



SmokeLess States Policy Focus



Guest Editorial

A Decade of Clean Indoor Air Efforts

By Robin Hobart

The SmokeLess States Clean Indoor Air Story: Protecting Local Control, Restoring Local Control, Putting Local Control to Work

In 1993, the Robert Wood Johnson Foundation and the American Medical Association launched the SmokeLess States National Tobacco Policy Initiative (SLS), an ambitious, national project to develop and support state-level tobacco control coalitions. As the SLS state coalitions got underway in 1994, 100% smoke-free laws were a relatively new phenomena—limited to a handful of communities in California and Colorado. As SLS draws to a close a decade later, over 91 million U.S. residents, roughly a third of the population, live in a community or state with a 100% smoke-free law offering protections in some combination of public places, workplaces, restaurants, or bars. (That number will jump dramatically this summer, when state laws passed in Massachusetts and Idaho are due to go into effect.)

This smoke-free revolution is the work of many organizations and individuals, too numerous to name in a short newsletter article. No one organization

or project can claim credit, but there is no doubt that SLS has been a vital partner; building coalition infrastructure, developing capacity, and providing resources to support tens of thousands of local and state advocates whose efforts have helped pass many of the 291 local smoke-free ordinances in 25 states, as well as 10 state smoke-free laws.*

A Brief History of (SmokeLess States' Smoke-free) Time

Many of the SLS-funded coalitions formally selected the goal of working on secondhand smoke and clean indoor air issues. Others found themselves with special opportunities to work on clean indoor air, even though it wasn't part of their original scope of work. Whether chosen or thrust upon them, SLS coalitions have achieved great success in clean indoor air policy.

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* American Nonsmokers' Rights Foundation, Local Tobacco Control Ordinance Database, April 6, 2004.

This is the last and final newsletter from the SmokeLess States National Tobacco Policy Initiative and it seems odd to say "goodbye" but one must often say goodbye in order to say hello later. On May 31, all of the regional staff will have made transitions from the American Medical Association and two staff will remain at the AMA through the month of June to close out all Special Opportunity Grants and to complete all final reports and budgets to effectively end this chapter of tobacco control.

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Over the course of the decade-long SmokeLess States project, a number of SLS coalitions set themselves the goal of increasing their state tobacco excise taxes. As with clean indoor air policy, no one individual or organization can claim full credit, but the SLS coalitions were key partners in the many victories won across the country.

[Note: not all attempts end in higher taxes.]

Cigarette Tax Rates in SmokeLess States Working on Tax Campaigns—1994 and 2004

State	Cigarette Tax*	
	1994	2004
AK	.29	1.00
AZ	.58	1.18
AR	.315	.59
CA	.37	.87
CT	.50	1.51
DE	.24	.55
GA	.12	.37
HI	.60	1.40
ID	.28	.57
IL	.44	.98
KS	.24	.79
KY	.03	.03
LA	.20	.36
ME	.37	1.00
MD	.36	1.00
MA	.51	1.51
MI	.75	1.25
MN	.48	.83**
MO	.17	.17
MT	.18	.70
NE	.34	.64
NV	.35	.80
NH	.25	.52
NJ	.40	2.05
NM	.21	.91
NY	.56	1.50
ND	.44	.44
OH	.24	.55
OR	.38	1.18
RI	.56	1.71
SD	.33	.53
TN	.13	.20
TX	.41	.41
UT	.265	.695
VT	.20	1.19
WA	.565	1.425
WV	.17	.55
WI	.38	.77
WY	.12	.60

* Cents per pack, 2004 figures courtesy of Campaign for Tobacco-Free Kids and 1994 figures from "State Laws on Tobacco Control — 1995", MMWR, 44(SS-6); 1-28, November 3, 1995.

** MN — .35 tax increase only on brands not participating in MSA

Message from the Director



As the great jurist Oliver Wendell Holmes said, "What lies behind us and what lies before us are tiny matters compared with what lies within us." This is true in once sense, however, what lies behind us in SmokeLess States is incredible progress; victories and shear advancements towards making our nation tobacco free. What lies ahead is fully yet unknown, but what lies within is clear—passion towards making a positive difference in the health of society.

Much has been accomplished and many lessons have been learned about ways to effectively create change in tobacco policies at the state and local level. However, much remains to be done. Many coalitions have been seeking alternative funding sources, soliciting support from Community Health Foundations, and identifying opportunities for conducting their work more efficiently and effectively both within existing voluntary organizations and alone through 501(C)3 status. All of this effort has been occurring while policy campaigns and political battles continue to be fought, won or challenged.

No pun intended, it is a taxing time for tobacco control policy work as many needs and priorities have shifted and funding is harder to secure. However, I am hopeful that organizations will see the merits of merging tobacco policy expertise into their infrastructure and identify a means to keep the efforts alive and intact. As indicated in the lead story of this newsletter, it took years to build the movement and it would be a shame to lose the lessons and expertise that have been gained over time. Clean indoor air policies are taking off like wild fire and tax increases on tobacco products have more than doubled in the past few years.

Additionally, the friendships and collegial relationships that have been built across the movement are profound. The staff composition at the NPO has been tremendous and I again express my gratitude to the fine individuals who have committed so much energy and expertise to this issue to help create a tobacco-free society. We would not have come this far and made such a difference without the combined synergy and passion that exists in the field. To the project directors of the SLS grants, I applaud your efforts and wish you Godspeed as you leverage additional resources to keep your coalition efforts alive. To our national colleagues, I extend all my best to you and your organizations as you continue to support the fine work in the field by maintaining strong and strategic air cover for the troops and seek ways to enhance and expand efforts to improve health outcomes. ■

With great thanks and admiration,

Donna Grande
 Director
 SmokeLess States National Tobacco Policy Initiative

The following list is neither exhaustive nor comprehensive, but tries to highlight a few of the major clean indoor air successes in states with a SLS-funded coalition. As long as this list of successes is, it could be much, much longer—coalitions also made great progress promoting policy changes in the areas of tobacco tax and cessation services.

Alaska In late 1998, Bethel became the first community in the state to adopt a smoke-free ordinance; in the summer of 2000, Anchorage followed suit. Today, 10 communities have adopted some form of clean indoor air ordinance, covering 50% of the state's population.

Arizona In addition to supporting passage of smoke-free ordinances in 11 communities, the coalition has engaged the leadership of several Native American tribes to enact smoke-free resolutions and policies. Over the years, the coalition has defeated dozens of attempts to pass preemptive state legislation, including a bumper crop of 5 preemptive bills in 1997.

Arkansas The coalition has promoted key voluntary smoke-free policies, including the Little Rock National Airport, the University of AR for Medical Sciences, and the War Memorial Stadium. In 2003, the tiny town of Highfill (pop. 379) passed the

state's first smoke-free ordinance. In September 2004, Fayetteville passed a smoke-free ordinance that has since survived a referendum attempt and legal challenges.

Colorado Fourteen communities have passed smoke-free ordinances. Fierce opposition efforts forced Pueblo and Montrose residents to vote not once, but twice in support of smoke-free air. The coalition's vigilance has also protected the explosion of local activity against industry attempts to pass preemption.

Connecticut A comprehensive two-year grassroots campaign to repeal state preemption led to the passage of a statewide smoke-free restaurant and bar law.

Delaware In 2002, Delaware became the first state to repeal preemption of clean indoor air, and simultaneously adopted one of the nation's strongest state clean indoor air laws.

Georgia Six communities in Georgia have adopted smoke-free ordinances, including three in the first few months of 2004.

Hawaii When Hawaii County passed its smoke-free ordinance in July 2003, Hawaii became the first state to pass smoke-free restaurant ordinances in every county.

Idaho When a legislative champion unexpectedly emerged in the 2004 session, the coalition threw its support behind Senator Hill's non-preemptive smoke-free legislation. The passage of SB 1283 was a poignant tribute to the Senator's 28-year-old son, who succumbed to lung cancer shortly before the bill passed and was signed into law.

Illinois The state's 1989 Clean Indoor Air Act includes preemption, but exempts 19 communities which already had passed ordinances. In 2003, Skokie passed the state's first smoke-free ordinance, followed in short order by Wilmette. Activity in the non-preempted localities is generating interest in restoring local control to all Illinois communities.

Kentucky In 2003, in the heart of tobacco-producing country, Lexington did what would have been unthinkable when SLS began in 1993; it made restaurants and bars smoke-free. The State Supreme Court upheld the ordinance in April. State legislators quickly announced their intention to pass preemption in 2004, introducing three preemption bills during the session. Instead, the Legislature ended up voting to make the State Capital smoke-free, leaving local control intact.

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Making Preemption History

Perhaps the SLS program's most unique contribution to clean indoor air policy has been the advances gained by SLS coalitions working to restore local control, which had been stripped away in their states by the legislature or the courts. With the resources made available through SLS, the following state coalitions took on the task of repealing preemption, and are making public health history:

Connecticut While its two-year campaign to repeal preemption didn't restore local control, the coalition generated enough momentum to enact a statewide smoke-free restaurants and bars bill in 2003.

Delaware In 2002, the coalition's two-year campaign culminated in legislation making Delaware the first state to repeal preemption of clean indoor air, fully restoring local control, and enacting a comprehensive smoke-free workplace law which includes restaurants, bars and gaming venues.

Louisiana In 2003, the coalition's campaign achieved partial repeal of preemption, restoring local control over many workplace venues.

Nevada Although attempts to fully restore local control have faltered in the face of implacable opposition from the gaming industry, in 2003 the coalition set a precedent to build on by convincing the State Legislature to return local control to school boards.

New Jersey Following a court ruling establishing preemption under state law, the coalition launched a campaign to restore local control and strengthen the state's Clean Indoor Air Act.

Ohio After a Supreme Court ruling stripped local board of health authority over clean indoor air, the coalition moved to promote enactment of municipal ordinances.

South Dakota The coalition's efforts to restore local control advanced farther through the State Legislature each year, and in 2002 resulted in a statewide smoke-free workplace law (restaurants are exempt if they have a liquor license).

Louisiana The coalition won a key battle in 2003, convincing the Legislature to partially repeal the state's preemptive clean indoor air law. For the first time since 1993, local communities can pass ordinances covering many workplaces and public places (gaming venues, bars and restaurants with an alcohol license are exempt).

Maine Following passage of the state's first smoke-free ordinance in Portland (1998), the state adopted a non-preemptive smoke-free public places/workplaces law in 1999. The Legislature amended the law in 2003 to include the previously exempted "killer bs" (bars, billiards, bingo).

Maryland In addition to aiding passage of five local smoke-free ordinances, the coalition supported adoption of state Occupational Safety and Health workplace regulations in 1994.

Massachusetts After setting the stage by helping pass over 100 local smoke-free ordinances and regulations, the coalition secured passage of a strong, non-preemptive state law in 2003, scheduled to make workplaces, including restaurants and bars, smoke-free this July—however, as of this print, a major curve ball has just been thrown—stay tuned.

Mississippi In the summer of 2002, the tiny town of Metcalfe passed the state's first smoke-free ordinance; early this year the State Capital, Jackson, joined the smoke-free bandwagon.

Missouri The coalition has supported local ordinance efforts, yielding victories in Maryville and Jefferson City (subsequently vetoed by the mayor), and passing smoke-free municipal buildings in St. Louis. It has also fended off attempts to pass preemption in the State Legislature.

Montana Bozeman, Great Falls and Helena proved that smoke-free ordinances could pass in Marlboro Country. And astute physicians in Helena published a ground-breaking study showing that while the city's smoke-free ordinance was in effect, heart attack rates dropped 40%. The coalition has weathered bruising legal and legislative battles seeking to repeal the Helena ordinance and overturn local control.

Nebraska When Lincoln's proposed smoke-free ordinance was amended into irrelevance, coalition advocates convinced the Mayor to veto the fatally flawed law. Unfortunately, the council overturned the veto, and advocates are now documenting that the law is unenforceable—building the case that it should not be emulated by other cities, and that it should be revised.

Nevada In 2002, voters in two counties passed advisory measures calling upon the State Legislature to restore local control over smoking regulations. However, the gaming industry made it clear that a full restoration of local control is not yet in the cards. The coalition's incremental approach has begun to gnaw away at preemption; in 2003, the state legislature restored local control to school boards.

New Hampshire After supporting passage of five local clean indoor air ordinances, the coalition helped the community of Colebrook defend its voter-enacted ordinance against a preemption claim. In a surprise ruling, the State Supreme Court overturned the ordinance—adding New Hampshire to the list of preempted states.

New Jersey The coalition suffered a set-back in 2000, when the courts ruled that state law preempted Princeton's smoke-free ordinance. The coalition is now focusing on restoring local control, and strengthening the state Clean Indoor Air Act.

New Mexico The coalition that wouldn't take no for an answer overcame two mayoral vetoes, and on third try passed a smoke-free ordinance in Albuquerque, on St. Patrick's Day 2003. The coalition has defeated many attempts to enact preemption in the State Legislature over the years.

New York Following the lead of a handful of New York counties, New York City gained international attention by going smoke-free in early 2003. Later that summer, the State Legislature joined the party. The coalition has been kept busy helping state and local health departments implement the state law, and defending against attempts to dilute the law's coverage.

North Dakota In 2001, Minot passed the state's first smoke-free ordinance; forced by opposition onto the ballot, voters upheld the ordinance later that year. In the 2003 session, the coalition defeated a preemptive bill that would have shut down any further local action.

Ohio When the State Supreme Court ruled that local boards of health did not have the authority to adopt smoke-free regulations, the coalition switched gears to promote city and county ordinances. The coalition had its hands full protecting its first major victory in Toledo—which has survived ballot and legal challenges, and rear-guard attempts by bars to circumvent the ordinance. The coalition defeated state preemption bills in two consecutive sessions.

Oregon From 1997-2001, the coalition supported passage of 15 local smoke-free ordinances. Although unable to defeat passage of a preemptive state law in 2001, the coalition won its fight to ensure the bill included strong provisions protecting 95% of Oregon workers.

Rhode Island In 2002, the state Supreme Court upheld East Greenwich's restaurant ordinance. As this newsletter goes to press, smoke-free legislation is pending that would make most public places and workplaces smoke-free; the bill includes exemptions and a preemption clause which are scheduled to sunset in 2006.

South Dakota In 2002, the coalition sought to strengthen the state law and repeal preemption; winning half the battle, it passed a statewide smoke-free law that covers most workplaces (exempting those with alcohol and gaming licenses). In 2003, the coalition simultaneously fought off attempts to undo the new law while advancing a repeal preemption bill through the House and into a Senate committee for the first time.

Texas Smoke-free ordinances have passed in a dozen Texas communities, including the border towns of El Paso and Del Rio. The Houston campaign has been gearing up and advocates hope Houston will join Dallas in passing a strong smoke-free ordinance.

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Message from the American Medical Association



On behalf of the American Medical Association and physicians and medical students across the country, I extend my appreciation to the Robert Wood Johnson Foundation for 10 years of commitment to the SmokeLess States program and to the partnership in reducing the death and disease caused by tobacco use. Much has been accomplished in the past decade; tobacco use prevalence rates have dropped, the price of cigarettes has increased to help smokers quit and to prevent youth from purchasing the products which lead to a life of addiction, and the number of clean indoor air policies has more than tripled protecting nonsmokers and smokers alike from the hazards associated with secondhand smoke exposure.

Everyone should be proud of the accomplishments achieved over the past decade. However, we should never become complacent in our belief that the problem has been solved. Still 435,000 lives are lost annually that could be prevented by continued vigilance against the tobacco industry efforts. The \$9.7 billion spent each year by the industry to advertise their products must be challenged through targeted education, evidence-based interventions and supportive policies that create and sustain tobacco-free environments.

You can be assured that the medical profession will continue to play its part to assist patients in quitting and making healthier lifestyle choices. It is a complex problem and one that can only be addressed when we each play our part and apply our assets in effective ways. The health and health care agenda is complex, but tobacco remains the single most preventable cause of death and disease in our country, and the AMA remains committed to see an end to the suffering caused by its use.

To our colleagues and coalition members across the country, I wish you continued success in effectively fighting off Big Tobacco. ■

Sincerely,

A handwritten signature in black ink that reads "Michael Maves". The signature is written in a cursive, flowing style.

Michael Maves, MD, MBA
CEO
American Medical Association

Special Thanks to our National Colleagues

Advocacy Institute
American Academy of Family Physicians
American Academy of Pediatrics
American Association of Occupational and Environmental Medicine
American Cancer Society
American Heart Association
American Legacy Foundation
American Lung Association
American Medical Association
Americans for Nonsmokers' Rights
Asian Pacific Partners for Empowerment and Leadership
Campaign for Tobacco Free Kids
Center for Tobacco Cessation
Centers for Disease Control and Prevention—Office on Smoking and Health
ImpactTeen—University of Illinois/Chicago
Latino Council on Alcohol and Tobacco
Legal Consortium for Tobacco and Health—Tobacco Law Project
National African American Tobacco Control Network
National Association of African Americans for Positive Imagery
National Cancer Institute—National Institutes of Health
The Praxis Project—Policy Advocacy on Tobacco and Health
Substance Abuse Policy Research and Evaluation Program
Tobacco Technical Assistance Consortium

And a special thanks to the staff and members of the American Medical Association and the entire Tobacco Team at The Robert Wood Johnson Foundation who have supported our efforts through the years.

Special Thanks to the Staff and Volunteers of the State Coalitions

Alaska Tobacco Control Alliance
Arizona Clearing the Air
Coalition for a Tobacco Free Arkansas
California Tobacco Control Alliance
Colorado Tobacco Education and Prevention Alliance (CTEPA)
Mobilize Against Tobacco for Children's Health (MATCH)
IMPACT Delaware Tobacco Prevention Coalition
Georgia Alliance for Tobacco Prevention
Coalition for a Tobacco Free Hawaii
Coalition for a Healthy Idaho
Illinois Coalition Against Tobacco (ICAT)
Kentucky ACTION
Coalition for a Tobacco-Free Louisiana
Maine Coalition on Smoking OR Health
Smoke Free Maryland
Massachusetts Coalition for a Healthy Future
Minnesota Smoke Free Coalition
Mississippi SmokeLess States Alliance
Missouri Partnership on Smoking or Health
Montana SmokeLess States Initiative—Protect Montana Kids
Smokeless Nebraska
Nevada Tobacco Prevention Coalition
Smokefree New Hampshire Alliance
New Jersey Breathes
New Mexicans Concerned about Tobacco (NMCAT)
Center for a Tobacco Free New York
Tobacco Free Ohio
Tobacco Free Coalition of Oregon (TOFCO)
Campaign for a Healthy Rhode Island
South Dakota Tobacco Free Kids Network
Tobacco Reduction Using the Settlement in Texas (TRUST)
Coalition for a Tobacco Free Vermont
Washington BREATHE Alliance
Coalition for a Tobacco-Free West Virginia
Smoke Free Wisconsin
Wyoming Tobacco Use Prevention Coalition

Comments from The Robert Wood Johnson Foundation



Dear Friends and Colleagues:

As I write this note to you, we are experiencing great progress and further promise for tobacco prevention and cessation. Since 1995, tobacco prevalence has declined 12.6 percent for adults and more than 18 percent for youth. We have five smoke-free states along with major cities like New York, Boston and Dallas. I know that we all share the hope that our work, leisure and healthcare environments will become even more supportive for people who want to stay smoke-free and live a healthy, tobacco-free life.

Our work together began more than a decade ago through the leadership of my friend and predecessor, Steve Schroeder. The launch of the SmokeLess States program in 1993 marked a turning point in the Foundation's vision and commitment to tobacco prevention and cessation. Your work has created a visible, personal presence in our communities, focusing public education and advocacy on policy opportunities that research shows matter most in reducing tobacco use, such as clean indoor air and tobacco tax increases. As with all bold ideas, it is you—people with passion, intelligence and dedication, who carry the message and the science to your decision makers, educators and neighbors to ensure that knowledge is transformed into programs and policies that save lives.

Our work is not done. We know that we cannot become complacent. That is why we are putting an emphasis on sustaining the policy change infrastructure, which you have helped to build, and which has a demonstrated track record. Over the next five years, we will be targeting more than \$100 million in Foundation resources to tobacco policy research, advocacy and communications to maintain our hard-won gains, but also to make further progress in smoking cessation and in helping people resist starting smoking.

Last June, it was my pleasure and privilege to speak to you at your annual meeting and to see and hear first hand about the work you do in states and communities across the country. I wish I could thank each of you personally for all you have done and will continue to do for tobacco control. We are proud beyond what words can express of the tremendous gains that you and others in tobacco control have accomplished in reducing the use of tobacco and therefore saving thousands and thousands of lives, and I look forward to meeting many of you as I travel to more and more of our vibrant, smoke-free cities and communities. ■

Sincerely,

A handwritten signature in black ink that reads "Risa Lavizzo-Mourey". The signature is fluid and cursive.

Risa Lavizzo-Mourey, MD, MBA
President and CEO
The Robert Wood Johnson Foundation

Letter from the Grant Liaison Officers

Dear Project Directors:

In our time together as a team, the Grant Liaison Officers (GLOs) have had the pleasure and good fortune to work with you and your teams of talented and dedicated professionals. The last couple of years have been both extraordinarily challenging and productive for our movement, and it's been an inspiration working with such a tireless and innovative group of advocates.

As the movement readies itself for the changes ahead, we want to acknowledge the tremendous gains you have helped us all achieve. In the relatively short time our team has been together, you have contributed to a vastly different policy environment, particularly in terms of clean indoor air and tobacco taxes. And, in the process, you have begun to change the face of the movement by reaching out to communities of color, faith communities, health access activists, seniors, labor unions, large employers and others.

SmokeLess States has helped bring together a vast array of tobacco control advocates over the years, from national partners to local coalition volunteers. And at the core of this gathering has been our team and yours. Whatever contribution we have been able to make to our movement's many recent successes could not have been possible without your commitment and tenacity. You are leaders in a movement that has contributed much to our collective health and quality of life, but one that has much more to do.

You have served the public interest very well in the time we've worked together, and as a team we want to express our heartfelt gratitude and admiration for your efforts. None of us can be sure at this point about how our movement will evolve in the next few years, but one thing we can count on is the tobacco industry's relentless pursuit of profits. Hopefully, many of you will be able to continue your leadership roles in tobacco control.

As the NPO concludes its service to the movement and we celebrate our collective gains, our team wishes all of you the best. ■

Thank you,

Carla Freeman

Elaine Ishihara

Jerry Spelman

Kitty Jerome

Sam Becknel

Smokeless States Grant Liaison Officers receive Awards of Appreciation for dedication to grantee's success.



The American Medical Association Foundation extends appreciation to The Robert Wood Johnson Foundation for the grants in support of the SmokeLess States' Special Opportunity Grant program. These grants provided the AMA and the NPO with an opportunity to make over \$8 million additional awards to states to help achieve great success.



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A Decade of Clean Indoor Air Efforts, continued from page 4

Washington The coalition is supporting a campaign to establish the parameters of possible preemption in the state Clean Indoor Air Act. In 2003, the Tacoma/Pierce County Board of Health adopted a smoke-free regulation which was, as expected, promptly slapped with a legal challenge. Now the coalition is helping Pierce County as it defends the regulation in court.

West Virginia Continuing clean indoor air work begun under the ASSIST project, the coalition has helped support the adoption of local board of health regulations, and fended off multiple attempts to preempt the regulations through the courts and in the state legislature. In 1998, the coalition fended off a record 6 preemption bills.

Wisconsin Seventeen communities have adopted local clean indoor air ordinances. Just this April, voters passed smoke-free ballot measures in Oshkosh (binding) and Bristol (non-binding).

Post Script

Although great progress has been made to protect nonsmokers from secondhand smoke, as the SLS program draws to a close the state coalitions' work is far from done. In Louisiana, the coalition is building local capacity to take advantage of the newly granted authority to pass smoke-free ordinances. Coalitions in Idaho and Massachusetts are helping prepare for implementation of their soon-to-go-into-effect state laws. The New York, Connecticut and Delaware coalitions continue to guard their state laws against opposition attempts to repeal or weaken their provisions. Many of the other coalitions will continue to support local ordinance development, fight preemption, maybe pass a state law. Taken together, the progress they've made in the past decade is nothing short of astounding. Perhaps in another decade, their combined efforts will have made secondhand smoke history. ■

SmokeLess States Policy Focus is a publication of the SmokeLess States National Tobacco Policy Initiative. SmokeLess States is a national program of The Robert Wood Johnson Foundation, administered by the American Medical Association.

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