TO: TFMAC Members

DATE: July 26, 1995

RE: Instructions for using the Sample Resolution Regarding Preemption

1. Contact a local official, which your coalition or organization has identified (i.e., county commissioner, city council person, mayor, etc.), to help advocate at the local level for local preemption.

2. Use the attached sample resolution or modify it as appropriate for your locality. It should be submitted on township, municipality or county government letterhead.

3. Once approved and signed, send copies to your state representative and senator as well as to the Governor's office and the offices of the Senate Majority Leader and the House Majority Leaders.

4. Send a copy to TFMAC for our files.

If you need additional information, please call Dianne at (517) 335-9885 or Janet at (517) 335-9407.

Thanks for your help!
TFMAC Preemption Strategy for Summer/Fall 1995
Worksheet

1. Write your name and TFMAC organization.

2. Write the name of a contact person(s) you know in your local unit of government (someone in township, city, or county) with whom you can talk about the local preemption issue and a resolution. (See sample resolution attached).

3. If you do not know someone personally who you feel comfortable contacting, write the names(s) of someone you know who could talk to someone in township, city, or county government about a resolution.

4. Identify three different people who will write a letter to the editor of your local newspaper regarding support for local preemption repeal. (See samples attached).
Week of August 27, 1995
Week of September 3, 1995
Week of September 10, 1995

5. Identify three individuals who will write a letter to their State Senator and Representative support to repeal of the local preemption. (See samples attached).
Week of August 27, 1995
Week of September 3, 1995
Week of September 10, 1995

6. Identify three individuals who will visit their Senator and/or Representative to talk about their position on local preemption. (See sample questions attached).
Week of August 27, 1995
Week of September 3, 1995
Week of September 10, 1995
Congratulations to each and everyone of you who has contributed to the long list of 53 local preemption repeal resolutions from all over the state! We have initiated a formidable grassroots campaign - envied by tobacco-free advocates in other states. See the attached map for a quick view of what we have already accomplished.

With this critical mass of preemption repeal resolutions as impetus, we want to urge you to launch Phase II in the grassroots effort to garner increased depth and support for the local control issue. Remember, the objective is two-fold: 1) to increase awareness and understanding at the local community level about the issue surrounding local preemption and its threat to local authority; and 2) with each new resolution, to bring this issue yet again to each and every state legislator.

Until the state legislature repeals the local preemption, our goal continues to be to saturate our legislators with repeal petitions from their local constituents. Our goal is to have at least one preemption repeal resolution from a local unit of government in EACH legislative district.

There are 38 state senate districts and 110 house districts. At present our 53 preemption repeal resolutions represent 55 house districts and 25 senate districts. (Obviously every resolution will represent both a house and senate district). Beyond that, we will continue to blanket the state and seek resolutions from any of the 22 cities over 50,000, 83 counties (and 50 local health departments), 528 cities and villages, and 1244 (count them!) townships.

On the next few pages, you will find analysis and summary of the current resolutions by county, senate and representative districts.

###
Overview of Michigan Towns, Cities, and Counties Represented by Preemption Repeal Resolutions
Summary Analysis

There are 21 resolutions from city governments around the state:
- There are three resolutions from cities (Marquette, Negaunee and Escanaba) in the ten counties of the UP.
- There are three resolutions from cities in the upper half of the lower peninsula: Charlevoix, Traverse City, and Midland.
- Kalamazoo County has the highest no. of resolutions from cities/county - 4; followed by Calhoun County with three.
- There are three resolutions from cities in Wayne Co.; four from Oakland; one from Macomb

There are 7 (of 22) Cities over 50,000 with preemption repeal resolutions: Ann Arbor, Battle Creek, Detroit, Kalamazoo, Royal Oak, Troy, and Warren.


There are 2 (of 1244) Townships represented: Flint Township, Sciota Township.

There are resolutions from 49 counties (out of a possible 83):

There are 35 Counties NOT represented by a preemption repeal resolution:

SENATORS whose districts are NOT represented by preemption repeal resolutions (14 of 38):
(In numerical order by district)

| Dst. | 6 - Hart | WAYNE CO. |
|      | 7 - Diagell |     |
|      | 8 - Bennett |     |
|      | 9 - Geake |     |
| 11 - DeBeausaert | MACOMB CO. |
| 12 - Carl |     |
| 16 - Dumaskis | OAKLAND |
| 17 - Berryman | LENAWEE/MONROE |
REPRESENTATIVES whose districts are NOT represented by preemption repeal resolutions (55 out of 110)

Dst. # 15 - Dohranek
16 - Ryan
17 - Kelly
18 - DeHart
19 - Banks
20 - Law
21 - Whyman
22 - Pitomnik
23 - Porreca
24 - Palamara
25 - DeMars
26 - Yokich
27 - Claramitaro
28 - Weeks
30 - Rocca
31 - Gire
32 - Jaye
33 - Knutits
34 - Freeman
36 - Berman
38 - (Vacant)
39 - Dobb
40 - Jamian
43 - Price
44 - Galloway
45 - Criissman
46 - Middleton
48 - Clark
49 - Emerson
50 - Cherry
56 - Owen - SE. MONROE
57 - Wallberg - LENAWEE
66 - Munsell - LIVINGSTON
67 - Gustafson - INGHAM/LIVINGSTON
68 - Lingg Brewer
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Priority areas

Please study the priority areas below for focusing local interest on preemption repeal resolutions. Decide how you, your coalition, or organization can initiate action.

1) UP: all counties are represented; however, we need more individual cities and towns: Ironwood, Houghton, Ontonagon, Iron River, Crystal Falls, Ishpeming, L'Anse, Munising, Menominee, Manistique, Newberry, Sault Ste. Marie, St. Ignace.


3) Northeast area of LP: Cheboygan, Presque Isle, Montmorency, Alpena, Oscoda, Alcona, Ogemaw, Iosco, Arenac, Gladwin, Roscommon, Clare, 

4) Mid-state area: Isabella, Bay, Saginaw, Genesee,

5) Central: Ionia, Barry, Eaton, Ingham, Livingston

6) Detroit: Board of Health? Neighborhood associations?

7) West: Muskegon, Ottawa, Kent, Allegan, Mason, Manistee, Oceana, Benzie

8) SW area: Berrien, Van Buren, Cass

9) South: towns of St. Joseph, Branch, Hillsdale, Lenawee, Monroe

(Questions? Please call Janet at 517-335-6402)

10/10/96
Michigan Strategies which have worked to widen the web of preemption repeal resolutions

1) Domino strategy: demonstrated first in Calhoun County
   a) Encourage the local county Board of Health to pass a resolution. Usually they are
      sympathetic to the issue and will willingly pass a resolution. Ask the Board of Health to
      include a clause in their resolution which will encourage the County Commission (or city or
      township) to adopt a similar resolution.
   b) Go to the County Board of Commissioners (often Commissioners on the board of Health
      are also members of the County Commission).
   c) Go to the individual cities, towns, villages, and townships for their resolutions. Depending
      on local politics, many incorporated municipalities will eagerly embrace this idea. Township
      meetings are often small and informal. Officers are generally interested in learning about the
      issue, and the concept of local authority and "home rule" quickly resonates.

2) Piggy-back method: First used by Michigan Citizens for Smoke Free Air (MCSA).
   This method piggy-backs a coalition, organization, or club sponsor, along with an individual
   sponsor who is a resident of a local community. For example, MCSA drafted a letter which
   was signed by their executive director. Each volunteer in the coalition received a copy with a
   draft which the individual could sign and send on to his/her city council. Much of this was
   done by mail only. Once a date was set for the preemption agenda, additional supporters can
   be mobilized. The Detroit City Council was approached in this way, although at least two
   council members were already supportive.

3) Going for the Gold: First implemented by Marquette County in the Upper Peninsula,
   followed by Sanilac County.
   An advocate (in the case of Marquette) approached the chair of the county township
   association committee. She embraced the preemption repeal concept and carried it to
   representatives of the 18 townships in Marquette County thus getting a joint resolution by all
   18 townships. In Sanilac County, one of the County Commissioners, who had already signed
   a resolution, took it to the county township association chair. They expect to get a joint
   resolution from all 26 townships in Sanilac County. There are 1244 townships in Michigan
   and 83 counties. This is an efficient way to blanket an area with local resolutions.
   The pitfall here is to avoid getting resolutions "rubber-stamped". We want them to be authentic
   in that they represent the will of people in the township. However, once there is a "critical
   mass" of township resolutions, we hope to get the "gold" resolution, the one from the
   Michigan Township Association.

This same process may be done with counties, culminating in a resolution from the Michigan
Association of Counties, and with municipalities which could lead to a resolution from the
Michigan Municipal League.

4) Nike - just do it: Almost always successful.
   This obvious strategy is the common sense one - just do it. When we first began this
   campaign, we asked people to approach their local officials to explain the preemption issue
   and ask for their help. Many of the resolutions were obtained very simply in this way.

October 11, 1996
RESOLUTION

A RESOLUTION REQUESTING THAT THE OKLAHOMA LEGISLATURE REVERSE THE CURRENT STATE PREEMPTION OF LOCAL TOBACCO-RELATED ORDINANCES AND RETURN RIGHTS TO LOCAL CITIES AND TOWNS TO ENACT AND ENFORCE TOBACCO-RELATED ORDINANCES IF THEY CHOOSE TO DO SO.

WHEREAS, smoking is a detrimental, and often deadly, habit for millions of Americans; and

WHEREAS, there is no controversy about the facts, which have been documented by thousands of careful studies and are accepted by all major medical and health agencies, to wit: each year more Americans die from smoking-related diseases than from AIDS, drug abuse, car accidents and homicide—combined; and

WHEREAS, several hundred thousand Americans die each year from the effects of smoking; and

WHEREAS, smoking is responsible for approximately 16% (or 1 in 6) of all deaths in the U.S. each year; and

WHEREAS, tobacco smoke contains nicotine, an addictive drug; and

WHEREAS, in 1988, the U.S. Surgeon General reported that nicotine is just as addictive as heroin and cocaine; and

WHEREAS, in the United States, approximately 1.5 million people quit smoking each year, but as many as 50 million adults continue to smoke; and

WHEREAS, smoking costs the nation approximately $65 billion per year in health-care costs and lost productivity; and

WHEREAS, smoking is the major cause of emphysema, lung cancer, and chronic bronchitis;

WHEREAS, smoking contributes to arteriosclerosis, heart attacks, strokes and other health problems; and

WHEREAS, smoking is responsible for approximately 82% of chronic lung disease in the U.S., including emphysema; and

WHEREAS, smoking is by far the most common cause of chronic bronchitis; and

WHEREAS, chronic obstructive pulmonary (lung) disease (COPD), a term that generally applies to chronic bronchitis and emphysema, affects millions of Americans; and
WHEREAS, smoking is the number one cause of lung cancer, a disease that claims more than a hundred thousand Americans annually; and

WHEREAS, in 1987, lung cancer surpassed breast cancer as the leading cause of cancer deaths among women; and

WHEREAS, female smokers aged 35 or more are 10.5 times more likely to die from emphysema or chronic bronchitis than non-smoking females; and

WHEREAS, the age at which Americans start to smoke is getting younger, especially among females; and

WHEREAS, pregnant women who smoke have higher rates of miscarriage, stillbirth, premature birth, and complications of pregnancy than those who don't smoke; and

WHEREAS, smoking is the #1 cause of cancer death in men; and

WHEREAS, male smokers over age 35 are almost 10 times more likely to die of COPD and 22 times more likely to die from lung cancer than non-smoking males; and

WHEREAS, more than 80% of all smokers born since 1925 started smoking before the age of 21; and

WHEREAS, among youths surveyed in 1985 who had tried both cigarettes and cocaine, 98% used cigarettes first; and

WHEREAS, two of the six leading causes of excess deaths among African Americans and other minorities are smoking-related cancer and cardiovascular disease; and

WHEREAS, "secondhand smoke" inhaled by nonsmokers who live or work around smokers can cause serious health problems too, including lung cancer and heart disease; and

WHEREAS, 82% of all adult Americans think that smokers should not smoke around nonsmokers; and

WHEREAS, smokeless tobacco, such as chewing tobacco and snuff, also poses serious health risks for users, including cancer, heart disease, stroke, and high blood pressure; and

WHEREAS, the facts contained in this resolution are based upon information obtained from the American Lung Association; and

WHEREAS, the Mayor and Council of The City of Oklahoma City are seriously concerned and mindful of the dangerous, and often deadly, health hazards posed by smoking and other tobacco use; and
WHEREAS, the current laws of the State of Oklahoma, including the Oklahoma Smoking In Public Places Act (Title 63) and the Oklahoma Prevention of Youth Access to Tobacco Act (Title 37), preempt local regulation of tobacco use; and

WHEREAS, the Mayor and Council of The City of Oklahoma City believe that the current State policy of preemption of local regulation of tobacco use is bad public policy that should be reversed; and

WHEREAS, the Mayor and Council of The City of Oklahoma City believe that rights should be vested in local communities to enact and enforce tobacco-related ordinances if they choose to do so.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of The City of Oklahoma City hereby exhort the Oklahoma Legislature to enact legislation to reverse the preemption language in the Oklahoma Smoking In Public Places Act (Title 63) and the Oklahoma Prevention of Youth Access to Tobacco Act (Title 37) and to return rights to local communities to enact and enforce tobacco-related ordinance if they choose to do so.

AND BE IT FURTHER RESOLVED that the Mayor and Council of The City of Oklahoma City do hereby respectfully request that the Oklahoma Municipal League (OML) take the lead on this very serious and important public health issue and sponsor legislation in the 1996 Session of the Oklahoma Legislature that would reverse the current State preemption of local tobacco-related ordinances.

AND BE IT FURTHER RESOLVED that the Mayor and Council of The City of Oklahoma City do hereby strongly encourage all other Oklahoma cities and towns to adopt a resolution similar to this resolution as a show of support for the reversal of State preemption of local tobacco-related ordinances.

AND BE IT FURTHER RESOLVED that the City Clerk is hereby directed to distribute executed copies of this Resolution to the Governor and the Lt. Governor of the State of Oklahoma, to all members of the 1996 Oklahoma Legislature, to the Oklahoma State Department of Health (ATTN: Mr. Doug Mahoney, Coordinator, Oklahoma IMPACT Project, Office of Tobacco Use Prevention), and to the Director of the OML.

ADOPTED by the Council of The City of Oklahoma City this ____ day of _______________, 1995.

APPROVED by the Mayor of The City of Oklahoma City this ____ day of _______________, 1995.

THE CITY OF OKLAHOMA CITY

MAYOR
ATTEST:

CITY CLERK

APPROVED as to form and legality this 1st day of December, 1985

[Signature]
Assistant Municipal Counselor
February 26, 1999

Dear Advocate for Tobacco Legislation,

As a former state legislator and a current Clark County Commissioner, I’ve had the opportunity to see government function at two distinct and different levels. As a result, I have committed myself to bringing local control back to the people of Nevada with regards to tobacco regulations. It is my strong belief that returning local control is simply the right thing to do for our State and particularly our youth. With over 73% of the state’s population being non-smokers, I cannot, in good conscience, ignore their needs or their health and welfare.

To date, the Clark County Board of County Commissioners and the District Board of Health, which represents every city as well as the county, passed the attached resolution asking the state to repeal the existing law and allow local entities control with regard to smoking and related issues. Individually, the same jurisdictions have placed the same resolution of support on their agendas.

I have personally made contact with people in each and every county in the state and asked that their governing bodies also place this resolution on their agendas. Additionally, I have spoken with legislators, lobbyists and other non-profit organizations such as the American Heart Association and the American Cancer Society who have all enthusiastically expressed their support for this issue.

We are now at a crucial point in our campaign. I am asking for your help to expand our efforts at the legislature by beginning a grassroots letter writing, telephone, e-mail, fax campaign. I would ask that, if you support this effort, you direct your concerns to Assemblyman Bernie Anderson and Senator Mack James and copy each of the other legislators. Attached is a sample letter you might use as a template. I would also greatly appreciate it if you could fax a copy of your correspondence to my office for my records.
Your support and help in this campaign for local control cannot be over stated or underestimated. Thank you in advance for your consideration of this very important issue.

Very truly yours,

[Signature]

Eric Kenny
Vice-Chair

Assemblyman Bernie Anderson, fax# (775) 687-4067 or tel# (775) 684-8563

Senator Mark James, fax# (775) 687-8206 or tel# (775) 687-8132

Clark County Commission, fax# (702) 383-6041 or tel# (702) 455-3500
RESOLUTION

WHEREAS, local governments are closer to the citizens and the local issues that affect them; and

WHEREAS, local governments are better able to offer local solutions to local issues; and

WHEREAS, Clark County is made up of 1.4 million citizens including senior citizens and children with local needs; and

WHEREAS, local governments are able to respond more quickly to the health and safety needs of their citizens and local issues are best served by local solutions; and

WHEREAS, the Clark County Health District is made up of representatives from all local government municipalities throughout Southern Nevada to address health and safety issues; and

WHEREAS, Clark County University Medical Center is a primary provider in the treatment of smoking-related diseases in Southern Nevada; and

WHEREAS, study after study by the Centers for Disease Control, Surgeon General’s Office, Scientific Advisory Board of the Environmental Protection Agency and other well-respected research organizations have found that environmental tobacco smoke, also called “second-hand smoke,” causes illness, disease and death.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Clark County, Nevada, do hereby proclaim that it is in the best interest of public health to allow control of tobacco products and tobacco-smoke contamination in public places, not only by the State, but also by local government responding to local community needs and amend Section (1) NRS 202.249 number 4 to read as follows:

4. An agency, board, commission or political subdivision of this state, including any agency, board, commission or governing body of a local government, (shall not) may impose more stringent restrictions on the smoking, use, sale, distribution, marketing, display or promotion of tobacco or products made from tobacco than are provided by NRS 202.2491, 202.2492, 202.2493 and 202.2494.

PASSED, ADOPTED, and APPROVED this 16th day of February, 1999.

CLARK COUNTY BOARD OF COMMISSIONERS

BRUCE L. WOODBURY—CHAIRMAN

ATTENT:

SHIRLEY B. PARRAGUIRRE, CLERK
SAMPLE RESOLUTION

A RESOLUTION URGING THE STATE OF NEVADA TO ADOPT LEGISLATION WHICH WOULD ALLOW LOCAL GOVERNMENT BODIES TO ADOPT REGULATIONS RELATING TO CONTROL OF TOBACCO PRODUCTS AND TOBACCO SMOKE

WHEREAS, local governing bodies are closer to the citizens and the community issues that affect them; and,

WHEREAS, local governments are better able to offer local solutions to neighborhood and community issues; and,

WHEREAS, local governments are able to respond more quickly to the health and safety needs of their constituents while developing local solutions; and,

WHEREAS, study after study by the Centers for Disease Control, Surgeon General’s Office, Scientific Advisory Board of the Environmental Protection Agency and other well-respected research organizations have found that secondhand smoke causes illness, disease and death; and

WHEREAS, local and national public health organizations including the American Lung Association, the American Heart Association, the Nevada State Medical Association, the American Cancer Society, the Nevada Tobacco Prevention Coalition and numerous others have stated that tobacco is the primary threat to the public health of Nevada residents, contributing to our state’s high incidence of asthma, heart disease and cancer; and

WHEREAS, tobacco use is the number one preventable cause of death in Nevada, addicting 7,000 Nevada students each year and killing 2,600 Nevadans annually; and

WHEREAS, nearly ninety percent of respondents in a recent Gallup poll supported a ban on tobacco use on school property, yet Nevada’s preemption law prohibits a total smoking ban by local school districts, health districts, and city and county governing bodies; and

WHEREAS, Nevada has long been considered the “smokiest state in the nation,” a situation which is exacerbated by Nevada’s preemption law, which strips local government of our ability to determine when and where tobacco use is appropriate in our communities;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman and County Commission of Clark County, Nevada deem it to be in the best interest of public health to allow control of tobacco products and tobacco smoke contamination in public places, not
only by the State, but also by local governments responding to local community needs and amend Section (1) NRS 202.249 number 4 to read as follows:

An agency, board, commission or political subdivision of this state, including any agency, board commission or governing body of a local government may impose more stringent restrictions on the smoking, use, sale, distribution, marketing, display or promotion of tobacco or products made from tobacco than are provided by NRS 202.2491, 202.2492, 202.2493 and 202.2494.

APPROVED THIS

Dario Herrera, Chair