and local government.	Tobacco Control Resource Center	Y	Y	Y	Y	Y			Y
3) The Doctrine of Preemption, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	3) This article provides an overview of the tobacco industry's use of preemption to thwart local regulation of the sale and use of tobacco products.	Tobacco Control Resource Center	Y	Y	Y	Y	Y			Y
4) The Logic of Local Action, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	4) This article provides an overview of the rationales for regulating the sale and use of tobacco at the local level.	Tobacco Control Resource Center	Y	Y	Y	Y	Y			Y
5) An Overview of the Massachusetts Tobacco Control Program and its Successes, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	5) This article provides an overview of the Massachusetts Tobacco Control Program and	Tobacco Control Resource Center	Y	Y	Y	Y	Y			N

OTHER PUBLICATIONS

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			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
6) The Massachusetts Tobacco Control Program and the Community Assistance Statewide Team (CAST), Controlling the Sale and Use of Tobacco in Massachusetts (2000).	6) This article provides an overview of way that attorneys are utilized to provide technical assistance in Massachusetts.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	N
7) The Massachusetts Coalition for a Healthy Future, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	7) This article provides an overview of Massachusetts Coalition for a Healthy Future and its procedures for evaluating state legislation. A good guide for other state NGO coalitions.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	N
8) Tobacco: A Legal and Policy Issue of the Elderly (1996).	8) Published in Clearinghouse Review.	Smoke-Free Environments Law Project of The Center for Social Gerontology, Inc.	N	Y	Y	Y	Y	Y
9) Non-Smoking Policies, Tobacco Education, & Smoking Cessation Programmes in Facilities Serving the Elderly in Michigan (1997).	9) Published in Tobacco Control Journal.							
10) Numerous articles on tobacco and older persons issues.	10) Published in various publications, including TCSG's Tobacco & the Elderly Notes newsletter which is on the TCSG tobacco web site.	Smoke-Free Environments Law Project of The Center for Social Gerontology, Inc.						
11) Piecing it Together: Tobacco Laws Affecting California (2000).	11) A compilation of all tobacco control laws in California.	Technical Assistance Legal Center	Y	Y	Y	Y	Y	Y
12) TALC Tobacco Talk Newsletter (Semi-Annual).	12) Informs tobacco control community and municipal attorneys on legal updates, and latest model policies available from TALC.	Technical Assistance Legal Center	Y	Y	Y	Y	Y	Y
13) A Day in the Life of a Code Enforcer (2002).	13) Findings from a study on the pressures and incentives faced by municipal staff charged with enforcing tobacco control laws.	Technical Assistance Legal Center	Y	Y	Y	Y	N	N

OTHER PUBLICATIONS

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			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
14) Monograph: Technical Assistance Legal Center (2002).	14) A discussion of how and why the Technical Assistance Legal Center (TALC) was established, including questions and answers regarding staffing, developing subject matter expertise, budget, political support, etc.	Technical Assistance Legal Center	Y	Y	Y	Y	N	N
15) Big Tobacco: Its Strategy, Tactics and Behavior During the Past Half Century (June 2000).	15) It analyzes industry behavior in several contexts, including: ETS; nicotine and addiction; youth smoking; smoking and health; racial and ethnic minorities; products liability; terms of debate; attacks on laws; and front groups. Tobacco control advocates. Has examples based on state law. A book commissioned and funded by the Massachusetts Tobacco Control Program.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	N
16) Cigars Proceed with Caution, 33(3) John Marshall Law Rev. 521 (Spring 2000).	16) This article traces the history of cigar regulation up to the present ending with the Federal Trade Commissions 2000 cigar-related orders.	Tobacco Control Resource Center	Y	N	Y	Y	Y	N
17) The Continuing Tobacco War: State and Local Tobacco Control in Washington, 23(4) Seattle Univ. Law Rev. 1097 (Spring 2000).	17) This law review article examines tobacco control efforts in the State of Washington.	Tobacco Control Resource Center	Y	N	Y	Y	Y	N
18) Question: Is Janet Reno's RICO Lawsuit Against Big Tobacco Justified – Yes: A Pattern of Deception is the Smoking Gun Evidence Against Cigarette Makers.	18) This article explains the basis of the Department of Justice's lawsuit, and why it should be pursued vigorously.	Tobacco Control Resource Center	N	N	Y	Y	N	Y
19) Tobacco Ingredients and Smoke Constituents Reporting and Disclosure Law: The Case for Expansion, 77(1) Univ. Denver Law Rev. 1 (1999).	19) This article explores the federal and state level efforts to require reporting and disclosure requirements. It examines the policy behind the laws and recommends how to draft disclosure and reporting laws that will withstand tobacco industry challenges.	Tobacco Control Resource Center	Y	N	Y	Y	Y	Y

OTHER PUBLICATIONS

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			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
20) Memorandum of Law on Banning Cigarette Advertisements from Television and Cable Broadcasts through Existing Federal Law (May 2001).	20) This memorandum of law describes in-depth the exact reach and nature of the Federal Cigarette and Labeling and Advertising Act's ban on television, radio and the like advertising of cigarettes. It identifies recent violations of this ban, and provides a step-by-step guide on how to trigger enforcement of this ban. Additionally, this memorandum identifies the ban's theoretical reach over the Internet.	Tobacco Control Resource Center	Y	N	Y	Y	N	Y
21) Untangling the Web: Legal and Policy Tools to Restrict Online Cigar Advertisements, 35(1) Univ. San Francisco Law Rev. 1 (Fall 2000).	21) This 56 page law review article examines tobacco on the internet. The first part defines the problem of cigar advertisements and sales over the Internet. The next part reviews the recent increase in cigar use. The third part examines federal regulation and potential regulation of the Internet, looking at the Federal Communication Commission, the Federal Trade Commission, the Food and Drug Administration, and other federal law. The fourth section reviews state-level efforts to regulate tobacco on the Internet. The final section reviews the First Amendment and Internet advertising.	Tobacco Control Resource Center	Y	N	Y	Y	N	Y
22) An Action Plan to Protect the Health of Massachusetts Citizens and Their Children, Using Tobacco Settlement Funds to Reduce the Health/Economic Costs of Tobacco- Related Diseases in the Commonwealth (February 1999).	22) This booklet provides in layman's terms a cost-benefit analysis describing why public funds (especially those received from the MSA) should be spent on the public health field of tobacco control.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	N

SECOND HAND SMOKE/DISABILITY

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>							
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>		
SECOND HAND SMOKE/DISABILITY										
1) Analyses of Titles I and III of the Americans with Disabilities Act, updated as new decisions come down; also analysis of <i>Popovich</i> decision issued by 6th Circuit Court of Appeals in 2000 concerning Title II of the ADA.	1) Multi-page analyses of these laws; posted on SFELP website and made available in hard copy.	Smoke-Free Environments Law Project of The Center for Social Gerontology, Inc.	Y	Y	Y	Y	N	Y		
2) Your Right to a Smoke-Free Workplace in California Under Disability Laws (2001).	2) Describes rights and protections for persons with disabilities under California's Fair Employment and Housing Law and American's With Disabilities Act.	Technical Assistance Legal Center	Y	Y	Y	Y	Y	N		
3) California Legal & Dispute Resolution Services for Tenants and Smokers Injured by Tobacco (2001).	3) This booklet provides resources for tobacco control advocates seeking to assist Californians in two different situations: (1) those adversely affected by drifting smoke in their apartment buildings who have disputes with their landlord or other tenants; and (2) injured smokers seeking legal representation to file suit against a tobacco company(ies).	Technical Assistance Legal Center								
4) Accommodating Vulnerabilities to Environmental Tobacco Smoke: A Prism For Understanding the ADA.	4) Discussion of using the Americans With Disabilities Act as a litigation tool to protect individuals effected by ETS.	Tobacco Control Resource Center	Y	N	Y	Y	N	N		
5) The Americans with Disability Act: How it Can Protect you from Secondhand Smoke, Tobacco Control Resource Center (1996) republished at (www.tobacco.neu.edu).		Tobacco Control Resource Center	Y	N	Y	Y	N	Y		

SECOND HAND SMOKE/DISABILITY

Publication Title

6) The Physician's Role in Helping Smoke-Sensitive Patients to Use the Americans with Disability Act to Secure Smoke-free Workplaces and Public Spaces, JAMA (September 1996).

7) Secondhand Smoke and the ADA: Ensuring Access for Persons with Breathing and Heart Disorders.

Description of Publication

7) This article explains the relevant provisions of the ADA, relevant case law, and theories of recovery.

Organization

Tobacco Control Resource Center

Tobacco Control Resource Center

Target Audience & Type of Law

MA LA TC EO SL FL

Y N Y Y N Y

Y N Y Y N Y

SECOND HAND SMOKE/GENERAL

1) Clearing the Air, A Resource Manual on Environmental Tobacco Smoke for Massachusetts, 2nd edition (June 2000).

2) Mistaken Ruling, Unmistakable Facts: How Judge Osteen Got It Wrong When He Vacated The EPA's Finding That Secondhand Smoke Is A Known Carcinogen and Why His Ruling May Not Matter, Tobacco Control Update, Vol. 3, Issue 1 (Fall 1998).

3) The Health Effects of Environmental Tobacco Smoke, Clearing the Air 2000: A Resource Manual on Environmental Tobacco Smoke for Massachusetts (July 2000)

1) A comprehensive manual on secondhand smoke, including information on the health effects of ETS, the current status of secondhand smoke measures in Massachusetts, studies on the economic effect of secondhand smoke measures, a compilation of related laws, sample regulations, court challenges and tobacco industry tactics.

2) This article provides an overview of Judge Osteen's landmark decision vacating the EPA report. It also includes valuable general info about ETS.

3) This article provides an overview of the health effects of environmental tobacco smoke broken down by categories such as cardiovascular disease and cancer.

Massachusetts Association of Health Boards

Tobacco Control Resource Center

Massachusetts Association of Health Boards

Y Y Y Y Y N

Y Y Y Y N Y

Y Y Y Y Y Y

SECOND HAND SMOKE/GENERAL

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
4) The Health Effects of Environmental Tobacco Smoke, Clearing the Air: A Resource Manual on Environmental Tobacco Smoke for Massachusetts (July 1998).	4) This article provides an overview of the health effects of environmental tobacco smoke broken down by categories such as cardiovascular disease and cancer.	Massachusetts Association of Health Boards	Y	Y	Y	Y	Y	Y
5) Clearing the Air, Second Edition (June 2000).	5) A “how-to” manual for cities and towns wishing to enact ETS policies.	Municipal Tobacco Control Technical Assistance Program	Y	N	Y	Y	N	N
6) Litigation on behalf of victims of exposure to environmental tobacco smoke, European Journal of Public Health (2001:11;201-205).	6) European Journal of Public Health (2001:11;201-205) The article is an overview of ETS litigation: mostly in the USA, with some mention of Europe and Australia. Lay audience. Refers to cases based primarily on state law.	Tobacco Control Resource Center	N	Y	Y	Y	Y	Y
7) The Tobacco Control Resource Center and Massachusetts Association of Health Boards’ Amicus Brief in the Massachusetts Supreme Judicial Court case, <i>Tri-Nel Management (Windjammer) v. Board of Health of Barnstable</i> , 433 Mass 217 (2001) republished at (www.tobaccocontrol.neu.edu).	7) This amicus brief examines the reasons and authority for local regulation of environmental tobacco smoke. Particular attention is paid to board of health authority, and the historic and constitutionally recognized role that local officials play in protecting public health. Additionally, preemption is discussed.	Tobacco Control Resource Center	Y	N	Y	Y	Y	N
8) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Vol. Three, An Overview of Constitutional Concerns Surrounding Tobacco Control Law, Tobacco Control Resource Center (June 2000).	8) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states. The intended audience ranges from tobacco control beginners to senior public health professionals. Chapter one reviews the Commerce Clause. Chapter two reviews the due process rights, including rights relating to permitting tobacco sales. Chapter three covers equal protection. Chapter four reviews the contract clause. Lastly, chapter five covers the antitrust concerns.	Tobacco Control Resource Center	Y	N	Y	Y	Y	Y

SECOND HAND SMOKE/GENERAL

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
9) Litigation on Behalf of Victims of Exposure to Environmental Tobacco Smoke, <i>European Journal of Public Health</i> , Vol. 11, No. 2 (June 2001).		Tobacco Control Resource Center	Y	N	Y	Y	Y	Y
10) Protecting Children from Exposure to Environmental Tobacco Smoke, <i>Tobacco Control</i> (Spring 1998).		Tobacco Control Resource Center	Y	N	Y	Y	Y	N
11) High Court Ruling Gives Ahead to Local, Smoke-Free Laws, 5(2) <i>Tobacco Control Update</i> 3 (Winter 2001).	11) This amicus brief examines the reasons and authority for local regulation of environmental tobacco smoke. Particular attention is paid to board of health authority, and the historic and constitutionally recognized role that local officials play in protecting public health. Additionally, preemption is discussed.	Tobacco Control Resource Center	Y	N	Y	Y	Y	YGo-
12) Summary of Legal Cases Regarding Smoking in the Workplace and other places.	12) This booklet, which is annotated and updated regularly, provides a comprehensive list of relevant legal cases surrounding environmental tobacco smoke.	Tobacco Control Resource Center	Y	N	Y	N	Y	Y
13) ETS Resource manual (to be developed by late 2001)	13) Resource manual and guide for local officials and advocates for development and implementation of local ordinances.	Tobacco Law Project	Y	Y	Y	Y	Y	Y

SECOND HAND SMOKE/HOUSING

1) Analysis of legal rights of residents of apartments or condominiums affected by secondhand smoke.	1) Multi-page analysis of state and federal laws, focusing especially on Michigan laws; posted on SFELP website and made available in hard copy.	Smoke-Free Environments Law Project of The Center for Social Gerontology, Inc.	Y	Y	Y	Y	Y	N
2) Smoking in an Apartment Building: What Can Be Done to Protect the Non-Smoking Neighbors (September 1999).	2) Describes tenants' rights vis-a-vis their landlords and neighbors; rights of disabled tenants; what tenants, landlords, and a community can do to prevent such problems.	Technical Assistance Legal Center	Y	Y	Y	Y	Y	N

SECOND HAND SMOKE/HOUSING

Publication Title

3) Smoke Knows No Boundaries: Legal Strategies for Environmental Tobacco Smoke Incursions Into the Home Within Multi-Unit Residential Dwellings.

4) How to Use the Massachusetts Sanitary Code to Deal with ETS Incursion in Mult-Unit Dwellings, Tobacco Control Update, Vol. 5, Issue 1, Tobacco Control Resource Center (Fall 2000).

Description of Publication

3) Discussion of legal remedies for tobacco smoke incursion into residences including administrative remedy before local Boards of Health.

4) This article is from Tobacco Control Update provides tenants, boards of health and attorneys with a step-by-step on how to stop ETS pollution in multi-unit dwellings.

Organization

Tobacco Control Resource Center

Tobacco Control Resource Center

Target Audience & Type of Law

MA LA TC EO SL FL

Y N Y N Y N

Y N Y Y Y N

SECOND HAND SMOKE/OTHER

1) Massachusetts Association of Health Boards' Response to the Walpole Independent Restaurateurs' Association's Memorandum in Support of Reasonable Smoking Regulations for the Town of Walpole (June 2001).

2) Massachusetts Association of Health Boards' Rebuttal to Scientific Challenges to the Overwhelming International Scientific Consensus that Secondhand Smoke is not only a carcinogen, but also Produces an Increased Risk of Cardiovascular and Respiratory Diseases (May 2001).

3) Judge Rejects EPA Secondhand Smoke Report, An analysis of Judge Osteen's June 1998 ruling on the EPA report.

1) Response to arguments commonly heard at public hearings in opposition to secondhand smoke regulations, including those that challenge board of health authority and the science surrounding secondhand smoke.

2) This document specifically deals with allegations that arose after EPA report, the Congressional Research Service report, the World Health Organization report, and the Center for Indoor Air Quality Study. It also attempts to describe just how a substance is classified as a carcinogen.

3) Trial Magazine, November 1998. It's a monthly magazine published by the Assn. of Trial Lawyers of America — plaintiffs' lawyers.

Massachusetts Association of Health Boards

Massachusetts Association of Health Boards

Tobacco Control Resource Center

Y Y Y Y Y N

Y Y Y Y Y N

Y Y N N N Y

SECOND HAND SMOKE/OTHER

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
4) Redressing Injuries from Secondhand Smoke, Trial Magazine (March 1992).		Tobacco Control Resource Center	Y	N	Y	Y	Y	Y
SECOND HAND SMOKE/RESTAURANTS								
1) Clearing the Air, A Resource Manual on Environmental Tobacco Smoke for Massachusetts, 2nd edition (June 2000).	1) A comprehensive manual on secondhand smoke, including information on the health effects of ETS, the current status of secondhand smoke measures in Massachusetts, studies on the economic effect of secondhand smoke measures, a compilation of related laws, sample regulations, court challenges and tobacco industry tactics.	Massachusetts Association of Health Boards	Y	Y	Y	Y	Y	N
2) Clearing the Air, Second Edition (June 2000).	2) A “how-to” manual for cities and towns wishing to enact ETS policies.	Municipal Tobacco Control Technical Assistance Program	Y	N	Y	Y	N	N
3) Maps (July 2001).	3) A color-coded map of Massachusetts cities and towns coding them according to the level of ETS protection provided by local measures for restaurants and bars.	Municipal Tobacco Control Technical Assistance Program	Y	Y	Y	Y	Y	N
4) Analysis of Marquette, MI Court of Appeals Decision on Smoke-Free Restaurant Ordinance.	4) Multi-page analysis; posted on SFELP web site and available in hard copy. Also adapted for publication in Michigan Municipal League magazine.	Smoke-Free Environments Law Project of The Center for Social Gerontology, Inc.	Y	Y	Y	Y	Y	N
5) Clearing the Air, a Resource Manual on ETS for Massachusetts (2000).	5) Handbook covers all aspects of ETS — and regulating it — in Massachusetts. Published by TCRC, the Mass. Municipal Assn. and the Mass. Assn. of Health Boards.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	N
6) Draft model ordinance restricting smoking in restaurants (2001).	6) Draft model ordinance restricting smoking in restaurants.	Tobacco Law Project	Y	Y	Y	Y	Y	N

SECOND HAND SMOKE/STATE PREEMPTION

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>							
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>		
SECOND HAND SMOKE/ STATE PREEMPTION										
1) Analysis of the authority of localities to enact smoke-free ordinances and regulations. Also, analysis of Marquette, MI Court of Appeals Decision on Smoke-Free Restaurant Ordinance.	1) Analysis of “authority of localities” is available on an individual need basis to localities and others. Marquette decision analysis is multi-page and is posted on SFELP web site and available in hard copy; it was also adapted for publication in Michigan Municipal League magazine.	Smoke-Free Environments Law Project of The Center for Social Gerontology, Inc.	Y	Y	Y	Y	Y		N	
2) The Tobacco Control Resource Center and Massachusetts Association of Health Boards’ Amicus Brief in the Massachusetts Supreme Judicial Court case, <i>Tri-Nel Management (Windjammer) v. Board of Health of Barnstable</i> , 433 Mass 217 (2001) republished at (www.tobaccocontrol.neu.edu).	2) This amicus brief examines the reasons and authority for local regulation of environmental tobacco smoke. Particular attention is paid to board of health authority, and the historic and constitutionally recognized role that local officials play in protecting public health. Additionally, preemption is discussed.	Tobacco Control Resource Center	Y	N	Y	Y	Y		N	
3) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Vol. Two, The Basics of Government and the Doctrine of Preemption (June 2000).	3) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states. Volume two discusses the guises of preemption.	Tobacco Control Resource Center	Y	N	Y	Y	Y		Y	
4) Preemption in Tobacco Control, Review of an Emerging Public Health Problem (JAMA, September 1997).	4) This document contains an excellent summary of the strategies used by the tobacco industry to enact preemption and a chart of preemption in the different states by subject matter.	Americans for Nonsmokers’ Rights www.no-smoke.org	Y	Y	Y	Y		N	N	

SECOND HAND SMOKE/WORKPLACES

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>							
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>		
SECOND HAND SMOKE/ WORKPLACES										
1) Clearing the Air, A Resource Manual on Environmental Tobacco Smoke for Massachusetts, 2nd edition (June 2000).	1) A comprehensive manual on secondhand smoke, including information on the health effects of ETS, the current status of secondhand smoke measures in Massachusetts, studies on the economic effect of secondhand smoke measures, a compilation of related laws, sample regulations, court challenges and tobacco industry tactics.	Massachusetts Association of Health Boards	Y	Y	Y	Y	Y			N
2) Clearing the Air, Second Edition (June 2000).	2) A “how-to” manual for cities and towns wishing to enact ETS policies.	Municipal Tobacco Control Technical Assistance Program	Y	N	Y	Y	N			N
3) Analyses of: Michigan Clean Indoor Air Act; Michigan Workers’ Compensation Laws; and Titles I and III of the Americans with Disabilities Act. Also analysis of <i>Popovich</i> decision issued by 6th Circuit Court of Appeals in 2000 concerning Title II of the ADA.	3) Multi-page analyses of these laws; posted on SFELP website and made available in hard copy.	Smoke-Free Environments Law Project of The Center for Social Gerontology, Inc.	Y	Y	Y	Y	Y			Y
4) Your Right to a Smoke-Free Workplace in California Under Disability Laws (2001).	4) Describes rights and protections for persons with disabilities under California’s Fair Employment and Housing Act and American’s With Disabilities Act.	Technical Assistance Legal Center	Y	Y	Y	Y	Y			N
5) Outdoor Smoking Policies on College Campuses (2001).	5) A summary of California law regarding the authority of statewide public college systems and individual campuses to designate outdoor smoke-free zones on campuses.	Technical Assistance Legal Center	Y	Y	Y	Y	Y			N

SECOND HAND SMOKE/WORKPLACES

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
6) Summary of Legal Cases. Published by TCRC.	6) A continually updated summary of legal cases on ETS, divided into several categories, including: prison; child custody; disability law; workers' compensation; assault and battery; real property (including smoke seepage from one unit to another); and cases with tobacco companies as defendants. Covers a combination of state and federal law.	Tobacco Control Resource Center	N	Y	Y	N	Y	Y
7) Summary of Legal Cases Regarding Smoking in the Workplace and other places.	7) This booklet, which is annotated and updated regularly, provides a comprehensive list of relevant legal cases surrounding environmental tobacco smoke.	Tobacco Control Resource Center	Y	N	Y	Y	Y	N
8) Draft model ordinance on smoking in workplaces (2001).	8) Draft model ordinance on smoking in workplaces.	Tobacco Law Project	Y	Y	Y	Y	Y	N
SPONSORSHIP								
1) Video: Tobacco Industry Watch (2001).	1) A joint project of the Attorney General's Office and the California Department of Health Services Tobacco Control Section and Project SMART\$. The video is intended to train tobacco control advocates and volunteers to monitor tobacco industry sponsorship of events.	California Attorney General's Office	N	Y	Y	N	Y	N
2) Model Policy for State or Local Fair Boards: Non-Acceptance of Tobacco Sponsorship and Smoke-Free Grounds (April 1999).	2) Model Policy for State or Local Fair Boards: Non-Acceptance of Tobacco Sponsorship and Smoke-Free Grounds.	Technical Assistance Legal Center	Y	Y	Y	Y	Y	N
3) Model Policy for Rodeos: Prohibiting Tobacco Sponsorship and Requiring Smoke-Free Grounds (April 2001).	3) Model Policy for Rodeos: Prohibiting Tobacco Sponsorship and Requiring Smoke-Free Grounds.	Technical Assistance Legal Center	Y	Y	Y	Y	Y	N

SPONSORSHIP

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
<p>4) Model Policy for Race Tracks: Prohibiting Tobacco Sponsorship and Requiring Smoke-Free Grounds (2002).</p> <p>5) A Guide to Enforcing the Multistate Master Settlement Agreement, An Analysis of Selected Topics and Provisions of the MSA and a Brief Guide to Enforcement (June 2000).</p>	<p>4) A model policy for motorsport racing events to prohibit tobacco sponsorship and smoking on the grounds.</p> <p>5) This 76 page booklet is divided into two parts. The first part reviews the historical background of the MSA, and introduces the reader to the nature and policies of the MSA. The second part of this booklet details the practical rules of the MSA, including advertising, youth protection, and lobbying. Sponsorship issues are covered in the this booklet as well.</p>	<p>Technical Assistance Legal Center</p> <p>Tobacco Control Resource Center</p>	Y	Y	Y	Y	Y	N
TOBACCO INDUSTRY BANKRUPTCY								
<p>1) The Prospect and Implications of Tobacco Industry Bankruptcy (May 2001).</p>	<p>1) Describes the possibility and implications of tobacco industry bankruptcy and provides websites of related resources.</p>	<p>Technical Assistance Legal Center</p>	Y	Y	Y	Y	N	Y
YOUTH ACCESS								
<p>1) The Most Common Claims of Illegality Arising from Tobacco Control Compliance Checks (August 2001).</p> <p>2) Compliance Checks and Common Legal Liability.</p>	<p>1) A brief memorandum identifying the most common challenges to compliance checks and providing legal authority to address claims of illegality.</p> <p>2) This brief memorandum was prepared at the request of local tobacco control programs who were interested in addressing issues surrounding the actual legal liability of their staff and their municipal governments if an individual is injured during a compliance check.</p>	<p>Massachusetts Association of Health Boards</p> <p>Massachusetts Association of Health Boards</p>	Y	N	Y	Y	Y	Y
			Y	N	Y	N	N	N

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
3) Doctrine of Respondeat Superior as it Relates to Tobacco Retailers and Their Employees (September 2001).	3) Frequently, retailers will claim that the employee who sold to a minor should be solely responsible for a sale to the minor. This brief memorandum explains the common law principle that holds an employer responsible for the acts of his or her employee.	Massachusetts Association of Health Boards	Y	N	Y	N	N	N
4) Memos provided to the City of New Bedford in support of its authority to suspend tobacco sales permits regardless of the finding of a Clerk Magistrate in District Court.	4) These memos provide support for the authority of a board of health to suspend a tobacco sales permit in a separate administrative proceeding, regardless of the outcome of a hearing before a Clerk Magistrate on the grounds that a government may impose both criminal and civil sanctions for the same act or omission.	Massachusetts Association of Health Boards	Y	Y	Y	Y	Y	Y
5) What's Left of the Massachusetts Attorney General's Cigarette, Smokeless Tobacco, Cigar, and Little Cigar Regulations After the U.S. Supreme Court's Decision in <i>Lorillard Tobacco Co. et al. v. Reilly</i> , Attorney General Of Massachusetts, Memorandum (July 2001).	5) This article provides an overview of what remains of the Massachusetts AG's point of sale regulations after the U.S. Supreme Court decision. A good guide to what might be acceptable to the court in state AG regulations in other states.	Massachusetts Association of Health Boards	Y	Y	Y	Y	Y	Y
6) Summary of What's Left of the Massachusetts Attorney General's Cigarette and Smokeless Tobacco Regulations After the U.S. Supreme Court's Decision in <i>Lorillard Tobacco Co. v. Reilly</i> , Attorney General Of Massachusetts, Memorandum (July 2001).	6) This article provides an overview of what remains of the Massachusetts AG's point of sale regulations after the U.S. Supreme Court decision in summary format. A good guide to what might be acceptable to the court in state AG regulations in other states.	Massachusetts Association of Health Boards	Y	Y	Y	Y	Y	Y
7) Internet Sales Compliance Checks after <i>Santa Fe Natural Tobacco v. Spitzer</i> , Memorandum (July 2001).	7) This article provides an analysis of the Ninth Circuit's decision on restrictions on internet sales of tobacco. A good guide to what restrictions might survive judicial scrutiny in other states.	Massachusetts Association of Health Boards	Y	Y	Y	Y	Y	N

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			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
8) Controlling the Sale and Use of Tobacco in Massachusetts 2000: A Legal Policy Manual for Municipal Officials and Public Health Personnel: 10 Volume Set (also authored most of the material contained in these 10 volumes) (June 2000).	8) This ten-volume set provides an overview of controlling the sale and use of tobacco. Can be used as a model for producing similar sets in other states.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	Y
9) An Overview of the Problem of Youth Access to Tobacco Products and the Institute of Medicine's Recommendations for Solving the Problem, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	9) This article provides an overview of the problem of youth access to tobacco products and recommendations for solving the problem.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	N
10) Restrictions on Manufacturer Gifts to Minors, Distribution of Free Samples, Sales of Single Cigarettes, and Sales of 'Kiddie Packs,' Controlling the Sale and Use of Tobacco in Massachusetts (2000).	10) This article provides an overview of the problem of free samples, kiddie packs, etc. and recommendations for solving the problem.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	N
11) Restrictions on Vending Machines, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	11) This article provides an overview of the problem of vending machines and recommendations	Tobacco Control Resource Center	Y	Y	Y	Y	Y	N
12) The Synar Amendment, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	12) This article provides an overview of the Synar Amendment.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	Y
13) The Perils, Promises and Pitfalls of Criminalizing Youth Possession of Tobacco, Tobacco Control Update, Vol. 1, Issues 1 & 2 (Winter/Spring 1997).	13) This article provides a comprehensive analysis of the pros and cons of penalizing youth possession of tobacco products.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	N
14) Restrictions on Self-Service Displays, Controlling the Sale and Use of Tobacco in Massachusetts (2000).	14) This article provides an overview of the problem of self-service displays and recommendations for solving the problem.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	N

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
			<i>MA</i>	<i>LA</i>	<i>TC</i>	<i>EO</i>	<i>SL</i>	<i>FL</i>
15) Map (Vending Machines) (July 2001).	15) Color-coded map indicating which cities and towns have acted on vending machines. Coding is according to complete ban, FDA language or lock-out devices.	Municipal Tobacco Control Technical Assistance Program	Y	Y	Y	Y	Y	N
16) Map (Sales to Minors) (July 2001).	16) Color-coded map indicating which cities and towns have put in place a requirement for a local tobacco sales permit. The permit is accompanied by a prohibition of sales to minors, fines and possible suspension of the permit.	Municipal Tobacco Control Technical Assistance Program	Y	Y	Y	Y	Y	N
17) Map (Self Service Displays) (July 2001).	17) Color-coded map indicates local policy on self-service display complete ban, ban using FDA language, or restrictions on placement of displays.	Municipal Tobacco Control Technical Assistance Program	Y	Y	Y	Y	Y	N
18) Model California Ordinance Banning Self-Service Tobacco Displays (2002).	18) A model ordinance prohibiting the self-service display of tobacco products and requiring tobacco to be sold only through the assistance of a vendor.	Technical Assistance Legal Center	Y	Y	Y	Y	Y	N
19) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Volume Six, Controlling Youth Access to Tobacco Products, Part One: An Overview of the Problem, the Logic of Local Action, and Successes of the Massachusetts Tobacco Control Program (June 2000).	19) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states. The intended audience ranges from tobacco control beginners to senior public health professionals. This 28-page booklet provides an overview of the problem of youth access to tobacco products and describes the Massachusetts Tobacco Control Program's general response.	Tobacco Control Resource Center	Y	N	Y	Y	Y	N

<i>Publication Title</i>	<i>Description of Publication</i>	<i>Organization</i>	<i>Target Audience & Type of Law</i>					
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20) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Vol. Seven, Controlling Youth Access to Tobacco Products, Part Two: Federal Initiatives (June 2000).	20) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states. The intended audience ranges from tobacco control beginners to senior public health professionals. This 26-page booklet reviews some federal youth access initiatives, including the Synar Amendment, and traces the Food and Drug Administration's efforts to regulate tobacco.	Tobacco Control Resource Center	Y	N	Y	Y	N	Y
21) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Vol. Nine, Controlling Youth Access to Tobacco Products, Part Four: Local Initiatives (Including Sample Regulations) (June 2000).	21) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states.	Tobacco Control Resource Center	Y	N	Y	Y	Y	N
22) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Vol. Eight, Controlling Youth Access to Tobacco Products, Part Three: State Level Initiatives (June 2000).	22) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states.	Tobacco Control Resource Center	Y	N	Y	Y	Y	N
23) Should the Minimum Age for the Sale of Tobacco Products Be Increased to 21?, Tobacco Control Update, Vol. 2, Issues 3 and 4 (Spring & Summer 1998).	23) This Tobacco Control Update article explores the policy implication behind increasing the minimum tobacco sales age law to 21.	Tobacco Control Resource Center	Y	Y	Y	Y	Y	N
24) Controlling the Sale and Use of Tobacco in Massachusetts 2000: Vol. Three, An Overview of Constitutional Concerns Surrounding Tobacco Control Law (June 2000).	24) This booklet is from a ten-volume set describing laws affecting the sale and use of tobacco in Massachusetts and, to a certain extent, the sale and use of tobacco in other states.	Tobacco Control Resource Center	Y	N	Y	Y	N	Y

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<p>25) Tobacco Control Resource Center’s Amicus Brief in the U.S. Supreme Court case, <i>Lorillard Tobacco Co. v. Thomas Reilly</i>, Attorney General of Massachusetts, 533 U.S. 121 S.Ct.2404 (2001) republished at (www.tobaccocontrol.neu.edu).</p>	<p>25) The amicus brief analyzes the in detail the First Amendment and tobacco-related youth access regulations. Particular attention is paid to self-service displays.</p>	<p>Tobacco Control Resource Center</p>	Y	N	Y	Y	Y	Y
<p>26) The Perils, Promises and Pitfalls of Criminalizing Youth Possession of Tobacco, 1(1&2) Tobacco Control Update 17 (Winter 1997).</p>		<p>Tobacco Control Resource Center</p>	Y	N	Y	Y	Y	N
<p>27) Minding the Store - Curtailing the Sale of Tobacco to Minnesota Teens: Enforcement Practices, Challenges and Recommendations (2001).</p>	<p>27) This report analyzes experiences in implementing and enforcing local youth access and licensing ordinances, discusses key obstacles to reducing illegal sales, identifies best practices and suggests steps for improvement. Includes results of broad survey of stakeholders, as well as summaries of experiences in other states.</p>	<p>Tobacco Law Project</p>	N	Y	Y	Y	Y	Y
<p>28) Smoke On The Web: Can Children Buy Cigarettes Online? Enforcement Options, Challenges and Recommendations (2001).</p>	<p>28) This report reviews results of on-line test purchases of cigarettes from Web sites, identifies available enforcement alternatives, legal and constitutional obstacles to effective enforcement, and recommendations for action.</p>	<p>Tobacco Law Project</p>	N	Y	N	Y	Y	Y