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STATE LEGISLATURE THREATENS TO ELIMINATE LOCAL AUTHORITY TO PROTECT PUBLIC HEALTH

BOISE, IDAHO, February 7, 1996 — The House State Affairs Committee is considering a bill that would strip Idaho communities of their authority to make local tobacco control ordinances.

House Bill 563, introduced by Representative Paul Kjellander, repeals current Idaho law that permits local communities to pass local ordinances cracking down on youth access to tobacco. It makes our youth criminals if they buy tobacco products but does nothing to punish the merchant who sells cigarettes to minors. More importantly, local communities in Idaho will no longer have the ability to write ordinances that could be tailored to their specific tobacco needs.

Similar house bills were defeated in the first session of the 1995 Idaho legislature. “Elected officials need to remember that this was a bad bill in 1995, and it is still a bad bill in 1996,” stresses Selina Carver-Shaw, Deputy Executive Vice President of the American Cancer Society. “At a time when youth smoking rates in Idaho are rising, we need to take measures to crack down on illegal youth access, not encourage it.”

According to a working group of 27 State Attorneys General that studied the illegal problem of tobacco sales to children, it is “imperative” that state laws not preempt local ordinances. The working group in 1994 concluded that some of the most effective initiatives for controlling illegal sales to minors were at the local level, and noted that “...all across the country, the tobacco industry is pursuing an aggressive campaign to enact state laws that preempt local tobacco control efforts.”

In opposition to House Bill 563 are the leading health advocate groups including the American Cancer Society, the Idaho Medical and Hospital Association, the Dental Association, the
American Lung Association, and the Nurses and Respiratory Therapists Associations.

This bill is a direct attempt by the tobacco industry to take away local citizens' control over their own affairs. There is no economic need for a "uniform" law. With over 429 local ordinances reducing youth access on the books across the country, not one business has gone under as a result of a local tobacco control ordinance. Across the country, businesses continue to thrive and prosper under a variety of local tobacco control ordinances.

"The rhetoric legislators should have been hearing over the past several months is clear," stresses Carver-Shaw. "Return lawmaking power to the local level. Remove state impositions. Adequate statewide law undermines the principle of local control that is so important to cities and counties across Idaho. It becomes a subtle form of an "unfunded mandate.""

"If the local government's ability to make an impact on teenage tobacco addiction is snuffed out, the smoking rates among our children will continue to grow, and adults will continue to die."

Carver-Shaw concluded.

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