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Publication Date

2010-04-01

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Supported in part by National Cancer Institute Grant CA-61021 and endowment funds available to Dr. Glantz. Opinions expressed reflect the views of the authors and do not necessarily represent the sponsoring agency. This report is available at http://escholarship.org/uc/ctcre_tcpmus.

EXECUTIVE SUMMARY

- Tobacco use is the leading preventable cause of death in Virginia, taking more than 9,200 lives each year. Tobacco-induced healthcare costs are \$1.92 billion annually, including \$369 million in Medicaid payments.
- The growth of tobacco, and its importance to the economy of Virginia, has declined significantly. In 2008, tobacco was only the fifth most harvested and valuable crop, behind hay, corn, soybeans, and wheat, and constituted only 2.3% of the value of all Virginia agricultural products sold.
- Virginia is becoming increasingly urban and its citizens are less concerned with Virginia's tobacco heritage. Significant majorities of Virginians support stronger clean indoor air laws and higher cigarette taxes. In 2009, 75% polled supported strong clean indoor air laws.
- The tobacco industry has a significant presence in Virginia: Philip Morris has a large manufacturing and corporate presence in the Richmond area.
- The tobacco industry's lobbying expenditures have significantly exceeded spending by tobacco control advocates. The industry also built strong ties to hospitality groups, trade associations, and tobacco growers to oppose tobacco control measures.
- Republican legislators are significantly more supportive of the tobacco industry control than Democrats, who are more supportive of public health.
- The tobacco industry gave about twice as much money to Republicans than Democrats. Controlling for party and legislative house, greater tobacco industry campaign contributions are statistically significantly associated with more pro-tobacco industry policy behavior.
- Between 1970 and 2008, 70 cities and two counties imposed local cigarette excise taxes, an attractive and politically nonvolatile source of revenue. The tobacco industry has not been able to counter this activity.
- Prior to 1990, many localities enacted local clean indoor air ordinances. Despite strong support among Virginians for clean indoor air laws and a growing movement among localities for local tobacco control, these measures were blocked in 1990 by the passage of the weak preemptive statewide Virginia Indoor Clean Air Act (VICAA).
- Virginia was selected by the National Cancer Institute in 1990 to participate in the 17-state American Stop Smoking Intervention Study (ASSIST). ASSIST established a network of local tobacco control coalitions through Virginia Department of Health. Organizational issues and strong industry interference prevented ASSIST from accomplishing its mission of reducing smoking through policy change.
- Virginia was awarded a Robert Wood Johnson Foundation SmokeLess States (SLS) grant in 1994 to support lasting statewide coalitions to reduce tobacco use; the effort failed in Virginia.
- Virginia SmokeLess States was involved with the successful Southern Communities Tobacco Project to bring tobacco farmers together with tobacco control advocates; this effort accomplished little substantive change in tobacco control policy in Virginia.

- In 1998, Virginia was part of the Master Settlement Agreement (MSA) between 46 states and the tobacco industry and will to receive about \$4 billion from the settlement over 25 years. Virginia committed 10% of the proceeds to a youth-only tobacco control program; 40% was directed at financially supporting tobacco-growing communities negatively affected by declining growth of tobacco in the state, and the rest went to the General Fund.
- Virginia Tobacco Settlement Foundation (VTSF) was founded in 1999 with the 10% of MSA funds. VTSF mounted a youth multimedia campaign, but little data are available on the effectiveness of VTSF programming.
- In 2009, the General Assembly expanded VTSF's mission to include youth obesity prevention and changed its name to Virginia Foundation for Healthy Youth without any additional funding. The consequences for tobacco control programming are not known, but are likely to be negative if resources are diverted from tobacco control.
- Virginia had the lowest cigarette tax in the nation from 1993-2004. The 2004 "2.5 Cents to Common Sense" campaign run by Virginians for a Healthy Future (VFHF), comprised of the Virginia chapters of AHA, ALA, and ACS, successfully used polling data to show popular support for an increase, targeted key legislators, and ran an effective media campaign. This effort resulted in a tax increase of 30 cents per pack in 2004. None of the increased tax went to fund tobacco control.
- In 2006, with encouragement from VFHF, Governor Tim Kaine (D) issued Executive Order 41, prohibiting smoking in most executive branch buildings and state-owned vehicles.
- In 2007, VFHF worked closely with Gov. Kaine and Sen. Brandon Bell (R) to introduce SB 1161, a strong expansion of the VCIAA to extend make most public places, including restaurants, smokefree. This effort failed.
- The City of Norfolk decided to pass an ordinance prohibiting smoking in restaurants in 2007, arguing that it not preempted by the VCIAA because of the city's inherent police powers. The ordinance was rescinded before it went into effect because of complaints by local restaurateurs and the likelihood of a statewide law passing. Statewide public health advocates did not effectively support this effort to test state preemption.
- In 2009 VFHF focused an intense "district campaign" on Assembly Speaker William Howell's (R) home district of Fredericksburg, forcing Howell to stop blocking all clean indoor air legislation. Instead of supporting 100% smokefree legislation, he proposed a weak amendment to the VCIAA that created exemptions for smoking rooms in restaurants. The member organizations of VFHF split in 2009 over support for the Kaine-Howell compromise legislation. After securing an agreement with Gov. Kaine in a back-room meeting, the Kaine-Howell bill passed and was signed into law by Kaine. The law prohibited most smoking in restaurants and bars but allowed separately vented smoking rooms.
- Given strong support from Virginians for stronger clean indoor air laws, Virginia tobacco control advocates should reexamine their strategies. VFHF and its member organizations should provide financial and political resources to expand their successful 2009 Fredericksburg district campaign to repeal preemption. They should also consider identifying and supporting local efforts to enact stronger laws using the Norfolk model.

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INTRODUCTION

Founded as Jamestown Colony in 1607 by members of the Virginia Company, the early years of colonization were extremely difficult. The introduction of tobacco cultivation and export by John Rolfe around 1613, inspired by native cultivation, gave the nascent colony a stable income. Rolfe's contributions allowed the colony to survive because tobacco was the only cash crop grown in the colony at that time. As the colony grew and the capital moved to Williamsburg in 1699, Jamestown diminished in importance, but tobacco remained an important crop throughout the colonial period and the early history of the United States. However, while in recent years tobacco growing in Virginia has diminished and become of minor importance to the state economy, tobacco growing remains a powerful rhetorical tool of the tobacco industry to fight tobacco control efforts.

In the U.S., residents of tobacco-growing states suffer from higher smoking-attributable mortality rates, and other serious health consequences due to higher rates of tobacco use. These consequences are significant; in a tobacco-growing state, 320 deaths per 100,000 are due to smoking-attributable causes, compared to 278 per 100,000 in non-tobacco-growing states.¹ Tobacco-growing states also face greater difficulty promoting tobacco control policies.² On average, tobacco-growing states have half the per capita funding available for tobacco control, one-third of the tobacco excise tax rates, and only one-tenth the population covered by clean indoor air and youth access laws.¹

As a tobacco-growing state with a significant tobacco manufacturing presence and tobacco lobbying effort, health advocates in Virginia has had great difficulty promoting tobacco control policies. However, changing demographics, particularly in suburban Northern Virginia, and consistently strong public support for stronger clean indoor air laws and increased cigarette excise taxes, show that Virginia has the opportunity to move beyond its past and protect its citizens from the health dangers of tobacco use and secondhand smoke.

TOBACCO USE STATISTICS

Tobacco use is the leading preventable cause of death in Virginia, causing more than 9,200 lives each year.^{3,4} The healthcare costs resulting from tobacco use cost the state \$1.92 billion annually in health care bills, including \$369 million in Medicaid payments alone.³ Adult smoking prevalence in Virginia has been similar to, or even a little below, the United States as a whole (Figure 1). From 2002-2005, smoking prevalence declined both nationally and in Virginia at close to the same rate. Starting in 2005, Virginia's prevalence dropped faster than the national average.⁵

Youth smoking prevalence data has been compiled by the Virginia Tobacco Settlement Foundation (VTSF), an entity created by the General Assembly as a result of the Master Settlement Agreement (MSA). The task of the VTSF was to lead the youth tobacco prevention efforts in Virginia, including conducting youth prevalence surveys and compiling youth prevalence information. Between 2001 and 2009, Virginia conducted the Youth Tobacco Survey

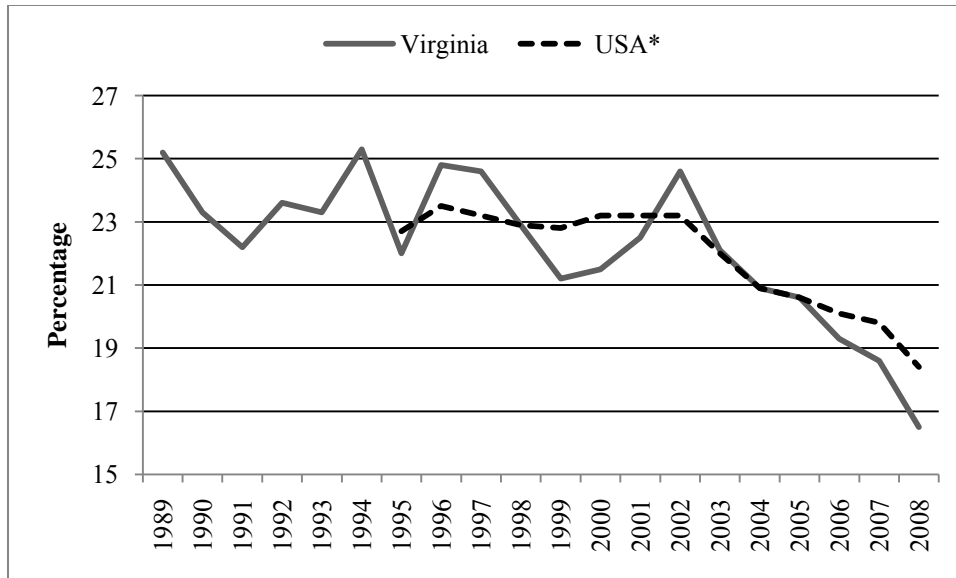


Figure 1: Smoking Prevalence, U.S. and Virginia Compared, 1989-2007⁵

(YTS) modeled on the National Youth Tobacco Survey. This survey is administered in odd numbered years by the Virginia Commonwealth University’s Survey and Evaluation Research Laboratory and Community Health Research Initiative offices, with guidance from the CDC. For the 2007 Virginia YTS survey, more than 2,600 students participated.⁶ The 2007 YTS results showed a general trend of decreased youth prevalence in Virginia. The percentage of ever use of any tobacco product by all students had fallen by a third, from 56% in 2001 to 39% in 2007. For cigarette use, the percentage of ever use students fell for both middle and high school students (from 23% of middle school and 49% of high school students in 2005 to 18% and 41% respectively in 2007) (Figures 2 and 3).⁶ However, Virginia’s youth smoking prevalence trends generally match nationwide trends. (Figure 4).

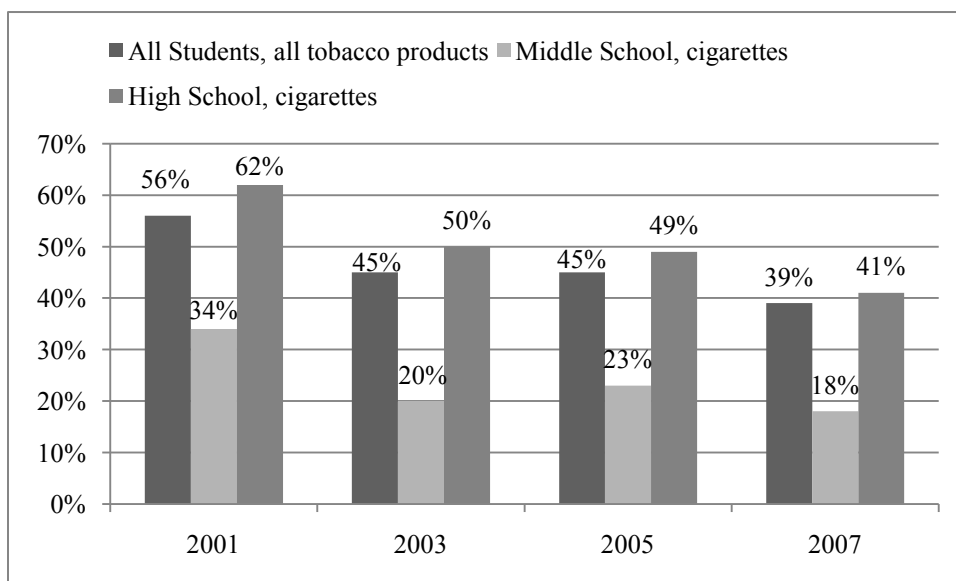


Figure 2: Virginia Youth Smoking Prevalence, Ever Use*, 2001-2007⁶

*: Defined as a student who had either “experimented” with smoking but has smoked less than 100 units during their lifetime) or was a “non-daily current smoker” (smoked 100 or more units, smoked on 1 to 19 of the last 30 days).

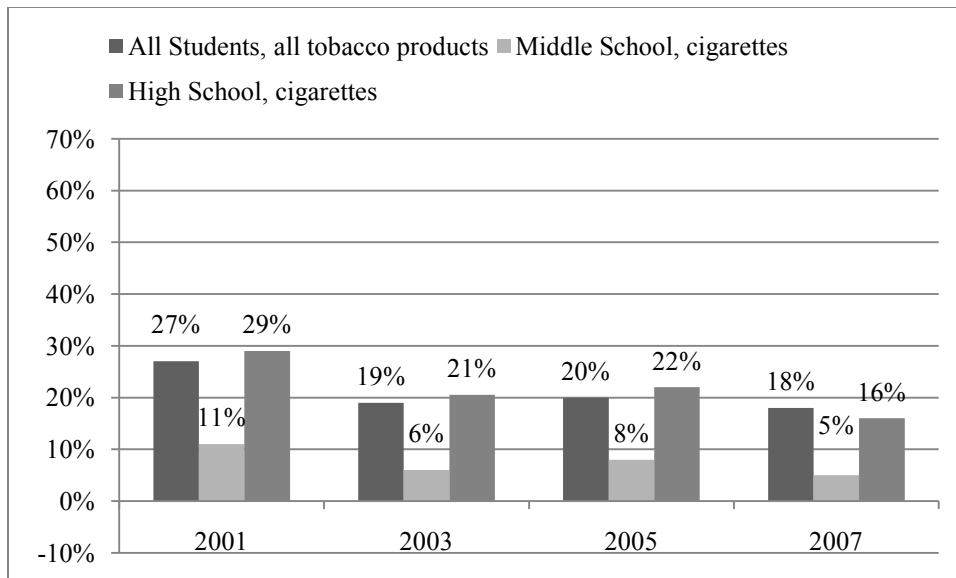


Figure 3: Virginia Youth Smoking Prevalence, Current Use*, 2001-2007⁶

*: Defined as a student who has smoked on one or more of the past 30 days.

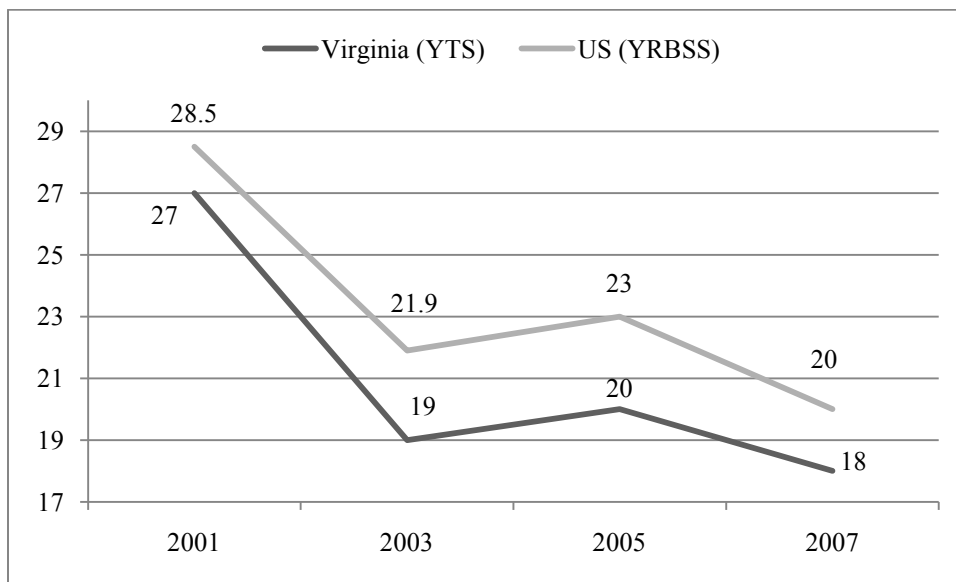


Figure 4: National Youth Smoking Prevalence, Current Smokers*, YRBSS Data, Compared to Virginia Youth Smoking Prevalence, Current Smokers*, YTS Data^{6,7}

*: Defined as a student who has smoked on one or more of the past 30 days.

Tobacco use has resulted in significant medical costs to Virginians. For example, in 2004, the total medical costs from tobacco-related illnesses were \$2.1 billion, amounting to \$2.90 per pack.⁷ Smoking attributable mortality (SAM) per 100,000 persons was slightly less than the US as a whole (Table 1).^{8,9}

Table 1: Smoking Attributable Mortality (SAM), US and Virginia, Totals and per 100,000

	1990-1994	1997-2001	2000-2004
US Total SAM Deaths	419,789	394,498	395,200
US SAM Deaths per 100k	1,633	1,414	1,372
Virginia SAM Total Deaths	9,530	9,291	9,241
VA SAM Deaths per 100k	1,588	1,327	1,320

Centers for Disease Control, US Census Bureau ^{8,9}

The number of Virginians living and working in smokefree places has increased since 1992¹⁰ even though during this period there were no significant legal restrictions on smoking in public places or workplaces (Figures 5 and 6).

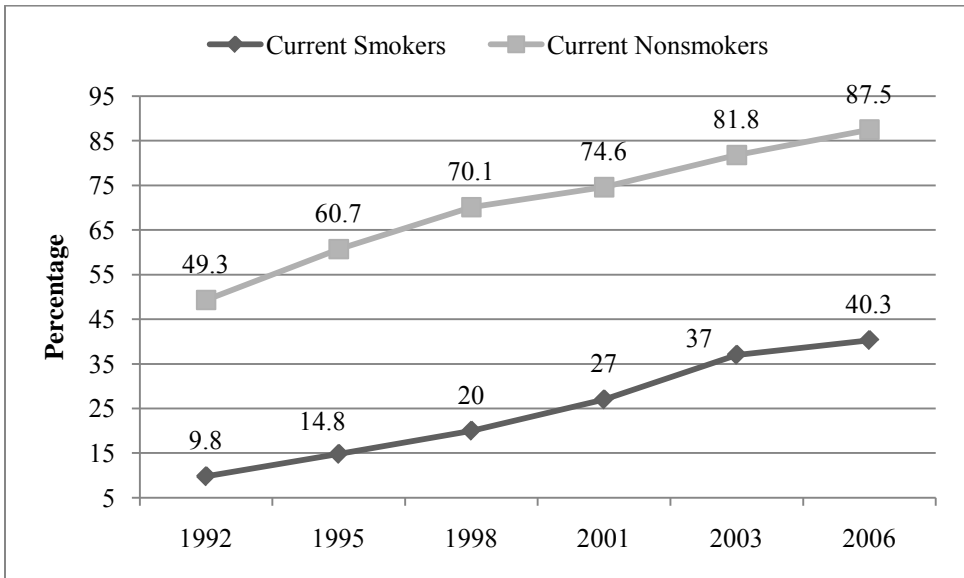


Figure 5: Percentage of Virginians 18 Years and Older Living in Smokefree Homes¹¹

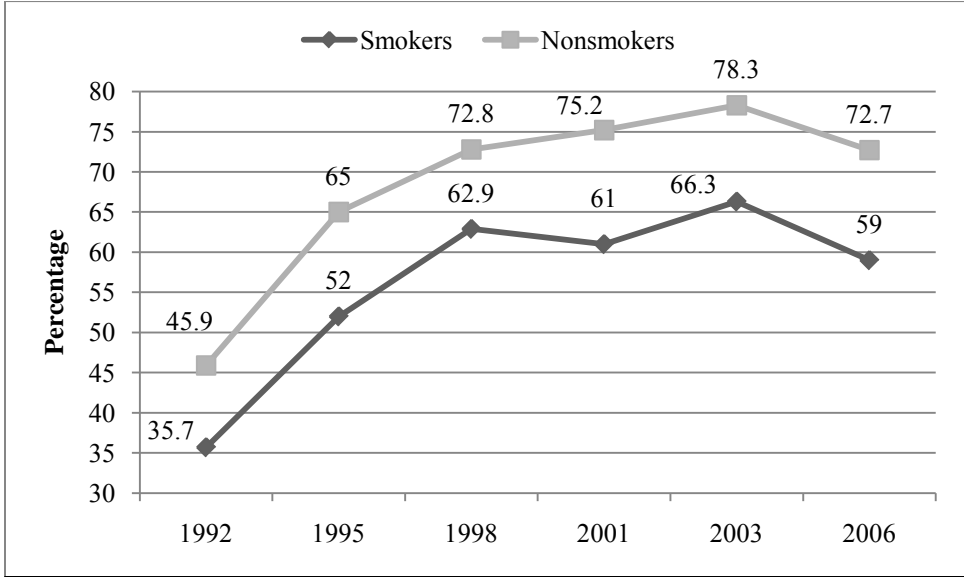


Figure 6: Percentage of Virginia Workers Protected by Indoor Smoking Restrictions at Work¹¹

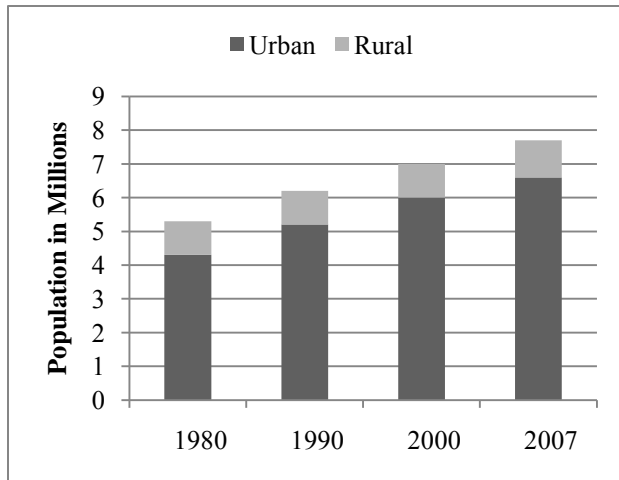


Figure 7: Comparison of Urban and Rural Population in Virginia, 1980-2007

Demographic Information

Virginia has experienced a remarkable influx of new residents to the urban areas between 1980 and 2007 (Figure 7). While rural populations remained stable (making it less likely that rural populations were moving to urban areas), urban areas (especially in Northern Virginia) received large numbers of immigrants from both domestic and international points of origin. In addition, Northern Virginia served as a bedroom community and suburb of Washington, DC. This large concentration of Virginia’s population in urban centers and near Washington, DC created a political divide

within Virginia. Northern and urban areas were generally supportive of tobacco control efforts and leaned liberal in their political affiliations. Rural areas, especially in southwestern and southern areas of the state, tended to be more conservative, resistant to tobacco-control measures, and supportive of tobacco growers and manufacturers.

GOVERNMENT OF VIRGINIA

Governor

Virginia’s executive is unique because the governor may not serve consecutive terms; therefore, unless elected for nonconsecutive terms, the governor may only serve one term.¹¹ Virginia is also one of only 7 states in which the governor has the power to amend a bill after it has passed the General Assembly with a so-called amendatory veto.¹² The amendatory veto allows the governor to “recommend one or more specific and severable amendments to a bill by returning it with his recommendations to the house in which it originated.”¹³ At that point, the General Assembly convenes for a special session after the conclusion of the regular session, during which they can approve the governor’s amendments with a simple majority vote of the members present or reject the governor’s amendments by a two-thirds vote of both houses’ present members. If the Assembly does not agree on any of the amendments or rejects them all, the bill is returned to the governor as it was originally enrolled, without amendments. Whether or not the amendments are accepted or rejected, upon the bill’s return to the governor he or she can sign, veto, or allow it to become law without his or her signature. The governor can only offer one set of amendments per bill.

The Virginia governor’s amendatory veto power is important because it gives the governor a role in directly suggesting legislative language, rather than informally recommending it. This gubernatorial power would play a key role in the 2007 session, when Governor Tim Kaine (D, Total Tobacco Industry Campaign Contributions: \$132,025) attempted to use his amendatory veto to strengthen the provisions of a weak law restricting smoking in restaurants.

While unsuccessful, the action set the stage for the passage of 2009 restaurant smoking legislation.

Powers of State, County, and City Governments

Virginia's localities are given a limited degree of autonomy under a doctrine known as the Dillon's Rule, named after the Iowa judge who articulated the theory in 1868.¹⁴ It states that all local government powers are derived from the state and are granted to the locality specifically by the state as a locality's charter. Six states apply Dillon's Rule: Virginia, Alabama, Idaho, Indiana, Mississippi, and Vermont. Virginia uses a strict construction for Dillon's Rule embodied in the Virginia Constitution article VII, sections 2 and 3, which states that the General Assembly determines what powers local governments may exercise.¹³ However, all localities have some inherent police powers, which allow them to act to safeguard the health, safety, and welfare of their residents. In a Dillon's Rule state like Virginia, these inherent powers are narrowly construed and limited to the essential functions of local government, such as establishing a police department.

The converse doctrine is "home rule," in which a locality is reserved all powers not expressly assigned to the state's government (analogous to the Tenth Amendment of the U.S. Constitution).¹⁴ Essentially, a home rule locality may exercise its inherent powers for any purpose that is not expressly reserved for the state. Virginia had no constitutional provision analogous to the Tenth Amendment, which further limits the extent of a localities' implied powers.

Virginia's localities consist of counties and cities. Counties have very limited inherent powers, and are effectively subdivisions of state government that mainly provide basic local services for their populations and assist in the local implementation of state laws and programs.¹⁵ Compared to counties, cities in Virginia are granted more autonomy to conduct affairs necessary to their local functioning, but are still constrained by Virginia's application of Dillon's Rule. Cities are independent from counties, such that no city is part of the county in which it physically may reside. However, towns are considered parts of the counties in which they reside and serve merely as the local urban service provider of the county government. The distinctions between towns and cities are not well-defined, but for a city to be established, constitutionally-mandated population levels must be met.¹⁴ Cities may be granted express powers after the initial grant of a charter by the General Assembly. These additional powers are usually granted using specific legislation, which targets an individual locality. Rarely, legislation is sought that seeks to expand the powers of some or all cities at the same time. Cities have more autonomy to conduct local affairs through express grants of power from the state contained in their charter and through inherent police powers.

In summary, Dillon's Rule restricts the powers of localities in Virginia when compared with states using "home rule." With regard to tobacco control, Dillon's Rule stands for the presumption that localities are not generally able to regulate tobacco sales, advertising, or use without an express grant of the authority to do so from the General Assembly, unless the local tobacco control action can be considered to fall under the locality's inherent police powers.

THE TOBACCO INDUSTRY IN VIRGINIA

Tobacco Production

After the Civil War, tobacco production grew rapidly. From 1870 to about 1920, the number of acres harvested more than doubled (Figure 8), then started falling. The total value of the tobacco crop peaked around 1950 (Figure 9). The rate of decline increased in the late 1990s, after the Master Settlement Agreement (MSA) that settled state litigation against the tobacco manufacturers in 1998 and again in 2004 at the dissolution of the federal tobacco quota and price support system. In addition, tobacco companies were increasingly buying cheaper tobacco overseas.¹⁶

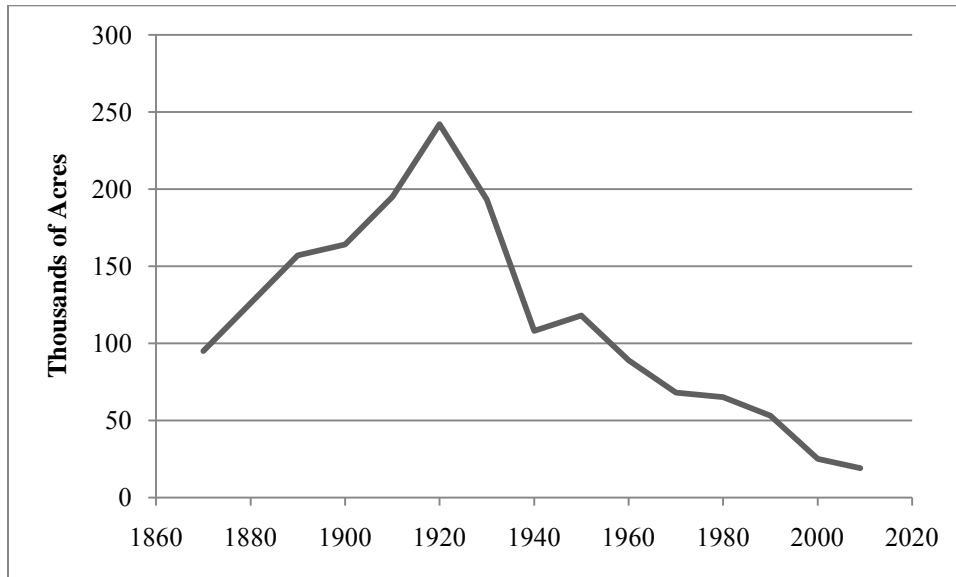


Figure 8: Thousands of Acres of Tobacco Harvested in Virginia 1870-2009²⁰

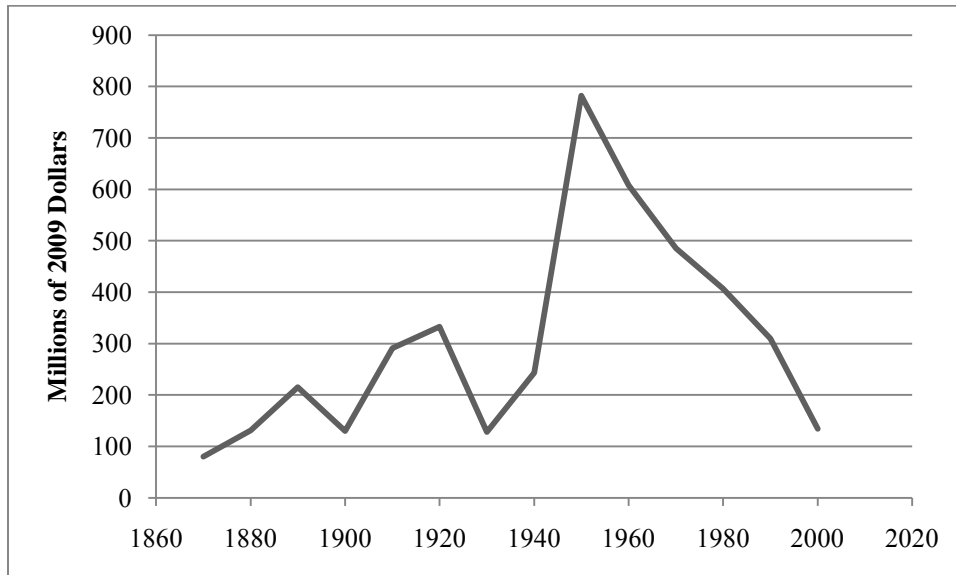


Figure 9: Value of production in millions of 2009 dollars^{20, 21}

In 2007, Virginia ranked fifth in tobacco production among the 18 states which produced tobacco,¹⁷ and in 2008, tobacco was only the fifth most harvested and valuable crop in Virginia, representing less than 9% of the value of the top five crops (Table 2),¹⁸ and only 2.3% of the value of all Virginia agricultural products sold in 2007.¹⁹

Commodity	Acres Harvested (Millions)	Value (Millions of Dollars)
Hay (All Dry)	1.27	\$404
Grain Corn	0.34	\$165
Soybeans	0.57	\$158
Wheat (All)	0.28	\$121
Tobacco (All)	0.02	\$82

Source: USDA NASS¹⁸

Cigarette Manufacturing

Philip Morris USA, a division of Altria Inc., is the predominant cigarette manufacturer in Virginia. The company is headquartered in Richmond and has a major manufacturing facility there, as well as its Center for Research and Technology, a \$350 million complex close to the state capitol. This 450,000 square foot facility is part of the Virginia BioTechnology Research Park and, in 2009, housed more than 500 scientists, engineers, and other employees.²⁰ Both within the city of Richmond and the Greater Richmond metropolitan area, Philip Morris was the largest private employer at the time of this report (Table 3).²⁰

Location	PM Employment	Total Workforce	Percentage Employed by PM
Richmond (City)	5,000 (estimated)	97,174	5.14%
Greater Richmond	10,000 (estimated)	713,909	1.40%

Source: Virginia Economic Development Partnership²¹

RJ Reynolds (RJR) was another manufacturer that has a smaller physical presence but was politically active in Virginia. At points RJR played an important role in the tobacco industry efforts to oppose tobacco control legislation. Steve Pearson, a lobbyist for RJR in the early 1990s, noted that RJR had a strong grassroots presence in the

state.²² Other manufacturers with small presences in Virginia include Swisher, S&M Brands, Star Tobacco, and Virginia Leaf.²³

Tobacco Industry Political Activity

Tobacco Policy Scores

“Tobacco policy scores” were created to quantify the attitudes and voting behavior of legislators in the Virginia General Assembly with regard to tobacco control. Five persons knowledgeable about tobacco control in Virginia were asked to assign a score to each legislator for the 2008-2009 legislative session, then their scores averaged. Scores ranged from 0 to 10, with 0 being extremely pro-tobacco and 10 being extremely pro-tobacco control. Scores were

obtained for all 138 legislators (Appendix D). Legislators with rankings of less than 4 were considered pro-tobacco industry. Scores between 4.0 and 6.0 were considered neutral, and those from 6.1 to 10.0 were considered pro-tobacco control.

The average policy score for the entire General Assembly in the 2008 to 2009 legislative session was a neutral 4.98. This was lower than the average for the Senate (5.66), but higher than the average for the House (4.7). The disparity between Democrats and Republicans was notable: the average score for all 64 Democrats was 7.62, and for all 71 Republicans was 2.82. (The two Independent legislators were both scored at 0.0).

Overall, Virginia had more pro-tobacco policy scores than South Carolina, another tobacco-growing state where policy scores have been collected.² South Carolina's average policy score was higher than Virginia's at 5.68. The House and Senate both had higher average scores, at 6.41 and 5.41 respectively. In addition, Democrats and Republicans both had higher scores, at 7.93 and 4.08 respectively.

Eighteen of the 138 legislators had the lowest (most pro-tobacco) possible score of 0.0 (Table 4). On the other hand, 20 legislators had scores above 9.0 (Table 5).

Table 4: Legislators with Least Favorable Tobacco Policy Scores

Name	Party	Office	District	Score
Abbitt, Watkins M., Jr.	I	H	59	0.0
Cline, Benjamin L.	R	H	24	0.0
Cole, Mark L.	R	H	88	0.0
Gear, Thomas D.	R	H	91	0.0
Gilbert, C. Todd	R	H	15	0.0
Hogan, Clarke N.	R	H	60	0.0
Ingram, Riley E.	R	H	62	0.0
Johnson, Joseph P., Jr.	D	H	4	0.0
Kilgore, Terry G.	R	H	1	0.0
Lohr, Matthew J.	R	H	26	0.0
Marshall, Daniel W., III	R	H	14	0.0
Nixon, Samuel A., Jr.	R	H	27	0.0
Nutter, David A.	R	H	7	0.0
Putney, Lacey E.	I	H	19	0.0
Sherwood, Beverly J.	R	H	29	0.0
Shuler, James M.	D	H	12	0.0
Smith, Ralph K.	R	S	22	0.0
Ware, R. Lee, Jr.	R	H	65	0.0

Table 5: Legislators with Most Favorable Tobacco Policy Scores

Name	Party	Office	District	Score
Saslaw, Richard L.	D	S	35	9.3
Howell, Algie T., Jr.	D	H	90	9.3
Colgan, Charles J.	D	S	29	9.3
Miller, Yvonne B.	D	S	5	9.3
Puller, Toddy	D	S	36	9.3
Amundson, Kristen J.	D	H	44	9.5
Brink, Robert H.	D	H	48	9.5
Morgan, Harvey B.	R	H	98	9.5
Plum, Kenneth R.	D	H	36	9.5
Shannon, Stephen C.	D	H	35	9.5
Spruill, Lionell, Sr.	D	H	77	9.5
Toscano, David J.	D	H	57	9.5
Tyler, Roslyn C.	D	H	75	9.5
Miller, John C.	D	S	1	9.5
Northam, Ralph S.	D	S	6	9.5
Quayle, Frederick M.	R	S	13	9.5
Ticer, Patricia S.	D	S	30	9.5
Englin, David L.	D	H	45	9.8
Howell, Janet D.	D	S	32	9.8
Whipple, Mary Margaret	D	S	31	10.0

Campaign Contributions

Campaign contribution data from 1999 through 2007 were compiled by the National Institute on Money in State Politics from campaign finance disclosure statements filed by candidates and political parties with the relevant state agency.²⁴ Campaign contributions from tobacco companies, tobacco trade organizations, lobbyists, employees of tobacco companies, tobacco warehouses, tobacco growers and tobacco manufacturers were considered to be tobacco-related contributions and were included in the data presented below. Contributions for the 2009 election cycle were not available at the time of publication. Details of tobacco industry campaign contributions for 1999 through 2007 can be found by candidate in Appendix A, by contributor in Appendix B, and by political party in Appendix C.

Virginia has no limits on campaign contributions, therefore the total amount of contributions differed greatly from another tobacco growing state, South Carolina, that did have campaign contribution limits.² This difference probably led to much more money being contributed to Virginia candidates, which in other ways is similar to South Carolina as a southern, tobacco-growing state. (Figure 10). Note that Virginia conducts elections for the state legislature in odd years, while South Carolina conducts them in even years.)

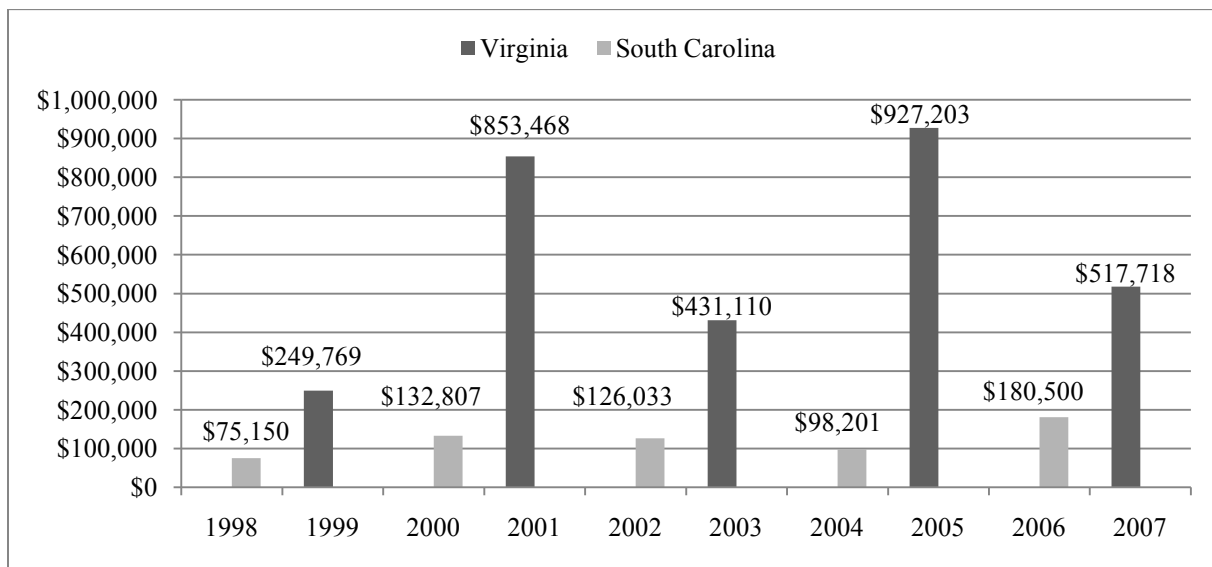


Figure 10: Total Tobacco Industry Contributions, Virginia and South Carolina Source: National Institute on Money in State Politics²⁶

In Virginia, the greatest tobacco industry contributions occurred in the 2001 and 2005 election cycles, which correspond with the gubernatorial elections of Mark Warner (D) and Tim Kaine (D, Total Tobacco Industry Campaign Contributions: \$132,025). As shown in Table 6, contributions to gubernatorial candidates comprised a significant amount of the total contributions during the 2001 and 2005 election cycles. The tobacco industry's contributions to gubernatorial candidates were generally fairly evenly split among the competing candidates.

Campaign contributions to candidates for constitutional offices are shown in Tables 6, 7 and 8.

Year	Party	Candidate	Status	Contribution in election cycle	Total
2001	R	EARLEY, MARK L	L	\$115,342	
	R	HAGER, JOHN	DNR*	\$91,648	
	D	WARNER, MARK R	W	\$113,984	
		Subtotal			\$320,974
2005	D	KAINE, TIMOTHY M	W	\$107,625	
	R	KILGORE, JERRY W	L	\$167,220	
		Subtotal			\$274,845
Total					\$595,819

Source: National Institute on Money in State Politics²⁴
 *DNR: did not run.

Year	Party	Candidate	Status	Contribution in election cycle	Total
2001	R	KATZEN, JAY K	L	\$6,100	
	D	KAINE, TIMOTHY M	W	\$24,400	
		Subtotal			\$30,500
2005	D	BYRNE, LESLIE L	L	\$500	
	R	CONNAUGHTON, SEAN T	PL*	\$13,500	
		Subtotal			\$14,000
Total					\$44,500

Source: National Institute on Money in State Politics²⁴
 * Lost in the primary.

Year	Party	Candidate	Status	Contribution in election cycle	Total
2001	D	MCEACHIN, A DONALD	L	\$5,550	
	R	KILGORE, JERRY W	W	\$29,000	
		Subtotal			\$34,550
2003	R	KILGORE, JERRY W	DNR*	\$25,000	
	R	BARIL, STEPHEN E	DNR*	\$4,200	
		Subtotal			\$29,200
2005	R	BARIL, STEPHEN E	PL†	\$44,956	
	R	MCDONNELL, ROBERT F	W	\$63,042	
		Subtotal			\$107,998
Total					\$171,748

Source: National Institute on Money in State Politics²⁴
 *: Did not run.
 †: Lost in the primary.

While Virginia's House was traditionally hostile to tobacco control legislation, the House General Laws (HGL) committee was particularly so (Table 9). The HGL committee normally hears any legislation that falls outside the purview of the other standing committees. All bills involving the Alcoholic Beverages Control Board or gaming are heard in the ABC/Gaming subcommittee of the HGL committee.²³ Since at least the late 1980s, the HGL committee played a role in the death of many tobacco control bills. Between 2005 and 2008, the HGL committee was the last point of activity for all tobacco control bills heard in the House, with all of them

Member	Party	Policy Score	Total Industry Contributions 1999-2007	Years Served
Wilkins, S. Vance	R	N/A	\$23,862	1999
Diamondstein, Alan	D	N/A	\$2,750	1999-2001
Almand, James	D	N/A	N/A	1999-2003
Woodrum, Clifton	D	N/A	N/A	1999-2003
DeBoer, Jay	D	N/A	\$2,250	1999-2001
Grayson, George	R	N/A	N/A	1999-2001
Phillips, Clarence	D	N/A	\$5,400	1999-2007
Croshaw, Glenn	D	N/A	\$1,750	1999
Armstrong, Ward	D	2.8	\$16,250	1999-2007
Barlow, William	D	8.8	N/A	1999-2007
Day, Barnie	D	N/A	\$4,200	1999-2001
Abbitt, Watkins	D	N/A	\$11,425	1999-2007
Davies III, John	D	N/A	N/A	1999
Williams, Donald	D	N/A	N/A	1999-2001
Reid, John	R	N/A	\$7,500	1999-2007
Cantor, Eric	R	N/A	\$2,000	1999
McClure, Roger	R	N/A	\$500	1999-2001
O'Brien, James	R	N/A	\$5,650	1999-2001
Wagner, Frank	R	1.5	\$12,985	1999
Albo, David	R	1	\$17,650	1999-2007
Hamilton, Phillip	R	4.8	\$12,996	1999
Ingram, Riley	R	0	\$16,020	1999-2001
Wardrup, Leo	R	N/A	\$12,500	1999
May, Joe	R	9	\$5,150	1999-2001
Bryant, L. Preston	R	N/A	\$4,050	1999-2001
Davis, Jo Ann	R	N/A	N/A	1999
Cox, M. Kirkland	R	1.5	\$13,558	2001-2007
Drake, Thelma	R	N/A	\$5,000	2001-2003
Jones, S.C.	R	7.3	\$3,750	2001-2007
McQuigg, Michele	R	N/A	\$3,750	2001-2007
Suit, Terrie	R	N/A	\$1,900	2001-2007
Bolvin, Thomas	R	N/A	\$2,650	2001-2003
Rapp, Melanie	R	N/A	\$3,650	2001-2007
Wright, Thomas	R	0.3	\$31,000	2003-2007
Oder, Glenn	R	8.5	\$5,000	2003-2007
Saxman, Christopher	R	0.3	\$5,250	2003-2007
Marshall, Daniel	R	0	\$11,980	2003-2007
McDougle, Ryan	R	0.5	\$7,650	2003-2005
Gear, Thomas	R	0	\$8,438	2003-2007
Cosgrove, John	R	1.3	\$2,750	2005-2007
Miles, Floyd	D	N/A	\$6,749	2003
Hull, Robert	D	3.3	\$4,750	2005-2007
Ward, Jeion	D	8.8	\$2,250	2005-2007
Howell Jr., Algie	D	9.3	\$2,000	2005
BaCote, Mamyne	D	9	\$2,000	2005
Dance, Rosalyn	D	9	\$2,500	2007
Tyler, Roslyn	D	9.5	\$2,250	2007
Bulova, David	D	6.5	\$1,500	2007

Source: National Institute on Money in State Politics²⁴

dying. Table 9 shows the members of the HGL committee from 1999-2007, their tobacco policy scores, and their total campaign contributions from the period 1999-2007. While the HGL committee average policy score is 4.48 (SD 3.88), which is not strongly pro-tobacco, many HGL committee members received significantly more tobacco industry campaign contributions than a typical Virginia legislator, who received on average less than \$5,000.

Contributions from major tobacco manufacturers comprised the bulk of total tobacco industry contributions, with individual contributions and contributions from smaller tobacco farms and tobacco warehouse facilities contributing relatively small amounts (Table 10). Altria, the parent company of Philip Morris was the single largest contributor to candidates in Virginia from 2001 through 2007. Altria is headquartered in Richmond, and is the largest private employer in the region. US Smokeless Tobacco was also a major contributor, despite being headquartered in Connecticut and having no major manufacturing presence in Virginia. (While not reflected in this data, in 2008 US Smokeless Tobacco was acquired by Altria and subsequently moved its headquarters to Richmond.²⁵) This change may lead to an increased lobbying and campaign contribution role for US Smokeless in the future in Virginia. Contributors of smaller amounts and contributions from individual employees of tobacco industry groups (aggregated as “OTHER” in Table 10) represented about a quarter of the \$2,980,518 contributed by the tobacco industry from 1999-2007.

Table 10: Top Tobacco Industry Contributors, 1999-2007

	1999	2001	2003	2005	2007	Total
ALTRIA /PHILIP MORRIS	\$150,956	\$392,267	\$223,379	\$416,986	\$260,228	\$1,443,816
BROWN & WILLIAMSON TOBACCO	\$14,930	\$25,507	\$5,000	\$0	\$0	\$45,437
LORILLARD TOBACCO	\$7,000	\$83,350	\$33,500	\$13,500	\$500	\$137,850
RJ REYNOLDS TOBACCO	\$29,750	\$66,689	\$54,804	\$58,832	\$26,148	\$236,223
US SMOKELESS TOBACCO	\$0	\$164,200	\$46,468	\$147,297	\$58,357	\$416,322
OTHER	\$47,133	\$121,455	\$67,959	\$290,588	\$173,735	\$700,870
Total	\$249,769	\$853,468	\$431,110	\$927,203	\$518,968	\$2,980,518

Source: National Institute on Money in State Politics²⁴

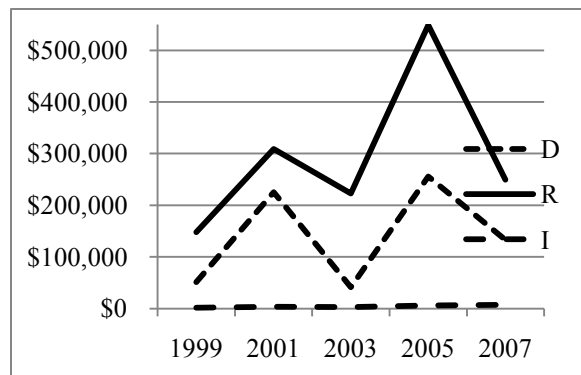


Figure 11: Contributions to Legislative Candidates by Political Party per Election Cycle²⁶

During the period 1999 to 2007, contributions were made to both Democratic and Republican legislative candidates (i.e., excluding candidates for statewide office). When comparing all campaign contributions by party, the tobacco industry contributed significantly more to Republicans than Democrats in all years (Figure 11). 2001 and 2005 correspond to the gubernatorial campaigns that lead to the elections of governors Warner and Kaine, as discussed above, during which campaign contributions for legislative candidates also increased. The largest disparity was in 2005, when contributions to

Republican candidates were \$293,234 greater than contributions to Democrats. The difference was largely proportionate over all election cycles, which is similar to the proportions encountered in South Carolina.² In total, Republican candidates for all offices received about twice the campaign contributions from the tobacco industry than Democrats (Figure 12).

Democrats had controlled the Senate until 1999, when Republicans seized control for the first time in history. From 1999 to 2007 Republicans maintained this majority until Democrats regained control of the Senate in 2007. Democrats controlled the House from 1998-2000, and from 2000-2010 Republicans controlled the House. Therefore, Republicans controlled the entire General Assembly from 1999-2007. The fact that campaign contributions tend to go to the incumbent party partially explains why Republicans were given 209% more contributions in total from 1999-2007 than the Democrats (Figure 11).

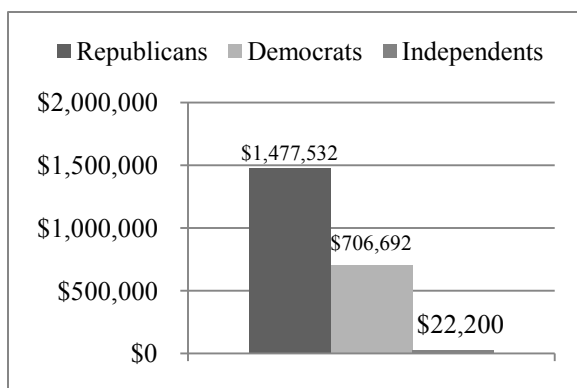


Figure 12: Total Tobacco Industry Contributions to All Political Candidates by Party, 1999-2007
 Source: National Institute on Money in State Politics²⁶

2.5, $P < .0005$ by t-test). There was no significant different in policy scores between the two houses of the legislature ($P = .18$).

Republican legislators received significant greater campaign contributions than Democrats in 2007 (median \$2544 vs \$1175, $P < .0005$ by Mann-Whitney rank sum test) and in total (\$5919 vs \$2125, $P < .0005$). Members of the Senate received significant greater contributions than members of the House in 2007 (median \$3000 vs \$1250, $P < .0001$ by Mann-Whitney rank sum test) and in total (median \$7575 vs \$3825, $P = .013$).

Policy scores indicated that Republicans were also significantly more pro-tobacco industry than Democrats (mean 2.8 ± 3.1 [SD] vs $7.6 \pm$

To investigate the relationship between policy scores and campaign contributions, we conducted a regression of policy score against party, amount of contributions and house. Because Sen. Walter Stosch (R – Henrico, Policy Score 0.8) received substantially more money than any other member of the legislature, \$ 43,245 in 2007 and a total of \$90,072 from 1999 to 2007, with the next largest contributions being given to Del. Robert McDonnell (R – Virginia Beach; later Attorney General from January 2006 to February 2009, and Governor from 2010 on) received no contributions as a legislator in 2007 but from 1999 to 2007 received \$67,242, we included a dummy variable for him in the analysis to control for the fact that, because he was such an outlier, he was a leverage point in the regression. Table 11 shows the result of this analysis. These results show that, as with the univariate analysis, Republicans were significantly more pro-tobacco than Democrats. Controlling for party and house, for every \$1000 in campaign contributions received in 2007, legislators were -.6 points more pro-tobacco industry ($P < .0005$) and for every \$1000 in total contributions they were on average -.1 points more pro-tobacco.

Contributions in 2007			
Constant	4.10	0.51	<.0005
Democratic Party	4.14	0.50	<.0005
Senate Member	1.34	0.56	0.017
Stosch Dummy Variable	21.95	6.87	<.0005
\$1000 Contribution	-0.61	.16	<.0005
R ² = 0.49			
Total Contributions			
Constant	3.70	0.44	<.0005
Democratic Party	4.21	0.49	<.0005
Senate Member	1.12	0.54	0.039
Stosch Dummy Variable	9.57	4.20	0.024
\$1000 Contribution	-0.15	.04	<.0005
R ² = 0.49			

Several individual legislators received a total of more than \$20,000 during the 1999 to 2007 period (Table 12). In 2000, Sen. Stosch joined the Board of Directors of Universal Corporation, a Richmond-based tobacco leaf processor and merchant, while he was a sitting senator.²⁶ Stosch supported preemption of local smoking restrictions in the debate over a statewide smoking law in 1990,²⁷ and sponsored Philip Morris-supported legislation in 2005 to end alleged anticompetitive practices by smaller tobacco manufacturers.²⁸ Philip Morris contributed \$35,279 of Stosch's \$90,072 total tobacco industry campaign contributions from 1999-2007. Del. McDonnell received the second-highest amount of tobacco industry contributions. McDonnell opposed tobacco control measures; notably, as Attorney General in 2009 McDonnell opposed restaurant smoking restrictions proposed by the powerful Republican House Speaker William Howell (Fredericksburg, Policy Score 0.3, Total Tobacco Industry Campaign Contributions: \$12,400). Del. William Bolling (R – Henrico County), while receiving the third-highest tobacco industry campaign contributions, generally remained silent on tobacco issues but was a strong proponent of childhood obesity prevention.²³

Recipient	Party	Office	Dist.	Contribution	Policy Score for 2008/2009 Session
STOSCH, WALTER A	R	S	12	\$90,072	0.8
MCDONNELL, ROBERT F (BOB)	R	H	84	\$67,242	N/A
BOLLING, WILLIAM T (BILL)	R	S	4	\$44,300	N/A
CLEMENT, WHITT W	D	H	20	\$39,825	N/A
HALL, FRANKLIN P	D	H	69	\$36,150	N/A
DEEDS, R CREIGH	D	S	25	\$35,150	6.7
PUCKETT, PHILLIP P	D	S	38	\$32,983	6.5
WRIGHT JR, THOMAS C	R	S	15	\$31,000	0.3
NORMENT JR, THOMAS K	R	S	3	\$24,037	8.0
WILKINS JR, S VANCE	R	H	24	\$23,862	N/A

Source: National Institute on Money in State Politics²⁴

The tobacco industry also makes contributions to political parties and party committees, often to circumvent campaign contribution limits to individual candidates. The contributions of Virginia parties and committees are shown in Table 13, and the ratio of Republican to Democratic party contributions is not as dramatic as the ratio to individual candidates (Figure 12).

Democratic Party	1999	2001	2003	2005	2006	2007	Total
COMMONWEALTH VICTORY FUND OF VIRGINIA	\$20,805	\$66,705	\$48,225	\$40,928		\$60,687	\$237,350
VIRGINIA DEMOCRATIC PARTY	\$1,500	\$7,500	\$8,000	\$7,500		\$2,500	\$27,000
VIRGINIA SENATE DEMOCRATIC CAUCUS				\$4,750		\$8,500	\$13,250
Subtotal for Democratic Party	\$22,305	\$74,205	\$56,225	\$53,178		\$71,687	\$277,600
Republican Party	1999	2001	2003	2005	2006	2007	Total
21ST CENTURY FREEDOM PAC					\$6,000		\$6,000
JOINT REPUBLICAN CAUCUS OF THE VIRGINIA GENERAL ASSEMBLY	\$21,800	\$31,381	\$55,945	\$11,613		\$120,739	
VIRGINIA REPUBLICAN PARTY		\$210,125	\$51,718	\$24,750		\$4,452	\$291,045
VIRGINIA REPUBLICAN SENATE LEADERSHIP TRUST				\$26,750		\$51,460	\$78,210
VIRGINIA REPUBLICAN SENATORIAL CMTE	\$5,000						\$5,000
Subtotal for Republican Party	\$26,800	\$241,506	\$107,663	\$63,113		\$176,650	\$374,254
Other	1999	2001	2003	2005	2006	2007	Total
COMMONWEALTH COALITION INC					\$1,250		\$1,250
Total for All Political Party Contributions	\$49,105	\$315,711	\$163,888	\$116,291	\$7,250	\$248,338	\$659,105

Source: Source: National Institute on Money in State Politics²⁴

Recipient	P	O	D	Policy Score for 2008/2009 Legislative Session
ALMAND, JAMES F.	D	H	47	N/A
BAKER JR, THOMAS G	R	H	7	N/A
BARLOW, WILLIAM K	D	H	64	8.8
BEHM JR, I. VINCENT	D	H	91	N/A
BLOXOM, ROBERT S	R	H	100	N/A
BOUCHARD, JOSEPH F (JOE)	D	H	83	6.0
BROMAN JR, GEORGE E	R	H	30	N/A
CHRISTIAN, MARY T	D	H	92	N/A
COURIC, EMILY	D	S	25	N/A
CRITTENDEN, FLORA D	D	H	95	N/A
DARNER, L KAREN	D	H	49	N/A
EISENBERG, ALBERT C	D	H	47	9.0
GRAYSON, GEORGE W	D	H	97	N/A
VAN LANDINGHAM, MARIAN A	D	H	45	N/A
MOSS JR, THOMAS W	D	H	88	N/A
VANDERHYE, MARGARET G	D	H	34	8.5
WILLIAMS, DONALD L	D	H	86	N/A
WOODRUM, CLIFTON A	D	H	11	N/A
VAN YAHRES, MITCHELL	D	H	57	N/A

Source: National Institute on Money in State Politics²⁴

Nineteen legislators did not receive campaign contributions from the tobacco industry during the 1999 to 2007 period (Table 14). Despite this, none of them were particularly strong allies of Virginia tobacco control advocates. All except three were Democrats, which again illustrates that in Virginia Democrats were less likely to receive tobacco industry

campaign contributions than Republicans. In addition, the available policy scores for legislators who did not receive tobacco industry campaign contributions averaged 7.4, with three of those being higher than 8.5. This lack of tobacco industry campaign contributions may be associated with higher tobacco policy scores (i.e., more anti-tobacco industry positions).²⁹

Lobbying

Lobbyists in Virginia must register with the Virginia Secretary of the Commonwealth, and lobbying expenditures must be reported every twelve months (for May 1 to April 30). These expenditures are available in a publically accessible database hosted by the Secretary of the Commonwealth.³⁰ Available data extends back to the 2006 legislative session.

The tobacco industry relies on a well-funded and politically connected lobbying effort to oppose tobacco control legislation.²⁹ Highly-paid tobacco industry lobbyists often forge relationships with powerful legislative allies in order to use quiet, behind-the-scenes tactics to advance the industry’s policy goals.²⁹ By creating such an “insider” network and consistently outspending health advocates, the tobacco industry has been very successful in its lobbying efforts at a state level.²⁹ This situation also prevails in Virginia, where the tobacco industry invested heavily in lobbying. The industry outspent tobacco control advocates nearly 3 to 1 from 2005 to 2009. In total, the tobacco industry spent \$2,054,355 from 2005 through 2009 compared to tobacco control interests, which spent \$691,305 (Figure 13). Altria/Philip Morris alone spent \$778,042, the largest amount of any other individual tobacco industry entity.

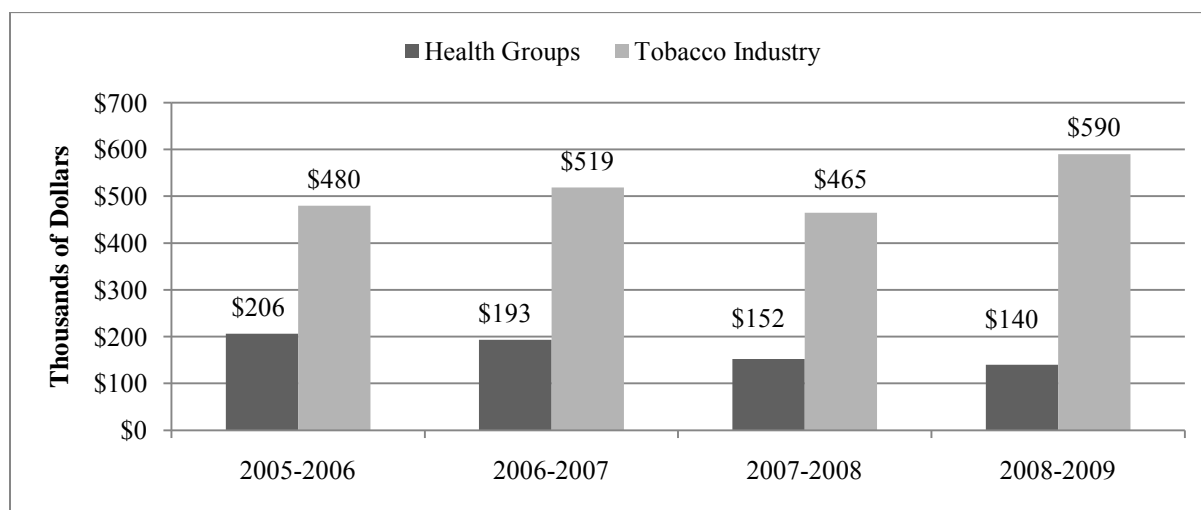


Figure 13: Totals of Lobbyist Expenditures, Health Groups Compared to Tobacco Industry.³²

Table 15 lists the individual lobbyists for the tobacco industry and associated interest groups by principal, with totals by year and individual, and illustrates the well-funded and extensive lobbying apparatus that the tobacco industry was able to implement in Virginia.

Principal	Lobbyist	2005-2006	2006-2007	2007-2008	2008-2009	Total
Altria/PM	Charles J. Davis III	\$50	\$50	\$50	\$50	\$200
	J. Christopher Jankowski	\$8,383	\$4,216	\$8,383	\$25,050	\$46,032

Table 15: Tobacco Industry Lobbyists and Lobbying Expenditures

Principal	Lobbyist	2005-2006	2006-2007	2007-2008	2008-2009	Total
	James M. Frye	\$4,050	\$5,050	\$10,050	\$10,050	\$29,200
	Jodi M. Roth	\$50	\$50	\$50	\$50	\$200
	Christine J. Davis Christy Tomlinson Morton	\$55,050	\$56,300	\$60,050	\$40,050	\$211,450
	Ed Beauchemin	\$30,050	\$20,000	*	*	\$50,050
	Jennifer A. Vitoulkas	*	\$50	\$50	\$50	\$150
	John L. Marshall Jr.	\$32,050	*	*	*	\$32,050
	John S. Rainey Jr.	\$47,111	\$118,312	\$55,474	\$187,613	\$408,510
Altria/PM TOTALS		\$176,844	\$204,078	\$134,157	\$262,963	\$778,042
Lorillard	Beatriz G. McDougle	*	\$7,050	\$15,147	*	\$22,197
Lorillard TOTALS		\$0	\$7,050	\$15,147	\$0	\$22,197
Reynolds American	Aaron Senich	*	*	\$0	*	\$0
	Earl Simms	*	*	\$0	*	\$0
	Heath Salva	*	*	*	\$0	\$0
	James Allis	*	*	\$0	*	\$0
	Jason Miller	*	*	\$0	*	\$0
	Ken Collins		*	\$0		\$0
	Lindsay Miller	*	*	\$0		\$0
	Nicholas T. Halliwell	*	*	\$91,971	*	\$91,971
	Stacey Disterhof	*	*	\$0	*	\$0
	Steven W. Pearson	*	*	\$22,564	\$21,334	\$43,898
	Timothy Kraft	*	*	*	\$23,880	\$23,880
	Timothy W. McKinney	*	*	\$0	*	\$0
Reynolds American TOTALS		\$0	\$0	\$114,535	\$45,214	\$159,749
RJ Reynolds	Steven W. Pearson	\$34,628	\$15,007	*	*	\$49,635
RJ Reynolds TOTALS		\$34,628	\$15,007	\$0	\$0	\$49,635
S&M Brands	Charles R. Duvall Jr.	\$6,369	\$1,899	\$9,320	\$7,580	\$25,168
	Dennis P. Gallagher	*	\$0	\$0	\$0	\$0
	Gerald C. Canaan II	*	\$0	*	*	\$0
	Melanie R. Gerheart	*	\$0	\$0	*	\$0
	W. Scott Johnson	\$1,656	\$225	*	*	\$1,881
S&M Brands TOTALS		\$8,025	\$2,124	\$9,320	\$7,580	\$27,049
Swedish Match	Andrew M. Verhorn	*	*	*	\$50	\$50
	Beatriz G. McDougle	\$50	\$20,805	\$9,371	\$42,006	\$72,232
	Dan Mulvaney	*	*	*	\$50	\$50
	Jeff Gregson	*	*	*	\$3,350	\$3,350
	Robert W. Shinn	\$21,289	\$50	\$50	\$50	\$21,439
Swedish Match TOTALS		\$21,339	\$20,855	\$9,421	\$45,506	\$97,121
Swisher International	Jeff D. Smith III	\$10,590	\$12,445	\$11,225	\$13,005	\$47,265
	Jeff. D Smith IV	\$0	*	*	*	\$0
Swisher International TOTALS		\$10,590	\$12,445	\$11,225	\$13,005	\$47,265
Universal Leaf	Mark T. Bowles			\$340	\$11,620	\$11,960

Table 15: Tobacco Industry Lobbyists and Lobbying Expenditures

Principal	Lobbyist	2005-2006	2006-2007	2007-2008	2008-2009	Total
	Melissa Neff	*	*	\$0	\$0	\$0
	Todd Patterson Haymore	*	\$13,370	\$0	*	\$13,370
Universal Leaf TOTALS		\$0	\$13,370	\$340	\$11,620	\$25,330
UST	Christopher R. Nolen	*	\$0	\$0	\$0	\$0
	Joshua Sanders	*	*	\$10,336	*	\$10,336
	Mark Pratt	\$0	\$50	*	*	\$50
	Reginald N. Jones	\$25,450	\$46,440	\$21,802	\$36,833	\$130,525
	Sandra D. Bowen		\$0	\$0	\$0	\$0
	Sean Collins	*	*	*	\$6,446	\$6,446
UST TOTALS		\$25,450	\$46,490	\$32,138	\$43,279	\$147,357
VA AFLCIO	Doris Crouse-Mays	*	*	\$24,845	\$21,403	\$46,248
	James R. Leaman	*	*	\$25,247	\$21,662	\$46,909
VA AFLCIO TOTALS		\$0	\$0	\$50,092	\$43,065	\$93,157
VA Farm Bureau Federation	Andrew W. Smith	\$11,297	\$8,298	\$14,326	\$9,345	\$43,266
	Brock Herzberg	\$9,035	\$7,520	\$50	*	\$16,605
	Lindsay P. Reames	*	\$5,090	\$8,635	\$6,248	\$19,973
	Martha Moore	\$56,248	\$39,410	\$47,155	\$36,718	\$179,531
	Susan B. Rubin	\$1,298	*	*	*	\$1,298
	William Trey Davis	*	*	\$68	\$1,705	\$1,773
	Wilmer N. Stoneman III	\$15,003	\$10,418	\$16,185	\$11,187	\$52,793
VA Farm Bureau Federation TOTALS		\$92,881	\$70,736	\$86,419	\$65,203	\$315,239
VA Hospitality and Travel Assoc.	Barrett Hardiman	*	*	\$30,300	*	\$30,300
	Barry L. Hawkins	*	*	\$20,126	\$1,050	\$21,176
	Jacqueline S. McClenney	\$0	\$0	*	*	\$0
	Julia Hammond		\$31,646	*	*	\$31,646
	Julia M. Ciarlo	\$0	*	*	*	\$0
	Lee E. Goodman	*	\$0	*	*	\$0
	Lisa A. Foster	\$0	\$0	\$0	\$0	\$0
	May H. Fox	\$0	\$0	*	\$0	\$0
	Megan Svajda	*	*	*	\$28,315	\$28,315
	Nicole A. Riley	*	*	\$0	\$0	\$0
	Rich Savage	*	*	*	\$0	\$0
	Thomas A. Lisk	\$35,200	\$40,250	\$40,404	\$42,890	\$158,744
VA Hospitality and Travel Assoc. TOTALS		\$35,200	\$71,896	\$90,830	\$72,255	\$270,181
Virginia Agribusiness Council	Amy Kathleen Kyger Frazier	\$1,912	\$2,570	\$3,271	\$3,282	\$11,035
	Donna Pugh Johnson	\$16,924	\$16,162	\$23,085	\$22,369	\$78,540
Virginia Agribusiness Council TOTALS		\$18,836	\$18,732	\$26,356	\$25,651	\$89,575
Virginia Retail Merchants Assoc.	Cathie J. France	\$0	*	*	*	\$0
	H. Benson Dendy III	\$10,914	*	*	*	\$10,914
	Jacqueline S. McClenney	\$0	\$0	*	*	\$0
	Laurie Peterson Aldrich	\$20,650	\$16,243	*	*	\$36,893

Table 15: Tobacco Industry Lobbyists and Lobbying Expenditures						
Principal	Lobbyist	2005-2006	2006-2007	2007-2008	2008-2009	Total
	Lisa A. Foster	\$0	\$0	*	*	\$0
	May H. Fox	\$0	\$0	*	*	\$0
	Myles G. Louria	\$0	*	*	*	\$0
	Thomas A. Lisk	\$24,200	\$20,200	*	*	\$44,400
Virginia Retail Merchants Assoc.						
TOTALS		\$55,764	\$36,443	\$0	\$0	\$92,207
Tobacco Industry Lobbyist Expenditures TOTAL						
		\$479,557	\$519,226	\$465,445	\$590,127	\$2,054,355
Source: Virginia Secretary of the Commonwealth ³⁰						
*: Not registered as a lobbyist during this time period.						

Table 16 lists the individual lobbyists for the health groups by principle, with totals by year and individual, and by comparison to Table 15 shows the degree to which the tobacco industry was able to out-spend health advocates

Table 16: Health Advocacy Groups Lobbyists and Lobbying Expenditures						
Principal	Lobbyist	2005-2006	2006-2007	2007-2008	2008-2009	Total
ACS	Ann Vaughan	\$4,000	*	\$0	*	\$4,000
	Anthony Livingston	\$10,000	\$0	\$0	\$0	\$10,000
	David H. Hallock Jr.	*	\$0	*	*	\$0
	Eloise B. Coyne	\$0	*	*	*	\$0
	Frederick P. Helm	*	\$0	*	\$0	\$0
	Joel Andrus	\$0	*	\$0	\$0	\$0
	John-Garrett Kemper	\$0	*	*	*	\$0
	Katie A. Pepe	\$7,200	\$8,000	*	*	\$15,200
	Kay A. Kemper	\$7,284	*	\$6,410	\$7,206	\$20,900
	Keenan A. Caldwell	\$13,000	\$20,000	*	*	\$33,000
Marianne M. Radcliff	*	\$0	*	*	\$0	
ACS TOTAL		\$41,484	\$28,000	\$6,410	\$7,206	\$83,100
AHA	Cathleen Smith Grzesiek	\$9,083	\$15,800	\$15,452	\$7,055	\$47,390
	Teresa T. Gregson	\$3,575	\$11,250	\$9,650	\$11,000	\$35,475
AHA TOTAL		\$12,658	\$27,050	\$25,102	\$18,055	\$82,865
ALA	Ashley George	\$50	*	*	*	\$50
	David DeBiasi	\$291	\$427	\$3,208	\$1,550	\$5,476
	David L. Bailey Jr.	\$20,050	\$20,000	\$15,100	\$1,550	\$56,700
	Deborah C. Bryan	*	*	\$50	*	\$50
	Donna M. Reynolds	\$20,635	*	*	*	\$20,635
	Kristen Bailey-Hardy	*	\$50	\$0	*	\$50
	Terry Reid Hargrove	\$1,866	\$17,894	*	*	\$19,760
ALA TOTAL		\$42,892	\$38,371	\$18,358	\$3,100	\$102,721
March of Dimes	Karin Talbert Addison	\$8,867	\$8,884	\$8,885	\$5,185	\$31,821
March of Dimes TOTAL		\$8,867	\$8,884	\$8,885	\$5,185	\$31,821
Medical Society of Virginia	Amy K. Hewett	*	*	\$10,050	\$11,392	\$21,442
	Ann Hughes	\$13,550	\$10,500	\$10,500	\$11,892	\$46,442

Table 16: Health Advocacy Groups Lobbyists and Lobbying Expenditures						
Principal	Lobbyist	2005-2006	2006-2007	2007-2008	2008-2009	Total
	Gerald C. Canaan II	\$0	\$0	\$0	\$0	\$0
	J. Keith Hare	\$20,758	\$23,591	\$22,050	\$23,392	\$89,791
	Janna G. Combs	*	*	*	\$0	\$0
	Jeffery T. Buthe	*	\$50	\$550	\$550	\$1,150
	Melanie R. Gerheart	\$10,050	\$10,050	\$10,050	*	\$30,150
	Michael Jurgensen	\$1,050	\$1,050	\$1,050	\$1,050	\$4,200
	Paul L. Kitchen	\$550	\$550	*	*	\$1,100
	Robin Cummings	*	*	*	\$800	\$800
	Rufus Phillips	*	*	\$3,050	\$3,050	\$6,100
	Tyler Siegel Cox	\$0	\$0	\$0	\$0	\$0
	W. Scott Johnson	\$53,758	\$41,915	\$34,186	\$53,602	\$183,461
Medical Society TOTAL		\$99,716	\$87,706	\$91,486	\$105,728	\$384,636
VFHF	Ashley George	\$50	*	*	*	\$50
	David L. Bailey Jr.	\$50	*	*	*	\$50
VFHF TOTAL		\$100	\$0	\$0	\$0	\$100
Virginia Nurses Association	Leslie F. Herdegen	\$718	\$2,572	\$1,954	\$0	\$5,244
	Rebecca Bowers-Lanier	\$0	\$0	\$0	\$718	\$718
	Sallie Eissler	*	*	\$50	*	\$50
	Susan Motley	*	*	\$50	*	\$50
VA Nurses Assoc. TOTAL		\$718	\$2,572	\$2,054	\$718	\$6,062
TOTAL		\$206,435	\$192,583	\$152,295	\$139,992	\$691,305
Source: Virginia Secretary of the Commonwealth ³⁰						
*: Not registered as a lobbyist during this time period.						

Tobacco Industry Allies

The tobacco industry in Virginia counted on a broad range of allied interest groups to further its aims. For the most part, the groups made themselves available to industry interests to lobby against perceived anti-tobacco legislation. In some instances, the groups formed coalitions in order to more effectively oppose bills, often organized and implemented by the Tobacco Institute. For example, in 1989 the Tobacco Institute lined up a coalition of nine of the groups listed in Table 17 to oppose clean indoor air legislation expected to be introduced in the 1990 session.³¹

As elsewhere, the tobacco industry used trade and hospitality groups to help oppose clean indoor air laws as part of the industry's continuing program to manipulate such groups into being more credible spokespersons for the industry's positions.³² Nationally, Philip Morris was the first tobacco company to initiate a campaign to recruit hospitality industry groups. In 1989, PM employed these relationships to oppose clean indoor air legislation and to distribute industry-developed rhetoric concerning accommodation of smokers, which pressured lawmakers to weaken the language of proposed restrictions.³² Also, hospitality groups were used to promote the claim that economic losses for hospitality establishments would result from smoking restrictions, despite the fact that such claims have been proven false.^{32, 33}

Virginia Chamber of Commerce	Virginia Farm Bureau Federation
Virginia Manufacturers Association	Virginia Agribusiness Council
Virginia Food Dealers Association	Virginia AFL-CIO
Virginia Wholesalers and Distributors Association	Virginia Tobacco Warehouse Associations
Virginia Retail Merchants Association	Tobacco Growers' Information Committee
Virginia Hospitality and Travel Association	Concerned Friends for Tobacco
Reynolds Metals Company	Virginia Tobacco Growers' Association
Virginia Petroleum, Convenience, and Grocery Association	
Source: Tobacco Institute ³¹	

The Virginia Hospitality and Travel Association (VHTA) had been a primary ally of tobacco industry interests in Virginia. Its subgroup, the Virginia Restaurant Association (VRA), was also the main statewide organization for restaurants, VRA

having merged with the VHTA in 1993. The VHTA had been an ally of the tobacco industry since at least 1988, and had participated in a number of activities promoting tobacco industry positions, such as working with the Tobacco Institute to establish a network of industry-favorable restaurants and hotels.³⁴ VHTA was also part of the tobacco industry coalition that opposed the 1990 Virginia Indoor Clean Air Act (VICAA),³⁵ and opposed clean indoor air legislation up to and including the 2009 VICAA revision of restaurant smoking restrictions.

Convenience store trade associations, including petroleum marketers, were allied with tobacco industry interests nationwide to oppose youth access restrictions and increased cigarette excise taxes.² In Virginia, the Virginia Petroleum, Convenience, and Grocery Association supported the tobacco industry's "We Card" youth access initiative in the 1990s.³⁶ They also opposed increased cigarette excise taxes, including a 2009 attempt by Virginia tobacco control groups.

Business groups were allied with the tobacco industry since at least the 1960s. For example, Philip Morris was a corporate member of the Virginia Chamber of Commerce since at least 1967.³⁷ The Virginia Chamber of Commerce later worked closely with the Tobacco Institute to undermine efforts to enforce statewide clean indoor air laws in the early 1990s.³⁸

Tobacco Institute

The Washington, DC-based Tobacco Institute (TI), founded in 1958, was the major tobacco manufacturers' primary public relations and lobbying organization, until it was dissolved in 1998 as a result of state lawsuits against the tobacco industry. TI retained one of the most influential lobbyists on the tobacco industry side, Anthony F. Troy, from at least 1988 until TI dissolved in 1998 (Table 18).³⁹ Troy was a former Virginia Attorney General, serving from 1977 to 1978. In addition, Troy was a partner with the influential law firm Troutman Sanders since 1978, and was a lobbyist for Brown, Williamson & Lorillard from 1998 to 2001.⁴⁰ Troy's long-running presence in Virginia as a TI lobbyist and his prestige as a former attorney general gave TI a strong voice in Richmond. As of 2009, Troy was still a registered lobbyist in Virginia, but did not list any tobacco industry entities as clients for the period of lobbyist disclosure information available (2005 through 2009).³⁰

	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Anthony Troy	\$35,000	\$40,000	\$43,000	\$43,000	\$48,000	\$60,000	\$62,000	\$64,000	\$68,000	\$70,000

Source: Tobacco Institute⁴¹⁻⁵⁰

The Tobacco Institute also supported tobacco industry-aligned interests, which in return provided the Tobacco Institute and tobacco manufacturers with a source of grassroots support (Table 19).⁴⁰

	1995	1996	1997	1998
VA Chamber of Commerce	\$2,000		\$0	
Virginia Free	\$2,000	\$2,000	\$2,000	\$1,000
VA Assoc. of Counties	\$500	\$500	\$500	\$500
VA Retail Merchants Assoc.	\$500	\$500	\$500	\$500
VA Farm Bureau	\$500	\$500	\$500	\$500
VA Wholesalers and Distributors		\$500	\$600	
Metro Chamber of Commerce		\$500	\$500	\$500

Source: Tobacco Institute⁴¹⁻⁵⁰

TI also had several employees who were influential in organizing activities in Virginia. One employee was Page Sutherland, who served as the regional director for TI in the region that included Virginia. Sutherland had started in 1967 with the Richmond office of the Tobacco Tax Council (TTC) to oppose cigarette excise taxes, and was funded by the tobacco manufacturers in much the same way as TI. The Richmond TTC merged with the TI in 1982, and its employees were incorporated into TI.

The Tobacco Action Network (TAN) served as the grassroots arm of the TI and was composed of manufacturers' employees and sales representatives, wholesalers, retailers, and the general public. It was started in 1977 with the purpose of conducting such grassroots activities as letter-writing campaigns. TAN was operated out of the TI general budget.⁵¹ TAN's Southeastern area manager was John Bankhead. His district covered the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.⁵² Page Sutherland was also a State Director for Virginia with TAN.⁵³

TAN was not implemented in the tobacco-growing southeastern states until after 1982. In 1982, the Tobacco Institute determined that these states required additional efforts to establish relationships with tobacco growers so that TAN could count on their assistance when needed.⁵⁴ The hesitancy meant that in the interim, TAN would focus on gathering support only from the employees of tobacco manufacturers, wholesalers, retailers, and suppliers.⁵⁴

In Virginia, TAN attended hearings to oppose local smoking restrictions, such as the 1979 Falls Church smoking ordinance (discussed below).⁵⁵ However, after this TAN does not appear to have played a very active role in changing legislative opinions or garnering media attention. In a 2009 interview, Anthony Troy, who was the Tobacco Institute's primary lobbyist in Virginia since 1980, recalled that TAN played little if any role in the tobacco industry's activities in Virginia.⁴⁰

Tobacco Growers and Grower Associations in Virginia

The relationships between tobacco growers and tobacco growing associations with the tobacco industry were not formalized, but existed due to an implicit understanding of the dovetailing interests of the tobacco industry and the growers; the Virginia Farm Bureau, for example, did not agree with the tobacco industry on issues such as tobacco subsidies, but the tobacco industry could count on the Farm Bureau to support their position on issues that would be detrimental to their shared interests, such as clean indoor air laws.⁵⁶

While the tobacco growers and the tobacco manufacturers largely shared similar interests with regards to tobacco control legislation, the growers did not take a leading role in opposing tobacco control efforts as they had in other states such as South Carolina.² In Virginia, according to a 2009 interview with Anthony Troy, tobacco growers served as a grassroots auxiliary for the tobacco manufacturers.⁴⁰ For example, when the tobacco companies wanted to put grassroots pressure on legislators through a letter writing campaign, they would ask for the assistance of the tobacco grower associations. However, it was the Tobacco Institute and the tobacco manufacturers themselves that led the principle efforts to combat tobacco control legislation, and the tobacco growers and grower associations were politically peripheral.⁴⁰ Nonetheless, the historical importance of tobacco to Virginia made the tobacco farmers an important rhetorical tool of tobacco industry interests.

Tobacco manufacturing is declining in Virginia, further reducing the political importance of tobacco farming with regards to tobacco control issues. Nationwide, cooperation between tobacco growers and the tobacco industry notably declined between 1997 and 2008 due to political and economic ramifications of changes made to the U.S. tobacco market during that period. Starting in 1933, the U.S. tobacco market had been regulated by the federal Tobacco Price Support Program operated by the U.S. Department of Agriculture. The program was established to improve tobacco producers' income through control of supplies, as well as to protect the market from manipulation by tobacco manufacturers trying to keep prices low as they had under the auction system prior to 1933. The program included two primary components: 1) an acreage allotment and an annually-set poundage quota for tobacco growing based on demand from tobacco product manufacturers, and 2) a price support system guaranteeing a minimal price for tobacco grown within the quota system not purchased at auction. This system created tobacco quota holders who had the exclusive right to grow tobacco; they could also lease that right to other farmers. The Tobacco Price Support Program operated effectively through the early 1990s, but as tobacco manufacturers began to use more foreign-grown tobacco and poundage quotas began to decrease correspondingly, tobacco grower organizations began to support eliminating the quota system. Growers argued that the quota system put U.S. growers at a competitive disadvantage because of the costs associated with leasing quotas to separate growers, that the price support system could be manipulated by tobacco manufacturers and that the acreage quota locked growers into producing tobacco with land that could be profitably used for other crops.²

Despite the decreasing importance of domestic tobacco farming to the tobacco industry, tobacco growers represented an important source of legitimacy for the tobacco manufacturers' political goals. Therefore, despite the increasing divergence between the two groups, maintaining a seemingly close relationship was beneficial to the tobacco companies because, as one Philip

Morris representative put it in 1990, “local growers have more credibility in legislatures than do hired guns.”⁵⁷ The importance of the relationship also extended outside of merely legitimizing their lobbying efforts, resonating in the public sphere as an important public relations tool. Thus it was in the tobacco industry’s best interest to maintain an appearance of commonality with tobacco growers, despite the underlying tensions over quotas.

In the late 1990s, several proposals circulated in the federal government to eliminate the quota system, all of which would have included a “quota buyout” to compensate existing quota holders (based on its value as a leasable). Tobacco manufacturers preferred to maintain the quota and price support systems, because the system gave them considerable flexibility and control over the market with the fall back of the price support system for growers. Manufacturers argued that the cost of eliminating the program and compensating quota holders would have exceeded the amount gained for manufacturers by lower prices achieved without a price support system. The disparate positions of growers and manufacturers over the regulation of the tobacco market was the root of a series of conflicts between 1997 and 2004 which distanced tobacco companies from their traditional grower allies.²

The changing attitudes of tobacco growers in Virginia did result in the formation of the Southern Communities Tobacco Project (SCTP, discussed below), a dialogue between farmers and tobacco control advocates intended to find common ground. This dialogue led to an understanding between farmers and advocates that MSA money would be spent both on tobacco community revitalization and restrictions on youth access to tobacco.

At the same time, health groups nationwide began to push for the inclusion of tobacco within the regulatory purview of the federal Food and Drug Administration (FDA). Health groups, particularly the Washington DC-based Campaign for Tobacco-Free Kids (TFK) and the voluntary health organizations leveraged the distance between tobacco growers and tobacco manufacturers over a quota buyout to garner growers’ support for FDA regulation of tobacco products in exchange for support of a quota buyout. Building tobacco control alliances with growers increased the impression among tobacco growers that their interests were divergent from those of manufacturers. Public health groups had already begun a partnership with tobacco growers at the urging of President Bill Clinton to find ways to limit smoking while protecting tobacco producing communities, resulting in the March 1998 Core Principles document to that effect signed by prominent grower and public health organizations.²

The first serious consideration of a tobacco quota buyout took place within the context of the 1997 proposed “global tobacco settlement” of multi-state lawsuits against the tobacco companies seeking compensation for Medicaid expenditures of tobacco-related illnesses. This “global tobacco settlement” took the form of the U.S. Senate’s consideration of the controversial “McCain bill,” which was eventually defeated, setting the foundation for the Master Settlement Agreement in 1998. The McCain bill would have included both FDA regulation of tobacco and a quota buyout plan as well as de facto immunity from future lawsuits for the manufacturers. Tobacco companies secured the support of many tobacco growing organizations to join them in opposing the McCain bill and its quota buyout provisions by promising a \$28 billion payout to growers under a separate settlement.²

The McCain bill failed to pass and was replaced by the private Master Settlement Agreement (MSA), which included a separate settlement between manufacturers and tobacco growers, known as Phase II, to compensate growers for potential loss of revenue associated with the MSA's provisions. However, under the MSA's Phase II payments to tobacco growers, the growing community was to receive only \$5.2 billion, not the promised \$28 billion. This failure by tobacco manufacturers to stand by their agreement with growers led to the first major break of the manufacturer-grower organization alliance. In December 1999, tobacco farmers filed a class-action lawsuit against cigarette manufacturers, *DeLoach vs. Philip Morris*, alleging that the tobacco companies misled farmers when they encouraged them to oppose the removal of the quota system and accused manufacturers of rigging the federal price support system to keep prices low. This suit was settled by Philip Morris and other major tobacco companies in 2003 and by RJR in 2004, after 175,000 tobacco farmers had joined the suit, providing approximately \$254 million to those growers (an average of \$1,451 per farmer).²

In March 2000, Philip Morris exacerbated existing tensions with growers by announcing that it had developed a direct contract system for purchasing burley tobacco, under which they would arrange to buy a set amount of tobacco from a specific grower at a set price, circumventing the Tobacco Price Support Program by setting the price and purchasing the tobacco prior to the tobacco reaching federally-controlled auctions. The direct contract system provided little protection and high risks for farmers compared with the federal tobacco program, and the expansion of this program would undermine the quota and price support system further by manipulating both supply and demand outside the system. Philip Morris began executing this system in 2000 over opposition by most growers and grower organizations.

It was not until 2004 that a bill ending the federal tobacco program made significant headway. A corporate tax bill including a tobacco quota buyout as an amendment was passed in the U.S. House of Representatives in early 2004, generating a significant push by public health advocates partnering with tobacco growers to pass a buyout bill that would include FDA regulation of tobacco as well as a quota buyout. The final version of the federal tobacco quota buyout passed (without the FDA provision) in October 2004 and dismantled the 70-year-old price support, tobacco quota and allotment system. In exchange, quota holders received \$10 per pound of their 2002 quota, with \$7 to quota holders and \$3 to growers if the allotment had been leased. This amounted to a total \$10.1 billion buyout.²

The buyout resulted in a shift to fewer, larger tobacco farms and therefore fewer individual growers directly engaged in tobacco growing. It also led tobacco grower organizations to actively oppose the tobacco industry's lobbying force and instead partner with public health groups over a tobacco control measure, FDA regulation. Both of these factors had a tangible effect on tobacco growers' opinions of tobacco control and of the tobacco companies. Research on North Carolina tobacco growers' attitudes towards tobacco control, public health and tobacco manufacturers quantified this shift. It showed that tobacco farmers' perceived public health and tobacco control efforts as 7.5 times more threatening in 1997 as in 2005, that tobacco farmers decreasingly associated tobacco companies' interests with their own and that they increasingly perceived risk from foreign tobacco production. Additionally, a 2005 survey of North Carolina tobacco growers and ex-tobacco growers indicated that 80 percent would be neutral or actively support comprehensive tobacco-free school policies.²

Nationwide and in Virginia, the net effect on farmers was that many immediately stopped producing tobacco. Moreover, the remaining production was consolidated on fewer but larger farms. Finally, some Virginia production of flue-cured tobacco, free from the geographical constraints of the quota system, moved to regions with lower production costs such as North Carolina.⁵⁸ As far as impact on tobacco control advocacy, the MSA's quota buyout provisions gave the tobacco companies an excuse to divert significant funds away from tobacco control measures and into tobacco community revitalization, which was intended by the tobacco industry to placate tobacco farming interests.

In Virginia the tobacco farming organizations (such as the Virginia Farm Bureau) did not publically break lockstep with the tobacco industry and continued to support industry tactics to oppose tobacco control efforts. For example, in the mid-1990s, the Virginia Farm Bureau, the Virginia Agribusiness Council, and the Virginia Wholesalers Association worked closely with Philip Morris to develop a public relations measure that pretended to address youth access to tobacco. In reality, this move was intended to prevent effective youth tobacco access measures from being implemented (as discussed below).

This situation was different from that in South Carolina, where the animosity between tobacco growers and the tobacco industry led traditional tobacco industry allies like the Commissioners of Agriculture and the South Carolina Farm Bureau to shift to neutral positions on tobacco control efforts.² South Carolina legislators representing tobacco-growing regions also became less hostile towards tobacco control legislation.² All of these factors fundamentally weakened the tobacco industry in South Carolina and it could no longer dominate the tobacco control debate in South Carolina.²

Unlike South Carolina, however, the formation of the SCTP did not lead legislators representing tobacco-growing regions to become less hostile towards tobacco control, and did not cause any major tobacco grower association to shift to a neutral position on tobacco control. Tobacco manufacturers in Virginia remained able to control the dialogue on tobacco control despite the diminished presence of tobacco manufacturing in the state and the strains in their relationships with tobacco growers nationwide. This does not preclude the possibility that these divisions may occur in the future, and if they do, tobacco control advocates in Virginia should exploit them.

EARLY ATTEMPTS AT TOBACCO CONTROL IN VIRGINIA

Clean Indoor Air

The national nonsmokers' rights movement began in the early 1970s, with loose networks of grassroots activism. The most prevalent among these loose networks was the Group to Alleviate Smoking in Public (GASP). Early successes occurred in Arizona in 1973 when smoking was restricted in a limited number of public places like elevators, libraries, and theaters.⁵⁹ Minnesota mandated separate smoking areas in restaurants in 1975.⁶⁰ In 1977, Beverly Hills passed a city ordinance mandating separate no-smoking sections in restaurants and restricting smoking in indoor public spaces.⁶¹

Virginia began to respond to this burgeoning national movement for smokefree places in the late 1970s, as various localities began considering ordinances to partially restrict smoking in public places. Many of the ordinances considered utilized very similar language (Table 20). Several localities had significant activity concerning local smoking restrictions at this time. Representative examples of local activity during this time are discussed below.

Newport News, 1978

On May 15, 1978, Newport News passed a city ordinance that prohibited smoking in elevators, healthcare facilities, cultural facilities (such as libraries) and public schools. There were exceptions, primarily to allow smoking areas in parts of restaurants, in theater lobbies, and in some in-patient sleeping facilities.⁶² While the mayor of Newport News, Joseph Ritchie, opposed the ordinance as an intrusion on personal liberty, other city officials supported the move after hearing from emphysema victims during the council meeting. Tobacco industry representatives were present to speak against the ordinance, but it was passed by a vote of 4-3.^{63, 64} The law went into effect on May 25,⁶⁵ but enforcement was lax. The city attorney for Newport News allowed restaurants to set aside just one table as a no-smoking area to avoid being fined for noncompliance.⁶⁶

The next month, in June, restaurant owner Phyllis Alford was fined \$10 for refusing to post the sign required by the city's ordinance designating a no-smoking section. Appearing in court, Ms. Alford pled guilty because, as she put it, "I'm not going to stand up and lie. I refused to put up the sign."⁶⁵ Her refusal was based on an argument that the requirement was unconstitutional, an argument that eventually reached the Supreme Court of Virginia in the case *Alford v. Newport News*.⁶⁶

Alford was represented by several attorneys including Charles Morgan, Jr. of Charles Morgan, Jr. and Associates. Morgan worked closely with the Tobacco Institute, attending at least two of their Executive Committee meetings.^{67, 68} At the 64th Meeting of the Tobacco Institute Executive Committee, Morgan spoke about contemporary efforts to restrict smoking, and "commented that the approach of some of the anti-smoking groups might well be described as 'fumiphobia,' and he indicated that he would consider possible methods to reply to some of the current anti-smoking campaigns."⁶⁷ It is not clear whether the Tobacco Institute or other tobacco industry organizations paid for Ms. Alford's defense, but her attorneys were closely aligned with tobacco industry views.

In the decision of *Alford*, handed down on November 21, 1979, the state Supreme Court found that Newport News' police power "may not be used to regulate property interests unless the means employed are reasonably suited to the achievement of that goal."⁶⁶ The court found the enforcement of the ordinance, merely allowing one table to satisfy the no-smoking area requirement, was "not reasonably suited to the achievement of the legislative goal" of protecting the health of restaurant goers from toxic smoke exposure. Furthermore, the signs required by the ordinance could "lead the non-smoking diner to expect the place he has chosen to patronize is a wholly protected environment," when in fact that diner would be almost certainly be exposed to smoke because of the city's enforcement of the ordinance. Due to these factors, the court held that in this specific case, the ordinance was an unconstitutional exercise of the city's police

Table 20: Local Tobacco Control Ordinances, 1977-1987

Locality	Status	Public Buildings	Public Transit	Elevators	Healthcare Facilities	Daycare Facilities	Public Schools	Retail Stores	Private Workplaces	Restaurants	Bars	Smoking Rooms?	Ventilation?	Signs Req?	Penalty	Enforcement	Notes	
Newport News	Passed 5/15/1978	N	N	O	O, P	N	O	O	X	O	N	N	Y	Y	\$25 fine	Health department or representative of city council	Allowed smoking areas in any area if reasonably separated from areas used by public. Overturned by <i>Alford</i>	
Manassas	Passed 4/30/87	P	N	N	N	N	P	N	N	N	N	N	Y	Y	\$25 fine	Not specified		
Falls Church	Defeated 2/25/80	O, P	N	P	O, P	N	O, P	P	X	N	N	N	Y	Y	\$25 fine	Not specified	Does not apply to business when not open to public	
Fairfax City	Defeated 5/79	O, P	N	P	O, P	N	N	P	X	N	N	N	Y	Y	\$10-\$50 fine	Fairfax City Zoning Administrator or representative of city council	Does not apply to business when not open to public	
Fairfax County	1977	O, P	?	P	O, P	?	O, P	P	X	?	?	?	?	Y	\$25 fine per day	Director of Fairfax County Department of Health Services		
Prince William County	Defeated 6/17/80	O, P	?	P	O, P	?	O, P	P	X	?	?	?	?	Y	\$25 fine per day	Unknown	identical to fairfax 77 ordinance	
Alexandria	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?
Norfolk	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?
Charlottesville	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?

N: N/A or not mentioned

R: 100% smokefree

P: Partial coverage, some exemptions

S: No-smoking area required

O: No-smoking area optional

powers, because the sign posting requirement was held to be an unreasonable regulation of the use of private property. The conviction was overturned.⁶⁶ In response, the city adopted an amendment by a 6-1 vote to the existing ordinance on January 28, 1980, removing restaurants entirely from the ordinance.⁶⁹

In the meantime, the tobacco industry used the *Alford* decision as a tool to block other localities' efforts to institute smoking controls. In remarks in 1980 to the Tobacco College, a Tobacco Institute orientation program for new employees of Tobacco Institute member companies,⁷⁰ John P. Rupp, an attorney from Covington & Burlington (a law firm that worked closely with the Tobacco Institute and tobacco companies to fight smoking restrictions), described *Alford* as a "gratifying" but narrow holding, useful for making the case that such ordinances will be resisted in judicial interpretations. However, Rupp also noted that the tobacco industry was shying away from using legal process to further their purposes because neither *Alford* nor similar decisions in other states stood "for the general, and quite useful, proposition that public smoking restrictions generally are invalid – nor do they suggest a generally-applicable basis for challenging public smoking restrictions."⁷¹ For these reasons, he stated, "we generally have concentrated our efforts ... on attempting to influence the legislative process – rather than on mounting legal challenges to legislative restrictions adopted over our opposition." In other words, *Alford* represented a rhetorical tool to influence legislative process rather than the basis of a broad strategy of proactive legal challenges.⁷¹

Tobacco control advocates attempted to portray the law as a narrow holding that only applied to the facts of the particular case of presented in *Alford*, a position that the industry, as noted above, took internally. Action on Smoking and Health (ASH), a national organization based in Washington DC that specialized in legal issues around smoking, presented the *Alford* case in a positive light in its November 1979 newsletter, noting that it left the ordinance intact and, facially, only required a different enforcement mechanism.⁷² The newsletter mentioned that Newport News' city attorney had informed ASH that the city council would consider amending the enforcement scheme to comply with *Alford* in a soon-to-be-conducted city council meeting. Furthermore, a close reading of the *Alford* holding actually supported the notion that no-smoking areas were ineffective if secondhand smoke would still be ambient in the area, affecting nonsmokers. Despite this hopeful spin on events, as noted above, Newport News' city council decided to remove restaurants altogether rather than change their enforcement scheme.⁷²

Falls Church, 1980

Early in 1980, the city of Falls Church considered an ordinance sponsored by city council member Robert L. Hubbell that sought to restrict smoking in many public places, including retail stores, school buildings, and healthcare facilities. The ordinance did not include restaurants, and also allowed for the formation of smoking areas. It also required the posting of signs in any building where smoking was prohibited. The penalty for violation was \$25.⁶⁹

The Tobacco Action Network was alerted to the bill, and sent out an "Action Request" for TAN members who lived or work in the area to attend the hearing on the ordinance. The Falls Church City Council met on February 25 and TAN appeared with a contingent of seven Lorillard, one Liggett, and two Tobacco Institute representatives. One of the speakers for the

Tobacco Institute was Robert Hobson, who spoke at length about several objections to the ordinance, and, despite Rupp's caution that *Alford* was not generally applicable, argued that the *Alford* decision applied to "similar" ordinances like Falls Church's, making the Falls Church ordinance an unconstitutional exercise of the city's police power. After a long discussion, the City Council defeated the ordinance.^{73, 74}

The 1977 Falls Church ordinance debate was an illustration of the use of the *Alford* holding by the tobacco industry as a measure to frustrate the implementation of local ordinances, as it had in Newport News two years earlier.

Charlottesville, 1988

Charlottesville passed a smoking restriction ordinance by a unanimous vote of the city council on June 20, 1988. The law was reported by several newspapers as being the strongest local clean-air laws in the state. A health group known as Virginians for Clean Air and the American Lung Association lobbied the council, who were enthusiastic about the law. In the same session, they also prohibited smoking in their chambers. The ordinance was notable for: (1) requiring smoking areas in restaurants with seating for more than 75, with no requirements for smaller restaurants; (2) requiring businesses with 5 or more employees to provide reasonable smokefree areas in workplaces unless unanimous employee consent; (3) and having a \$100 fine, which was lofty at the time.^{75, 76}

Conclusions

While the early local tobacco control activity met with sporadic success at first, by the late 1980s more and more localities were adopting smoking restrictions. The passage of the preemptive state Virginia Indoor Clean Air Act in 1990 (discussed below) chilled local activity. The accelerating pace of local activity prior to 1990 could have lead to continued adoption of local laws, informing statewide efforts and responding to changing national trends in tobacco control. By freezing local tobacco control activities in 1990, many Virginians who wanted stronger laws in their areas were at the mercy of a hostile state legislature, which as of 2009 has only mildly strengthened the statewide law once in the 19 years it had been in effect.

LOCAL EXCISE TAXES, 1963-1991

Overview

Virginia is one of a few states that allow local cigarette excise taxes. Between 1970 and 2008, 70 cities and two counties imposed a local cigarette excise tax (Table 21).

Due to Virginia's application of Dillon's Rule, counties were required to seek permission of the General Assembly for authority to impose new taxes. Two counties raised the tax on cigarettes (Arlington and Fairfax, Table 21). In the early 1980s, the primary focus of the General Assembly's tax efforts was at the local level. Some legislation focused on individual counties' authority; for example, HB 192 from 1980 sought to give Prince William County the power to levy a 5-cent tax, but was unsuccessful. Other legislation sought to give counties broad grants of

power to levy excise taxes at their discretion, usually up to a certain limit.⁷⁷ Between 1980 and 1993, there were 19 bills introduced that sought to give more than one county in the state the authority to raise taxes, and all were defeated. In the same time period, two bills were introduced that specifically sought to restrict both cities and counties from imposing new excise taxes without specific legislative authority. This proposal would have operated to reduce the autonomy of cities in the Commonwealth. Neither passed.

Year	Cities	Counties
1970	12	0
1980	19	2
1990	21	2
2000	29	2
2008*	70	2
Source: ⁷⁸ *: 2010 data are not currently available, 2008 data are most recent data.		

1980s Local Tax Activity

In the late 1980s, there was significant local cigarette excise tax activity, with cities adopting new taxes or increasing existing ones. By 1989, 20 cities and two counties⁷⁸ had local excise taxes on the books. The taxes ranged from 2 to 20 cents and netted \$24 million yearly (1989 dollars).⁷⁹ The increased local cigarette excise tax activity led the tobacco industry to realize that they were not able to successfully counter local excise tax proposals and increases.⁷⁹ Therefore, the Tobacco Institute explored strategies for countering local tax activity, such as promulgating information to city managers suggesting that cigarette excise taxes were an “inefficient and self-defeating way of meeting the budget.” Part of this strategy would be to promote alternative funding sources, protecting tobacco interests from taxation at a local level.⁷⁹ Ultimately, these efforts were unsuccessful, as localities increasingly enacted local excise taxes, with three going into effect between 1980 and 1990.⁷⁸

Additionally, the major tobacco companies employed their local “smokers’ rights” groups as a grassroots spearhead to pressure localities to abandon local taxation. When the city of Petersburg considered raising their excise tax by 10 cents in 1990, a Petersburg smoker’s rights group supported by RJR wore badges declaring them as supporters of smokers’ rights to a city council meeting, and lobbied the council, to drop their support for the increase. This effort was successful; the increase failed.⁸⁰ Another RJR-supported group in Richmond was especially praised in RJR internal documents, having met success in blocking tax increase proposals in 1990 in Richmond by gathering over 1,000 signatures, which were sent to the city council. RJR Field Coordinator John Rainey considered the Richmond group to be very competent, saying “When things need to be done, I call this group.”⁸⁰

We were unable to identify any health advocates working on local tobacco taxes.

Conclusions

Local cigarette excise taxes continued to play an important role at the local level despite tobacco industry efforts at opposition. Localities often turned to cigarette taxation as an attractive and politically nonvolatile source of alternate revenue. Thus, local tobacco control taxation in Virginia was almost exclusively prompted and promoted by local government actors rather than tobacco control advocates. The tobacco industry, despite efforts by smokers’ rights groups, had not been able to counter this activity from 1963-1990.

VIRGINIA INDOOR CLEAN AIR ACT

Early Statewide Tobacco Control Coalitions

In the late 1980s and early 1990s, there were two main tobacco control organizations in Virginia promoting clean indoor air laws. The first was the Interagency Council on Tobacco OR Health (later known as the Tri-Agency Council), which was comprised of the local chapters of the national voluntary health organizations: the American Heart Association (AHA), the American Lung Association (ALA), and the American Cancer Society (ACS). Other groups, including the Virginia Nurses' Association and the Virginia Medical Society, as well as local and regional health groups, were at times associated with this coalition. The structure of the Interagency Council and level of involvement of its constituent groups varied from year to year as the group advocated for clean indoor air legislation and local smoking restrictions.

The second organization involved in tobacco control was the Virginia Group to Alleviate Smoking in Public (GASP), which had been advocating for clean indoor air laws since their founding in late 1985. GASP was an all-volunteer group, with very limited funding.⁸¹ While it had many members, for years the predominant face of GASP was Anne Morrow Donley. Other important GASP volunteers included Hilton Oliver, Lynne Cooper, Dorothy Jones, Kevin R. Cooper, M.D., Georgie Myers, and Arthur Franklin Crisp.⁸¹

Early on, GASP was a part of the Interagency Council. However, GASP was in favor of more comprehensive tobacco control laws than the other members of the Interagency Council were comfortable supporting. (For example, in the 1990 session, the Tri-Agency Council supported a weak bill that included statewide preemption, while GASP supported legislation without preemption.) Disagreements between the two groups led to a division among tobacco control advocates in Virginia. In general, the ALA, ACS, and AHA were in favor of tobacco control legislation, but were concerned that supporting tobacco control measures as comprehensive as those that GASP promoted might offend their donor base. Particularly, they worried that a large employer, like Philip Morris, would instruct their employees to stop contributing to the organizations if they took an anti-industry stance as “radical” as GASP’s.⁸² Kevin Cooper, the ALA representative on the Tri-Agency Council, recalled in 2009 that AHA was the least enthusiastic of the three health voluntary organizations about supporting strong clean indoor air legislation, primarily because of the threat of a tobacco industry boycott on donations.⁸² As a result, in the late 1980s the large voluntary health agencies decided to exclude GASP from their decision-making structure and changed their name to reflect the change, becoming the Tri-Agency Council, with ALA, ACS, and AHA as the lead organizations.⁸² GASP still attended some meetings, but were not invited to ones that directed the Council’s legislative strategy.⁸²

In 1990, the Tri-Agency council formed a coalition called Virginians for Clean Indoor Air (VCIA), to recruit other organizations to oppose preemption bills and to sponsor Tri-Agency supported bills (Table 22). This coalition did not include GASP. Despite being excluded from the Tri-Agency Council and from the VCIA, GASP played a significant role in Virginia tobacco control, especially from 1988 to 1990 when the bills that would become the Virginia Indoor Clean Air Act (VICAA, passed in 1990) were being considered. GASP was not as directly

involved in the lobbying effort as the large health groups, due to the fact that GASP could not afford to pay a contract lobbyist.⁸³ Instead, GASP relied on two volunteer lobbyists: Anne Donley and Lynne Cooper (wife of Kevin Cooper, who was a pulmonologist at Virginia Commonwealth University and active in the Tri-Agency Council). GASP functioned mainly as an organization that was willing to adopt positions supporting laws that were stronger than the “mainstream” voluntary health organizations.⁸³ GASP also brought public opinion to bear on issues of clean indoor air by aggressively seeking headlines and engaging in a media “war.”⁸³ Kevin Cooper felt that GASP, by pushing for stronger smoking restrictions than the Tri-Agency Council would support, helped to make the Tri-Agency’s position on the issue seem more moderate by comparison.⁸²

Virginia Medical Society	American Diabetes Association of Virginia
Virginia Perinatal Association	Virginia American Academy of Pediatrics
Virginia Chapter of the March of Dimes	Virginia Pediatric Society
League of Women Voters of Virginia	Virginia Nurses' Association of the American College of Obstetricians and Gynecologists
Virginia American Heart Association	Virginia American Lung Association
Virginia American Cancer Society	
Source: Daily Press ⁸⁴	

Several legislators were prominent allies of tobacco control interests. Before and during the passage of the VICAA, Sen. Thomas Michie (D – Charlottesville) and Del. Cohen (D – Alexandria), were the most important advocates for tobacco control legislation. They tended to introduce versions of the same bill into both houses and worked together to introduce many comprehensive clean indoor air bills. They were instrumental in the passage of the VICAA in 1990 and worked to strengthen the bill through amendments after it passed in 1990.

Early Attempts at a Statewide Clean Indoor Air Law

In late 1985, before GASP was officially formed, Anne Donley worked with Delegate Bernard S. Cohen (D – Alexandria) on HB 1092, which sought to authorize state agencies to restrict smoking in public areas of agency-occupied buildings.⁸¹ Donley recruited friends, many of whom later became official GASP volunteers, and called legislators to promote Cohen’s bill.⁸¹ Cohen eventually withdrew the bill after being misinformed that agencies already had the power to restrict smoking without new legislation.⁸¹ Donley’s assistance combined with the frustration of unnecessarily withdrawing HB 1092 inspired Cohen to continue pushing for clean indoor air legislation.⁸¹

Around 1985, Philip Morris initiated an unofficial boycott of Virginia businesses and organizations that had gone smokefree, as part of an attempt to promote their agenda of “accommodation” and to protest the notion of compulsory smoking restrictions.⁸¹ GASP had uncovered evidence of this soon after their formation. In addition, in 1985 the Corporate Affairs Department of Philip Morris took out an advertisement called “Oops, Wrong Number” in the *Richmond Times-Dispatch* that attacked the Chesapeake and Potomac Telephone company for adopting a clean indoor air policy for their 43,000 employees (Figure 14).^{85, 86} Donley recalled in a 2009 interview that evidence of the boycott combined with the incendiary nature of the “Oops” ad helped solidify Cohen’s support for legislation that GASP sought to introduce.⁸¹

After GASP formed in 1986, Donley sought partners in Virginia to promote clean indoor air legislation. Initially, Donley approached the American Lung Association, which had assisted the GASP program in South Carolina with funding and office space since 1973.^{2, 81} However, the Virginia Lung Association decided not to associate with Virginia's GASP. Donley surmised that this was because of a falling out that had occurred between the Florida chapter of GASP and the local affiliate of the American Cancer Society, leading the large national voluntary health organizations wary of affiliating with "radical" tobacco control groups like GASP.^{81, 87}

GASP was active before the 1988 legislative session when GASP planned to have a legislative sponsor introduce their favored legislation. Donley held colorful press conferences that generated large press attendance, which became a strength of GASP's efforts.⁸¹ GASP conducted two surveys of restaurants in the Richmond area in order to publish a guide for

smoke-free dining.⁸¹ GASP also recruited people to call and write letters to Richmond-area businesses, legislators, newspapers, call-in radio shows and local cable TV shows to generate interest in clean indoor air legislation.⁸¹

**OOPS,
WRONG
NUMBER.**

Shades of Ma Bell! The children of The Chesapeake and Potomac Telephone Company—some 43,000 of them—now must behave under new rules established by the benevolent parent.

In the way of the righteous (mother knows best!) C&P has set down daunting and far reaching smoking regulations.

Never mind that world-class scientific minds have found no conclusive health risk to others from ambient smoke, information available to C&P for the asking.

Never mind that an overwhelming number of U.S. companies do not regulate employee smoking behavior. C&P needed only to find that in a published study of Fortune 500 companies.

Never mind that other issues are closer to the hearts of their employees, something C&P could learn simply by listening.

THE MANAGEMENT OF C&P MIGHT BETTER HAVE DIALED INFORMATION.

Figure 14: 1985 Philip Morris Advertisement "Oops, Wrong Number"⁸⁷

On January 19, 1988, Del. Cohen and Senator Thomas J. Michie, (D – Charlottesville) introduced the initial version of the Virginia Indoor Clean Air Act (VICAA) as HB 430 and SB 130, respectively, with the support of GASP.^{81, 88, 89} GASP had tried to involve the Virginia chapters of the American Lung Association, American Heart Association and American Cancer Society, but they declined to support either bill.⁸¹ These bills had identical language that would have required nonsmoking areas in public places, which included any enclosed indoor area used by the general public such as restaurants, grocery stores, and auditoriums as well as government buildings. The bills exempted bars and partial exemptions for single-room establishments (restaurants or bars). Advocates introduced identical language in both houses to ensure that at least one bill would pass during Virginia's short legislative session, a common practice in Virginia and elsewhere.²³

Neither bill included preemptive language. (A preemptive state law prevents local governments from acting on their own to legislate on the same subject.) The tobacco industry began to support preemptive tobacco control laws in the mid-1980s because it recognized that the industry is weaker at the local level than at a state level and, conversely health groups are stronger.⁹⁰⁻⁹³ The industry used these preemptive state laws to cut off the ability of localities to pass strong clean indoor air ordinances. There are two general types of preemption: explicit preemption, in which the preemptive language is written clearly in the law, and implied preemption, in which a measure adopted by the state legislature could be argued in the courts to "occupy the field" in question and therefore prevent local regulation.²

The introduction of the two bills generated significant press in Virginia after Donley held a GASP press conference to publicize the two bills. In a 2009 interview, Donley recalled that the press response was “tremendous,” in part due to GASP’s successful news conference in 1986, and the simple fact that (for its time) a strong comprehensive statewide clean indoor air bill was being introduced in a tobacco-growing state.⁸¹ GASP capitalized on the media attention by continuing to utilize volunteers to make calls and write letters.⁸¹

The bills, however, also promoted the use of ventilation and smoking rooms to minimize the harmful effects of secondhand smoke. Sen. Michie and Del. Cohen were both motivated by the 1986 Surgeon General’s report, which identified secondhand smoke as a cause of cancer and respiratory problems in children.⁹⁴ By simply creating smoking and nonsmoking sections, the legislators ignored the third conclusion of the report: The simple separation of smokers and nonsmokers within the same airspace may reduce, but would not eliminate, exposure to secondhand smoke.⁹⁴

By including ventilation as a method to “minimize the toxic effect of smoke in the adjacent nonsmoking areas,” the bill was supporting tobacco industry strategy to combat the strong reduction in cigarette consumption created by 100% smokefree areas.⁹⁵ Since at least the issuance of the 1986 Surgeon General’s report⁹⁴, the tobacco industry invested considerable resources to develop and disseminate its “ventilation solution” despite the fact that the levels of ventilation required to control the health risks of SHS were economically unfeasible,⁹⁵

Despite these limitations, HB 430 and SB 130 were relatively strong clean indoor air laws for the time, particularly considering that Virginia was a tobacco-producing state, and would have provided substantial protection for many Virginians (Table 23). (Of the four bills being considered during the 1987-1988 legislative session in South Carolina, a nearby tobacco-producing state, only one proposed limited smoking restrictions in restaurants (S 518).² The other three were extremely limited bills, covering a small number of public places, and not addressing retail establishments, healthcare facilities, or workplaces.²) Nationwide, other laws considered or approved around the same time were similar to or weaker than the proposed language of HB 430 and SB 130. Iowa’s House File 79 in 1987, which amended the existing 1978 clean indoor air law, exempted all restaurants and private workplaces and carried a meager \$10 fine for violation.⁹⁶ However, it resembled the proposed Virginia bills in prohibiting smoking in other areas.

Although initially determining that they did not want to actively support the Michie and Cohen bills, Kevin Cooper helped convince the Tri-Agency Council to undertake a large and visible campaign, including letter-writing to legislators and bussing in supporters, to promote the passage of SB 130 and HB 430. The Tri-Agency Council also commissioned an independent poll that showed that 66% of Virginians favored smoking restrictions in public areas.⁹⁷ The support of the large voluntary health organizations was an important component of Cohen and Michie’s advocacy for the VICAA; they pointed to that support when arguing the merits of SB 130 and HB 430 during the 1988 session.⁸⁸

This did not mean that the Tri-Agency Council and GASP had a harmonious relationship. As mentioned above, the Tri-Agency Council was formed in part to distance the ALA, ACS, and

AHA from GASP’s “radical” positions on tobacco control legislation. However, the Tri-Agency Council’s support was an important part of Cohen and Michie’s legislative strategy.

Table 23: Summary of HB 430 and SB 130 (Identical language as introduced)

Date	Public Buildings	Public Transit	Elevators	Healthcare Facilities	Daycare Facilities	Public Schools	Retail Stores	Private Workplaces	Restaurants	Bars	Smoking Rooms?	Ventilation?	Signs Req?	Preemption?	Penalty	Enforcement	Notes
SB 130 and HB 430 as Introduced 1/21/88	N	R	R	S	N	S	S	N	P	X	Y	Y	Y	N	Class 3 misdemeanor; injunction	State/local Bd. of Health	Single-room establishments may designate 1/2 room as smokefree, bars may be 100% smoking.
HB 430 as amended 2/10/88	S	N	R	P	N	P	S	N	N	N	N	N	N	N	Not specified	Not specified	Retail stores restriction only applied to groceries larger than 20,000 sq. feet
N: N/A or not mentioned R: 100% smokefree P: Partial coverage, some exemptions S: No-smoking area required																	

As introduced, HB 430 and SB 130 did not preempt local ordinances, which continued to make the possibility of strong local legislation a significant future threat to the industry. The tobacco industry has utilized preemption to block local ordinances, which are harder for the industry to oppose and often stronger than state laws, because of the industry’s greater power in state legislatures than at the local level.⁹⁰ As Victor Crawford, a former Tobacco Institute lobbyist, described the nationwide situation in 1995, “We could never win at the local level ... so the Tobacco Institute and tobacco companies’ first priority has always been to preempt the field ... because the health advocates can’t compete with me on a state level.”⁹⁰

By February the tobacco industry was gathering opposition forces. Several influential Virginia legislators were strong supporters of the tobacco industry. Del. A.L. Philpott (D - Martinsville), a longtime pipe smoker fond of smoking during house debates and who was at one point embroiled in a controversy for smoking on camera while Governor L. Douglas Wilder (D) spoke,⁹⁸ served as the Speaker of the House from 1957 until his death in 1991. Philpott was a strong ally of the tobacco industry and opposed tobacco control bills until his death. He had received between \$300-\$500 in campaign contributions per election cycle alone from the Tobacco Institute between 1982 and 1989, when the average Tobacco Institute contribution was \$100 per election cycle.⁹⁹⁻¹⁰⁵

The industry wished to make a strong show of opposition, with several companies and affiliated trade and hospitality groups planning to attend a joint hearing of the General Assembly on February 4 in order to make their presence felt.⁸⁹ Other groups sympathizing with the tobacco industry also voiced their displeasure. For example, Harry G. Daniel, a former Philip Morris researcher and a member of the Board of Supervisors of Chesterfield County, reported to Philip Morris that the Virginia Association of Counties’ Executive Boards had voted not to support Cohen’s bill. Daniel also was one of many individuals who sounded the tobacco industry’s alarm bells by noting that “[f]or those who do not know Delegate Cohen and his persistence, we can

speculate that this type of legislature [sic] will be introduced year end [sic] and year out until he has sufficient votes for passage.”¹⁰⁶

In February, attempts were made to introduce amendments in the nature of substitutes to both SB 130 and HB 430. On February 11, the Senate Education and Health Committee rejected two substitute proposals for SB 130, both intended to broaden the scope of the proposed law.¹⁰⁷ The first would have allowed counties to adopt broad smoking restrictions; the second would have strengthened the requirement no-smoking areas in restaurants and food stores. Both substitutes were rejected.¹⁰⁷ Sen. Michie then requested that the bill be held over to the 1989 session in original form.¹⁰⁷ Holding over a bill was common in Virginia due to the very short legislative session. Bills were often held over when a bill’s sponsor felt that the votes were insufficient for passage, when a sponsor felt there was not enough time to negotiate all the details with other legislators, or when the sponsor felt that he or she could not prevent an unwanted amendment. Occasionally, a bill would be held over by a hostile committee in the hopes that it would be withdrawn before the next session.⁸¹

HB 430 was amended in the House Committee on Health, Welfare, and Institutions, reducing the scope of the bill to completely prohibit smoking in only elevators, polling rooms, school busses and hospital emergency rooms.¹⁰⁸ It also required no-smoking areas in a limited number of places: public buildings, grocery stores larger than 20,000 square feet, and jury deliberation rooms. Unlike the bill as introduced, it did not mention or cover bars, restaurants or public transit.¹⁰⁸ In contrast to the original bill, there was no mention of penalties or any provision for enforcement. After the substitute, the bill was reported by the Health, Welfare and Institutions Committee and considered by the House General Laws Committee, which held the bill over to the 1989 session by a 11-7 vote.¹⁰⁷

Industry Response to HB 430

Despite the fact that neither bill passed, the tobacco industry was concerned that the survival of the bill into the 1989 session would lead to more exposure for both the bill and health advocates’ agendas. In August 1988 the Tobacco Institute decided to plan strategically for the opposition in the upcoming session and meetings were held that month to discuss the potential for pro-tobacco grassroots activities and to coordinate their legislative plans. The Tobacco Institute created the Virginia Tobacco Coalition (VTC) to implement these goals.^{89, 97} Part of the “Virginia Pro-Active Program,” a TI-facilitated initiative to use preemptive legislation to promote tobacco industry policy goals, these meetings included grower, farmer, trade, and hospitality groups in addition to the industry stalwarts and lobbyists. Specifically, the groups included the Tobacco Institute, Philip Morris, RJR, Universal Leaf Tobacco, Virginia Wholesalers and Distributors, Farm Bureau, Hospitality Association and American Tobacco.⁹⁷ They continued their meetings through October and into 1989 and a unanimous consensus began to emerge that preemptive legislation would be the best way to combat the “highly visible”⁹⁷ campaign by GASP and the voluntary health organizations to pass the VICAA. The VTC determined that they should also introduce legislation “aimed at reducing discrimination against smokers” with the goal of forcing “the combined anti-tobacco forces to defend rather than attack and make the defeat of carryover and any new restrictive smoking legislation an easier task.”⁹⁷

The specifics of the VTC plan illustrate the extent to which the industry could influence Virginia politics by taking advantage of the committee structure in the General Assembly in order to advance favorable bills and shuffle unfavorable bills to hostile committees. The Speaker of the House and President of the Senate were both considered by the tobacco industry and health advocates to be friendly to tobacco interests, and as in most legislatures, they had the power to assign bills to specific committees. When introducing legislation, the tobacco industry's plan was to confer with the two legislative leaders about which committee the bill should be referred to so the industry could lobby the relevant committee chairpersons, with the intention of yielding the most favorable outcome from the industry's point of view.⁹⁷

In addition to directly lobbying the General Assembly, the VTC employed a tactic of using petition and letter-writing campaigns coordinated with local pro-tobacco groups to put external pressure on legislators.⁹⁷ Philip Morris typified the response, realizing that their Government Affairs Division needed petition signatures to combat the notion that the clean indoor air law was popular among Virginians. Some petitions were circulated at the 1988 Virginia State Fair through the Philip Morris booth and a Philip Morris internal memo reveals a request for signatures from employees and their families and friends.¹⁰⁹

Virginia GASP reported that several constituents had received pre-written letters from Philip Morris opposing the bill, and simply signed them and sent them to their legislators.¹¹⁰ The reality on the ground (borne out later by polls and news coverage) was that the grassroots anti-smoking movements were gaining support. The industry attempted to stem a feeling of inevitability that smoking restrictions would pass by mobilizing opposition forces that appeared distinct from the industry itself. Doing so is a common industry tactic to attempt to mitigate the effect of the industry's lack of credibility with the public.³²

The 1989 Session and the Moratorium

Significant momentum was building in Virginia towards a statewide clean indoor air bill after the 1988 session ended. Starting in 1988 and extending into the 1989 session, GASP presented the General Assembly with petitions including over 7,000 signatures calling on lawmakers to "restrict public smoking in enclosed buildings and public conveyances."¹¹⁰ GASP recruited a large number of groups to support their position by the time SB 130 and HB 430 were reconsidered in the 1989 session, including the Cystic Fibrosis Foundation, Virginia State Parent Teachers Association, Richmond Academy of Medicine, Virginia Pediatric Society, Virginia Society of Respiratory Therapists, Virginia Thoracic Society, Auxiliary to the Rockingham County Medical Society, Virginia Affiliate of the National Foundation for the Chemically Hypersensitive, Virginia Interagency Council on Tobacco OR Health, and the Virginia affiliates of the American Lung Association, American Heart Association, and American Cancer Society.¹¹¹ The three Virginia chapters of the national voluntary health organizations also initiated legislative outreach programs, offering educational pamphlets to legislators and the public, and distributing pre-printed postcards with anti-smoking messages to send to legislators.¹¹²

In response, the VTC circulated their own petition opposing statewide clean indoor air laws. The text of the petition read: "YES, I favor voluntary determination regarding smoking

indoors rather than government mandates on where and when you may smoke and not smoke.”¹¹³ GASP reported that the VTC petition campaign netted 30,000 signatures by the 1989 session.¹¹⁰ The VTC’s members also spoke out against the bill, creating significant press coverage of the issue. The head of the Virginia Farm Bureau Federation, for example, stated to the *Richmond Times-Dispatch* that “[t]obacco legislation threatens to run farmers out of business ... In other words, there should be no mandates on smoking.”¹¹²

Tobacco industry lobbying and legislator outreach campaigns killed both HB 430 and SB 130 in late January 1989, despite the broad grassroots support for the smoking restrictions.¹¹⁴ HB 430 was held in the House General Laws Committee by a vote of 10-8, effectively killing it.¹¹⁵ SB 130 was considered again in the Senate Education and Health Committee, and reported out of committee, but subsequently failed on the Senate floor during the second reading by a close vote of 19-20.¹¹⁵ The death of both bills was likely due in part to the actions of the VTC and other notable influences, especially the actions of the influential Anthony Troy, who served as the Tobacco Institute’s lobbyist in Virginia from at least 1988 until the Tobacco Institute dissolved in 1998.

Soon afterwards, Senator Michie introduced SB 805, which was almost identical to SB 130.¹¹⁵⁻¹¹⁷ SB 805 died after it was ruled out of order by the Senate because it duplicated language of a bill (SB 130) that had been rejected by the full Senate.¹¹⁵

SB 1993 was introduced around the same time by Del. George Grayson (D – Henrico), which was an extremely weak bill that only required no-smoking areas in very limited areas of hospitals and did not specify an enforcement agency, although it did specify a \$3,000 fine for violation. It was amended in the House Health, Welfare, and Institutions committee to be completely voluntary with no provision for fines or enforcement. Grayson attempted to substitute the bill with its original language, but the measure failed, and the bill died when the legislature adjourned without considering it further.¹¹⁵

In response to HB 430 and SB 130, the tobacco industry quickly rallied to draft a bill that would serve its interests. Senator Virgil Goode, Jr. (D – Franklin) who was very sympathetic to tobacco interests, introduced SB 601, which gave private employers and the governing bodies of hospitals and institutions of higher education the sole authority to designate no-smoking areas. It also included preemption language that prevented any locality from enacting stronger restrictions in private workplaces after July 1, 1989.^{117, 118} Goode’s bill merely codified a right that private employers, hospitals, and institutions of higher education already had. It was an industry vehicle to enact statewide preemption of local ordinances.

It was no secret by this point that the industry was pushing for preemption. In February 1989 some newspapers, including the *Hampton Roads Daily Press* and the *Christian Science Monitor*, had picked up on the preemption language in several bills.¹¹⁹ As it became clear to the press that Goode’s statewide law would “take away local government’s power to enact laws restricting smoking in public places,” newspapers began specifically referring to the preemption aspect of the bill.¹²⁰

Table 24: Summary of SB 130, SB 805, HB 1993, and SB 601 During 1989 Legislative Session																	
Date	Public Buildings	Public Transit	Elevators	Healthcare Facilities	Daycare Facilities	Public Schools	Retail Stores	Private Workplaces	Restaurants	Bars	Smoking Rooms?	Ventilation?	Signs Req?	Preemption?	Penalty	Enforcement	Notes
SB 601 as introduced 1/20/89	N	N	N	*	*	N	N	*	N	N	N	N	N	Y	None	Unspecified	Preempted local ordinances. *: Governing body given sole authority for designating no-smoking areas.
SB 601 as amended 1/31/89	N	N	N	*	*	N	N	*	N	N	N	N	N	Y	None		"Private workplace" changed to "place of business."
SB 130 and HB 430 as introduced 1/22/89	N	R	R	S	N	S	S	N	P	X	Y	Y	Y	N	Class 3 misdemeanor; injunction	State/local Bd. of Health	Single-room establishments may designate 1/2 room as smokefree, bars may be 100% smoking.
SB 805 as introduced 1/24/89	N	R	R	S	N	S	S	N	P	X	Y	Y	Y	N	Class 3 misdemeanor; injunction	State/local Bd. of Health	Single-room establishments may designate 1/2 room as smokefree, bars may be 100% smoking.
HB 1993 as introduced 1/24/89	N	N	N	S	N	N	N	N	N	N	N	N	N	N	\$3,000	Unspecified	Only covered some hospital areas.
HB 1993 as amended 2/2/89	N	N	N	P	N	N	N	N	N	N	N	N	N	N	None	Unspecified	Only hospital governing bodies may designate nonsmoking areas. Nonsmoking areas not required.

N: N/A or not mentioned
R: 100% smokefree
P: Partial coverage, some exemptions
S: No-smoking area require

Initially, Goode's bill to end local ordinances regulating tobacco was to take effect immediately, but it was amended to change the implementation date several times. While the bill was being considered, Anthony Troy met with Del. Cohen to discuss the situation. Both men determined that neither side would be able to claim a decisive victory over SB 601, and came up with a compromise – a one-year sunset provision (the “moratorium”) that would freeze any local ordinances regulating tobacco until July 1, 1990, postponing debate on the issue of local regulation and giving both sides a chance to regroup.¹²¹ Cohen agreed to this sunset provision on the condition that industry forces would meet with health groups to discuss finding common ground on state-wide legislation concerning smoking restrictions.¹¹⁰ On the strength of this understanding, Goode's bill was overwhelmingly passed by a vote of 84-14 in the House, and the Senate concurred with the final date of implementation 38-0, sending the bill to Governor Gerald L. Baliles (D).^{115, 122}

Virginia GASP members were not pleased with the moratorium. On March 22, 1989 they held a vigil in Richmond attempting to influence Gov. Baliles to veto the measure.¹²³ These efforts were unsuccessful; Gov. Baliles explained that he signed the bill for two reasons: it was passed overwhelmingly, and would only be in effect for one year.¹²⁴

Donley had previously approached Baliles' office in an attempt to secure his support for clean indoor air legislation. After Baliles left office, Donley learned that Baliles owned a large amount of stock in a tobacco company, Dimon, Inc., although she was unaware of whether he had this financial interest during his term as governor.⁸¹ He later became a member of the board of directors at Philip Morris in 2008.¹²⁵

The tobacco industry had mustered their significant resources to block the Grayson/Michie bills. Michie later described how “outmatched his anti-smoking witnesses were.”¹²¹ While proponents of the bills relied on the testimony of health advocates, the industry used its powerful influence with retail and manufacturer associations. According to Michie, “[t]he Virginia Manufacturers' Association spoke against my bill; the retail merchants spoke against it; the restaurant association spoke against it; the Farm Bureau spoke against it; and then, finally, the AFL-CIO spoke against it.”¹²¹ In a newspaper interview later that year, the Vice President of the Tobacco Institute, Walker Merryman, was candid about the industry's influence over these interest groups, stating “[o]bviously, [opposing the bill is] made a lot easier if you have a lobbyist who's been in the state capitol and knows the executive director of the state hospitality association and the state chamber of commerce and the state AFL-CIO and all the other groups that might help.”¹²¹

With this intensive lobbying pressure from tobacco industry forces, many legislators were influenced, but some were not swayed. Del. Ralph Axselle (D – Richmond) described his sentiment that “Philip Morris is one of Richmond's premiere corporate citizens . . . [t]hey do a lot of good things for their community; they run a good company.”¹²¹ However, Del. Axselle sent out a questionnaire to his constituents, and 85% of the respondents supported smoking restrictions.¹¹⁰ Based on the support of his constituents for smoking restrictions, Axselle voted against the industry-sponsored measure, SB 601.¹²¹ GASP noted that two other legislators, Sens. Holland and Walker, also changed their votes to oppose the tobacco industry's position based on letters from their constituents solicited by both GASP and the Tri-Agency Council.¹¹⁰

In part because of this constituent support for restrictions, the industry was palpably worried about what might occur once the moratorium ended on July 1, 1990. As early as June 1989, the industry was drafting legislation in preparation for the 1990 session. The Tobacco Institute was the center of this work, employing Virginia lobbyists and attorneys, including the Washington DC law firm of Covington & Burling, to prepare a draft public building restriction law that was preemptive.¹²⁶

The Tobacco Institute and the industry felt sure that some sort of statewide smoking restriction would emerge from the 1990 legislative session and that the tobacco industry should introduce a nominally restrictive tobacco control bill in order to influence the outcome.¹²⁷ Other than preempting local regulation, the Tobacco Institute's draft bill was similar to the original VICAA proposal.¹²⁷ Its most important provision was statewide preemption of local tobacco control ordinances. In the memo that circulated with the September revision of the Tobacco Institute's proposed bill, Josiah S. Murray III, a senior Liggett Group attorney, member of the Tobacco Institute's Executive Committee and also a member of the Tobacco Institute Committee of Counsel (the secret and powerful industry policymaking committee that coordinated the companies' activities), noted the "precedent setting" nature of using anti-smoking legislation to pass preemption language.¹²⁷ He also insisted it was necessary:

The reality of the issue is that most of the areas where smoking would now be formally restricted are already regulated in some manner: the ability to preempt local units of governments from enacting more stringent restrictions would seem to far outweigh this perceived downside.¹²⁷

One of the main pieces of evidence that Murray cited to prove the value of the tactic of preemption was that "Virginia GASP has already held a news conference condemning this proposed legislation."¹²⁷

Indeed, the tobacco industry had long used proactive legislation to introduce preemption language. In 1985, the Tobacco Institute worked with restaurant interests to amend the proposed Florida Clean Indoor Air Act to include preemptive language that additionally overturned existing but inconsistent local laws.¹²⁸ The preemptive language was challenged in the Florida courts, and it was ruled that preemption was a valid exercise of state power. Florida was the first state to adopt a preemptive statewide clean indoor air law (and it did so with the support of the major health groups who did so on the grounds that it was "a step in the right direction") and the tobacco has used this tactic subsequently and with success.¹²⁸

By May 1989 other reasons for the overwhelming industry victory became apparent. The tobacco industry spent over \$100,000 on lobbying the General Assembly in the 1989 session. Philip Morris spent \$74,382, and the Tobacco Institute spent \$35,706, far overshadowing the spending of the national health voluntaries and local advocacy groups.¹²⁹ The health forces spent less than \$20,000; the American Heart Association of Virginia spent less than \$11,000 and the American Lung Association spent less than \$7,000 on lobbying.¹²⁹ GASP had two part-time, volunteer lobbyists: Anne Donley and Lynne Cooper.

In the meantime, localities raced to enact smoking laws before the moratorium went into effect on July 1, 1989 (and would remain in effect at least through July 1, 1990, when the sunset provision kicked in). Six localities met the deadline (Table 25), bringing the total number of local ordinances to 16 (Table 26).

City	Date	Public Buildings	Public Transit	Elevators	Healthcare Facilities	Daycare Facilities	Public Schools	Retail Stores	Private Workplaces	Restaurants	Bars	Smoking Rooms?	Ventilation?	Signs Req?	Penalty	Enforcement	Notes
Virginia Beach	2/27/89	P	R	R	O	O	O	O	N	O	X	N	N	Y	Class 4 misdemeanor	Dept. of Public Health	Restaurants seating >50 must have no-smoking area
Hampton	4/12/89	O	O	P	P	N	N	O	X	O	X	N	Y	Y	Class 4 misdemeanor	Hampton Health Dept.	Restaurants seating >50 must have no-smoking area
Newport News	5/24/89	O	R	R	O	O	O	O	X	O	X	N	Y	Y	Class 4 misdemeanor	Dept. of Health	Restaurants seating >50 must have no-smoking area
Albemarle County	6/8/89	O	P	R	O	N	O	O	O	O	N	N	Y	Y	Class 4 misdemeanor	Thomas Jefferson Health District	Private workplaces with >5 employees much provide smokefree areas if practicable; restaurants seating >75 must have no-smoking area
Portsmouth	6/15/89	O	N	R	O	N	O	O	N	O	X	N	Y	Y	Class 4 misdemeanor \$25 fine	Dir. Of Public Health	Restaurants seating >50 must have no-smoking area
Suffolk	6/21/89	O	R	R	O	O	O	O	N	O	X	M	N	Y	Class 4 misdemeanor	Dept. of Public Health	Restaurants seating >50 must have no-smoking area

N: N/A or not mentioned
R: 100% smokefree
P: Partial coverage, some exemptions
S: No-smoking area required
O: No-smoking area optional

Albemarle County	Franklin
Arlington County	Hampton
Fairfax County	Manassas
Alexandria	Newport News
Charlottesville	Norfolk
Chesapeake	Portsmouth
Fairfax	Suffolk
Falls Church	Virginia Beach

Negotiations with the Tobacco Industry

The agreement between Del. Cohen and Anthony Troy was contingent on several talks to be held over the summer of 1989 between health advocates and the tobacco industry. Cohen agreed to the talks without any input from GASP or any other health advocacy organization.⁸¹ Donley recalled in a 2009 interview that she was upset about the talks, feeling that they would be unproductive, but determined to support Cohen and attend the talks.⁸¹ After the moratorium went into effect, GASP announced talks between industry and anti-smoking forces concerning statewide clean indoor air legislation, scheduled for June. A preliminary discussion took place on May 23 to determine what areas were up for negotiation and was attended by industry representatives and tobacco industry allies, Virginia GASP, and representatives of the Pediatric Society, ALA, AHA, and ACS.¹³⁰ Donley requested that the

Pediatric Society be involved in the talks, noting in a 2009 interview that the group was more supportive of GASP’s 100% smokefree positions than the ALA, AHA, or ACS.⁸¹ Industry lobbyists Page Sutherland and Anthony Troy representing the Tobacco Institute attended, as did Dels. Cohen and Michie¹³⁰ (Table 27).

Table 27: Participants at Moratorium Discussions, 1989

Tobacco Control	Tobacco Industry
GASP	Anthony Troy and Page Sutherland for the Tobacco Institute
VA American Lung Association	Virginia Manufacturers Association
VA American Heart Association	Jean Guthrie for the Virginia Hospitality Association
VA American Cancer Society	Virginia Farm Bureau
Sen. Thomas Michie	Virginia AFL-CIO
Sen. Virgil Goode	Virginia Chamber of Commerce.
Del. Willard Finney	
Del. Lewis Parker Jr.	
Virginia Pediatric Society	
Virginia Parent Teacher Association	
Source: Philip Morris ¹³¹	

One of the tobacco control advocates’ goals for the meeting was to attempt to sway traditional tobacco allies away from their entrenched support for the industry. As Anne Donley of GASP told the Associated Press at the time, “My biggest hope is that these groups who have traditionally supported the tobacco industry will begin to see through the propaganda.”¹³² However, industry groups did not break ranks, citing tobacco industry language about “accommodation” and smoker’s rights, tactics commonly used by the industry³² to weaken the position of

health advocates at the expense of public health.

Industry lobbyists Troy and Sutherland strenuously opposed any effective restrictions on smoking whatsoever, claiming it would lead to job losses and decreased sales of tobacco products. Furthermore, the Tobacco Institute’s position was that “[t]he tobacco industry will never agree to allow Virginia to have any laws stronger than what any other tobacco state has.”¹³³ The Virginia Manufacturer’s Association and the Virginia Restaurant Association both agreed with the Tobacco Institute lobbyists. The Virginia Hospitality Association (which merged with the Virginia Restaurant Association in 1993) made their position clear that they wanted no regulation of restaurants, strongly preferring voluntary restrictions.¹³³

From the industry perspective, the growth of the Washington DC suburban areas in Northern Virginia had changed the demographic makeup of the state, diluting some of the historically important electorate of the tobacco-growing regions. Furthermore, the industry was feeling the growing influence of the health advocacy groups and their support from the public in the tobacco control arena. The Tobacco Institute blamed the necessity for such action on both changing demographics (almost certainly referring to growth in the DC suburbs in Northern Virginia) and to the more aggressive and organized tactics of the health voluntaries and tobacco control organizations.¹²⁷

The Tobacco Institute’s final position was model legislative language taking an aggressive position that sought not only to prevent new local laws but sought to roll back all existing local ordinances that regulated smoking in restaurants.¹²⁷ The proposed language only prohibited smoking in limited areas such as elevators and public buildings, while requiring no-smoking areas in retail businesses, healthcare facilities, and restaurants with more than 50

seats.¹²⁷ It would not have regulated smoking in bars, private hospital rooms, or common areas of malls.¹²⁷ The industry language also sought to disallow the regulation of smoking in private workplaces, leaving those decisions entirely up to management.¹²⁷ This proposal was completely unacceptable to the health groups at the table.¹³³

After three meetings, the groups did not reach an agreement and the meetings concluded in late 1989. Both sides presented draft legislation to each other during the meetings, but none were acceptable to the other side. The tobacco industry groups presented two bills and Cohen and Michie presented several bills, including a modified version of the Virginia Beach smoking restriction ordinance.¹³³ Despite a lack of agreement between the two sides, Donley in 2009 felt that the meetings had positive side effects.⁸¹ For one, the industry had insisted that neither side speak to the media during the meetings; this led the press to speculate about what might be occurring in the meetings, which kept the public engaged with the issue of smoking restrictions.⁸¹ Furthermore, GASP, ALA and ACS used the summer of 1989 to organize their volunteers and members to continue to call and write to legislators pressing them on the issue.⁸¹ Thus Donley felt that an important but unforeseen outcome of the meetings was that it prevented the momentum generated in the 1989 session from flagging before the 1990 session began.

The Passage of the 1990 Compromise Bill

The fight in the 1990 legislative session was anticipated well in advance, with both the industry and health advocates bracing for a fight as the moratorium ended. However, the substance of what might actually pass was still greatly in flux. On January 3, 1990 the *Richmond News Leader* conducted its annual legislative survey that probed opinions on a variety of issues. Of the 18 senators and 52 delegates who responded to inquiries, 41 responded in opposition to a preemptive statewide smoking law; at that point strong majorities of responding legislators supported allowing localities to regulate smoking. (Twenty-one legislators opposed local control and 8 were undecided.) The poll did not gauge legislators' opinions about a statewide smoking law.²⁷ In a 2009 interview, Donley of GASP said that she had not been aware of this survey at the time.⁸¹

Also early in 1990, the Tri-Agency Council formed a new coalition, Virginians for Clean Indoor Air (VCIA), to include more groups in the Tri-Agency Council's push for clean indoor air legislation.²⁷ By January 10, VCIA had recruited eight other state groups: the Virginia Medical Society, the Virginia Perinatal Association, the Virginia Chapter of the March of Dimes, the American Diabetes Association of Virginia, the League of Women Voters of Virginia, Virginia American Academy of Pediatrics, Virginia Pediatric Society, and the Virginia Nurses' Association of the American College of Obstetricians and Gynecologists.⁸⁴ GASP was not included in the group, and GASP and VCIA would support different bills in the 1990 session. The VCIA quickly took a deal-breaker position opposing local preemption, with William Miller, a spokesperson, stating, "This is not a point for compromise."¹³⁴

The VCIA announced that the bill they would sponsor would be introduced as SB 440 by Sen. J. Macfarlane (D – Roanoke), who had been an opponent of clean air legislation. (In 1991, Macfarlane would oppose HB 1796, which sought to clarify and strengthen VCAA enforcement, arguing that there were more important things for Virginia to worry about.¹³⁵)

Nevertheless, a VCIA spokesperson called Macfarlane's proposal "a modest and reasonable bill."¹³⁶ As introduced, the bill had strong anti-preemption language, explicitly stating that its statewide provisions were the minimum standards governing public health preemption and that local governments could adopt "consistent" but stronger local ordinances. However, the statewide provisions were very weak (Table 28, below); no coverage was given to restaurants or retail establishments, and many public spaces such as schools and healthcare facilities were only given partial coverage. (In 2009, Donley stated that she felt that Macfarlane was never sincerely supported the VCIA's pro-health positions and was aligned with the industry at all times during the 1990 session.¹³⁷) SB 440 was subsequently amended in the Senate Local Government Committee where the strong anti-preemption language was replaced with strict preemption which would sunset in four years.¹³⁸

The VCIA would not show GASP, Del. Cohen, or Sen. Michie the language of SB 440 prior to introducing it. In a 2009 interview, Anne Donley of GASP recalled that it was surprising that the VCIA kept Cohen and Michie in the dark because they had worked together before on the same issue. As Donley remarked, "you never did that to a legislator. You would never go behind their back ... when you've been working with them and supporting them."¹³⁷ Donley recalled that it was common in the legislature at the time, as a courtesy, to give both legislative allies and opponents some forewarning of a bill pertinent to that legislator, so he or she would not be surprised or embarrassed about not knowing its contents. Donley characterized this as a "betrayal" to Cohen and Michie.¹³⁷

The Macfarlane bill competed with Del. Cohen's and Sen. Michie's bills, HB 562 and SB 150, which did not include preemption, had a higher \$50 fine for violation and had clear enforcement language. Michie and Cohen characterized Macfarlane's bill as progressive, but also felt like it did not go far enough in restricting smoking in retail establishments. HB 562 and SB 150 both designated retail stores with more than 20,000 square feet as public places, requiring the person in charge of the space to "designate reasonably substantial areas of the public place as nonsmoking areas." However, Macfarlane's bill, SB 440, required no-smoking areas only in designated "public breathing spaces." Retail stores were not included on the list of public breathing spaces and therefore, as "unprotected breathing spaces," it was left up to the owner or manager to "develop a written policy for restricting smoking areas" and left the size of the no-smoking areas up to customer demand. Macfarlane's SB 440 also considered restaurants to be unprotected breathing spaces, leaving no-smoking areas up to the discretion of the proprietor in contrast to HB 562 and SB 150, which required 40% of a restaurant's seating capacity to be smoke-free. Macfarlane admitted to the press that he would not support retail restrictions at all, characterizing them as "an invasion of privacy rights."¹³⁶ His introduction of a weak bill, SB 440, was consistent with the industry strategy of enacting a weak bill to prevent the potential passage of a stronger one.

With the Virginia affiliates of the voluntary health organizations supporting a different bill than their former allies Michie and Cohen, the health advocacy position was in disarray. It was in this environment that the tobacco industry decided to introduce its own bill, SB 486, sponsored by Sen. Virgil Goode (D-Rocky Mount). (Rocky Mount is near Roanoke in the tobacco-producing Southside region.) The bill was specifically represented to the public and press as a moderate bill compared to the GASP-supported bills, and was introduced by

concerned industry-aligned elements, in order to head off what was feared to be a rout by tobacco control interests. Michie and Cohen felt that they had enough votes to pass their legislation, and these comments were exploited by the tobacco industry as an excuse to introduce Goode’s bill as a “moderate” alternative to the stronger Michie and Cohen bills.¹³⁹

Bill	Date	Sponsor	Public Buildings	Public Transit	Elevators	Healthcare Facilities	Daycare Facilities	Public Schools	Retail Stores	Private Workplaces	Restaurants	Bars	Smoking Rooms?	Ventilation?	Signs Req?	Preemption?	Penalty	Enforcement	Notes	Outcome
SB 440	As introduced 1/23/1990	Macfarlane	P O	N	R	P O	R	P O	N	N	N	N	N	N	Y	N	\$25 fine	Not specified	Min. standard for protection.	
	Final version	Macfarlane	P O	N	R	P O	P	P O	O	P		X	N	N	N	Y	Injunction \$25 fine	Not specified	Effective 7/1/90, preemption would sunset 7/1/94	Failed to pass Senate 3rd reading 18-21
HB 562	As introduced 1/22/90	Cohen	P O	R	R	P	N	P O	P O	X	P	O	N	Y	Y	N	Injunction \$50 fine	State Board of Health may issue injunction	Public places may be entirely smokefree at discretion of proprietor. Min. standard for protection.	House defeated on floor vote 57-40
SB 486	As introduced 1/23/90	Goode	O	N	X	N	N	P O	P	P	P	X	N	Y	Y	Y	Injunction	Local government		Died on Senate floor due to no action
HB 1055	As introduced 1/23/90	Cranwell	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Not specified	Not specified	Any locality may enact ordinances specifying no-smoking areas*	HB1055 went through numerous revisions
	Final version	Cranwell	P O	O	R	P O	N	P O	P	P	P	X	N	Y	Y	Y	\$25 fine	Not specified	Governor's amendments exempted prisons and restored mistakenly deleted language	Signed with governor's amendments 4/22/90
SB 150	As Introduced 1/18/90	Michie	P	P	R	P O	N	P O	X	O			N	Y	Y	N	\$50 fine, injunction	State Board of Health	Min. standard for protection.	
	Final version	Michie	P O	O	R	P O	N	P O	P	P	P	X	N	Y	Y	Y	\$25 fine	Not specified	Governor's amendments exempted prisons and restored mistakenly deleted language	Signed with governor's amendments 4/22/90

P: Partial coverage, exemptions
R: 100% smokefree
N: N/A
O: Smoking area optional
X: Exempted

Soon after being introduced, Cohen’s SB 150 was referred to the Senate Education and Health Committee. There it survived an attempted amendment that sought to weaken the bill by adding preemption language. In reaction to this success, Macfarlane allowed industry lobbyists to draft the new provisions for SB 440 according to David Bailey, a VCIA lobbyist.¹⁴⁰ These new provisions drew directly from the industry-supported SB 486 (Goode) and eliminated the

“protected breathing spaces” language that allowed more stringent local ordinances for “public breathing spaces,” and included instead standard industry preemption language that disallowed localities from passing local ordinances stronger than the statewide law. Despite his willing adoption of the new language, some health advocates such as Lucy Blackford, associate director of the ALA, felt that Macfarlane was still making a good-faith attempt to move forward; however, the preemption language he had utilized did alienate the health groups.¹⁴⁰ According to Blackford, Macfarlane may have adopted industry-supported preemption language to ensure passage of his bill, not realizing that the industry language would so damage the bill’s support from health advocates.¹⁴⁰ Others, like David Bailey, questioned the need for such a move “when the votes were there” along with health groups’ support.¹⁴⁰ After adopting the industry language, 11 out of the 13 co-sponsors of Macfarlane’s bill withdrew their support.¹⁴⁰

The result was that any distinction between the Macfarlane (SB 440) and Goode (SB 486) bills was further eroded, as SB 440 had been amended with language derived from SB 486. SB 440 then became the leading bill for the industry and Goode lent his support to promoting it. This led the health groups to drop their support of SB 440, shifting their support behind Michie’s SB 150.¹⁴¹ Michie publically questioned Macfarlane’s decision, with Michie stating to the *Roanoke Times* “I’m astounded that the senator from Roanoke [Macfarlane] has the temerity to support this bill thrust upon him by the tobacco industry.”¹⁴⁰

In early February, Macfarlane’s bill failed to pass its third reading in the Senate by a 21-18 vote. Donley credited this to Sen. Michie, whose bill had passed the Senate a few days before, stood up and “put his personality, his reputation on the line” to kill the bill.¹³⁷ Macfarlane’s bill was immediately reconsidered and defeated again, preventing it from being revived in the same year. While Goode’s bill was still alive in committee, it seemed unlikely to pass (and ultimately died at the end of the session with no further action) due to its similarity to Macfarlane’s bill.¹⁴²

This situation left Michie’s bill the only one to have a reasonable prospect of success in the Senate. At this point, the Tri-Agency Council threw their support behind Michie’s bill, mobilizing grassroots support.

Early in the 1990 session, Del. C. Richard Cranwell (D – Roanoke), chair of the powerful House Finance Committee, introduced HB 1055 which was promoted as a limited preemption repeal. But after the death of SB 440, HB 1055 was amended with a substitute bill, transforming it into a vehicle for tobacco industry language.¹⁴³ The only statewide protection against smoking that HB 1055 provided was that government-owned buildings must provide reasonable no-smoking areas. Most importantly, the new substitute bill preempted local ordinances and presented mandatory provisions that local ordinances must include. The bill also stated that any local ordinance must provide that where smoking was permissible, a building’s owner or manager would be exclusively responsible for designating no-smoking areas. The changes to HB 1055 satisfied no one, causing an immediate uproar from most tobacco control advocates and industry representatives alike.

HB 562 was considered by the tobacco industry to be the most threatening of the bills being carried in the General Assembly because it did not include preemption and encouraged

local ordinances to exceed the standards it set. It was aggressively opposed by the industry. RJ Reynolds (RJR), in response to HB 562 being reported out of the House General Laws Committee to the House floor on February 12, made phone calls to smokers and local smokers' groups as well as industry allies such as outdoor billboard advertisers, customers, tobacco growers, and hospitality groups. All were asked to make phone calls to legislators in opposition of HB 562. The bill was subsequently defeated on the House floor by a vote of 57-40 in the face of significant industry pressure.¹⁴⁴

After the defeat of HB 562, Cohen and Michie tried to block Cranwell's bill, but in the end both sides felt the need to compromise, so Cranwell agreed to meet with Cohen in an attempt to work out a bill agreeable to both sides. One of the main points of contention involved which part of the code the bill would be part of. Cohen and Michie wanted the bills to be part of the health code (Title 32.1), meaning that if the law were ever modified, it would first have to go through the health committees, generally favorable to tobacco control legislation, and bypass the hostile local government committees in both the House and the Senate. Cranwell sought to house the bill in the local government section of the code (Title 15.1), ensuring it would end up in those committees.¹⁴⁵ Cranwell ultimately prevailed, and both SB 105 and HB 1055 added new language in the local government section of the code.

On February 14, 1990, Cranwell's bill passed the House by an overwhelming majority of 92-5. With no health-group-supported bills left, Del. Cohen endorsed the bill, stating, "It's better to have half a loaf than no loaf at all."¹⁴⁶ Part of Cohen's support for Cranwell's bill was an agreement by health advocates and their legislative allies not to pursue stronger language or revisions to the bill for two years.¹⁴⁷ This tendency for legislative allies of the health groups to compromise in order to pass a bill would foreshadow legislative attitudes about tobacco control in the future, hampering advocates of strong bills and setting the stage for future half-measures and compromises.¹⁴⁶

A similar situation played out in another tobacco-growing state, South Carolina, during the same year.² South Carolina's tobacco industry lobbyists convinced health advocates to support a weak statewide law, which resulted in a lopsided compromise that strongly benefitted the tobacco industry. The health groups were motivated by a feeling that statewide support for a clean indoor air law was strong, and that they had to capitalize on this positive sentiment or lose their opportunity to get anything passed (similar to Cohen's motivation for agreeing to the tobacco industry's compromise). The tobacco industry was in a position of strength in South Carolina, losing nothing if a statewide law did not pass, but being in a strong position to dictate the terms of any compromise agreement. This was also true of the tobacco industry in Virginia. Ultimately, with the support of both the tobacco industry and the health groups, the South Carolina "compromise" language embodied in H 3303 and S 138 passed both houses in May 1990 and took effect in August of the same year.

Opinions among the health advocates on the Cranwell bill were mixed. On one hand, some coalition advocates like the League of Women Voters and the VCIA supported the bill, with the VCIA's lobbyist, David Bailey, stating that the coalition was "delighted" with Cranwell's proposal, explaining that while the agency preferred the Cohen/Michie proposal, they

felt positively about Cranwell’s bill.¹⁴⁸ On the other hand, Anne Donley of GASP complained about the bill’s weak language.¹⁴⁹

On March 2, SB 150 was amended to be identical to HB 1055. Both bills passed both houses by strong majorities on March 9, forming the basis for the final version of the Virginia Indoor Clean Air Act (Table 29).

On March 10, however, Gov. Douglas Wilder (D) made two amendments to the bill and sent it back to the Legislature for final approval. One amendment simply replaced mistakenly deleted wording and did not change the thrust of the bill. The other amendment was substantive, and exempted prisons from the purview of the VICAA: “The provisions of this chapter shall not apply to office, work or other areas of the Department of Corrections which are not entered by the general public in the normal course of business or use of the premises.” On April 18, the Legislature approved Gov. Wilder’s amendments, and Wilder signed the bill into law on April 25th. The law went into effect July 1, 1990.

Public Buildings	All buildings shall provide reasonable no-smoking areas. Local ordinances may provide that management is responsible for designating no-smoking areas
Public Transit	Local ordinances shall provide that smoking in public conveyances is prohibited
Elevators	Smoking prohibited
Healthcare Facilities	Smoking prohibited in ER
Daycare Facilities	N/A
Schools	Smoking prohibited in school buses, common areas of schools.
Private Workplaces	Localities may not regulate smoking in areas not entered into by public in the normal course of business, other areas may be regulated by agreement between employees and management
Retail Stores	Proprietor shall designate reasonably sufficient areas in retail stores 15,000 sq. ft. or more.
Restaurants	Any restaurant with >50 seats must designate a no-smoking area sufficient for customer demand as determined by management
Bars	Exempted
Smoking Rooms	N/A
Ventilation	Existing physical barriers and ventilations shall be used whenever reasonably practicable.
Preemption	Local ordinances preempted after 1/1/90
Signs	Must be clearly and conspicuously displayed in no-smoking areas
Fine	Not more than \$25
Enforcement	Not specified.
Notes	Smoking areas must not be so large as to preclude reasonable no-smoking areas

Page Sutherland of the Tobacco Institute worked with Del. Cranwell to assure that Tobacco Coalition members were present at the bill signing on the 25th. The groups represented at the signing were the Virginia Agribusiness Council, the Virginia Farm Bureau Federation, the Virginia Food Dealers Association, the Virginia Wholesales-Distributors Association, and representatives from the Tobacco Institute including Sutherland.¹⁵⁰ Supporters of the legislation also attended the signing, including the Virginia Municipal League, the League of Women Voters, the Medical Society of Virginia, and the Tri-Agency Council. Cranwell was the only legislator present at the signing.¹⁵⁰

All sides seemed accepting of the final bill, including such diametrically opposed people as Anthony Troy of the Tobacco Institute (“I think we can live with it.”¹⁴⁷) and Anne Donley of GASP (“This is exciting. The fact that it was passed in Virginia is fantastic. This is a big step forward.”¹⁴⁷).

Reactions to the VICAA

Almost immediately after passage, both health advocates and industry representatives sought to define the provisions of the bill as favorable to their interests as well as set the tone for enforcement.

In April 1990, the Tobacco Institute opened the debate by observing to reporters that the 1990 bill was a boon for the tobacco industry and that “Virginia’s sensible level of accommodation is a model for the rest of the country.”¹⁵¹ The Tobacco Institute also took credit for the VICAA. For example, Page Sutherland, a regional director for the Tobacco Institute, accurately stated to the press that “Most of the provisions of the law we enacted are taken from pieces of legislation that we introduced.”¹⁵¹ Tobacco Institute representatives also took the initiative to produce interpretive guidelines for the public and proprietors of venues covered by the new law.

Health advocates responded defensively about the Tobacco Institute’s moves by referring to them as public relations ploys serving as “damage control,” and, inaccurately, pointing to the new law as a strong one. Jane Roberts, a spokesperson for the VCIA, said to the press that “This is the strongest measure among the top tobacco-producing states in the nation,” a statement that was true in a technical sense but ignored the weak provisions of the bill, such as preemption.¹⁵²

The Progeny of the Weak Law

After the VICAA was enacted, several events occurred that were either a result of the law or were related to the charged atmosphere surrounding the legislative session.

Governor Wilder Prohibits Smoking in His Offices

In June, 1990, Governor Wilder announced that because of the recent passage of the VICAA he felt compelled to end smoking in his offices. Wilder’s offices comprised the third floor of the Capitol building, and included approximately 35 employees, of which Wilder claimed only 3 or 4 smoked. Wilder said, “There’s no way I can sign [the VICAA] and allow [smoking] to be done up here.” This action was similar to an earlier move on the 20th anniversary of Earth Day, when Wilder directed his employees to recycle in order to lead by example.¹⁵³

Wilder took this action despite the large number of Philip Morris employees in his former senate district in Richmond and the \$10,000 contribution Philip Morris made in 1989 to his gubernatorial campaign.¹⁵⁴

The tobacco industry was critical of the governor’s action. Page Sutherland, regional director of the Tobacco Institute, told the press that he “hoped he would have set aside a

smokers' lounge or a portion of an office where people could smoke.”¹⁵³ Anne Donley of GASP welcomed Wilder's action, but noted that GASP had received complaints of lax enforcement among state agencies hoping that Wilder would follow up his actions by ensuring that agency heads enforced VCAA provisions in their own offices. In an open letter sent to Wilder, Donley called for vigorous enforcement in line with Wilder's well-publicized emphasis on anti-drug campaigns.¹⁵³

GASP Increases in Popularity and Membership

In 1990, a news article appearing in the *Newport News Daily Press* revealed that GASP had grown enormously since its first press conference in 1986 and was widely seen as being an influential health group that significantly assisted in the passage of the VCAA.¹⁵⁵ Having expanded its membership from around 5 in 1986 to nearly 1,000 by October 1990, GASP was at the zenith of its influence on Virginia tobacco control. GASP had become prominent enough, and garnered enough media attention that the Tobacco Institute began painting it as “very radical” and “overreactionary” in an attempt to undermine its impact on the public discourse about tobacco control in the media.¹⁵⁵ The Institute's Page Sutherland also characterized GASP's brash tactics and occasional disagreements with other health voluntary organizations, saying that “at times GASP has been an impediment to other groups working for the same cause. But they're going to take the credit. They always do.”¹⁵⁵ GASP's contribution to the tobacco control effort was mainly in influencing public opinion through the media by adopting a stronger position on tobacco control than the Tri-Agency Council held and pressing the Tri-Agency to take more aggressive positions by moving where the “center” was.⁸² At least one Tri-Agency member, Kevin Cooper, felt that by adopting a radical position, GASP helped push the Tri-Agency's position to the “center,” in effect normalizing it and helping their efforts.⁸²

Protests of Wilder Promotion of Tobacco Overseas

In May 1991, Governor Wilder toured Europe, in part to promote exports of Virginia tobacco. Wilder found himself in the middle of a public relations problem because Wilder had the year before signed the VCAA into law with much fanfare. The American Lung Association of Northern Virginia released a harsh statement condemning Wilder's “eerily ironic” promotion of tobacco abroad.¹⁵⁶ All three of the Virginia branches of the national voluntary health organizations protested the move by arranging for a group of third-graders to sing an anti-smoking song to Wilder at a Capitol event before he left on the trip but after news of his plans to promote tobacco spread.¹⁵⁷ Wilder justified his action by saying that the promotion of a Virginia industry was not “hypocritical or inconsistent” with his personal views on health and the VCAA he had signed.¹⁵⁷

Worker's Compensation Suit Related to Smoking

In December 1992, Suzanne Bennett, an employee of the Virginia Department of Taxation, filed a complaint against her employer with the Virginia Worker's Compensation Commission (VWCC) seeking \$5,000 for medical bills and vacation time utilized because she was suffering from asthmatic bronchitis. Bennett claimed that the illness was due to the proximity of smokers in her workplace, which was theoretically in a nonsmoking area but in

reality suffered from drifting secondhand smoke from an adjacent smoking area. Ultimately the VWCC rejected her claim that her illness was caused by work conditions, instead claiming that her evidence merely showed that her illness was aggravated by the conditions. Nevertheless, the complaints that lead to the suit caused the Department of Taxation to change its smoking policy shortly before the suit was filed to limit smoking to areas separate from the common areas of the building.^{158, 159}

While GASP did not assist Bennett while her complaint was active, Donley recalls that in the wake of the VWCC decision, the Department of Taxation purchased a respirator similar to ones used for painters, and requested that Bennett use it in the room she previously worked in for a time.⁸¹ When GASP was alerted to this, they sent out information to several reporters, and eventually Bennett was interviewed on television wearing the respirator. This publicity caused the Department of Taxation to move Bennett to a room that was completely nonsmoking.⁸¹

Implementation and Enforcement Challenges

The ambiguous enforcement language in the VICAA presented a major problem: who would enforce the law? The only enforcement language in the VICAA concerned local ordinances, stating that “Any local ordinance may provide a civil penalty of not more than twenty-five dollars for violations of any provision of such local ordinance.” This statement represented all the legislative guidance in the law regarding enforcement and did not apply outside of a local ordinance setting. Because state agencies refused to declare themselves as enforcers (and the governor did not specify one), both health advocates and industry partners sought to define the issue in their own terms. Until the VICAA was amended in 1991, private enforcement suits became the primary mechanism of enforcement.

The Tobacco Institute responded rapidly to the VICAA, issuing “Virginia’s Clean Indoor Air Act: A Business Guide on New Smoking Regulations” in June, 1990 with the Virginia Chamber of Commerce. The pamphlet downplayed the already weak enforcement and fine provisions. The section on enforcement, titled “Courtesy First,” read:

When a person is smoking in a posted “no-smoking” area, as governed by the law, that person must first be asked to extinguish their lit smoking material. Any person who continues to smoke in a designated “no-smoking” area after being asked to refrain from smoking may be subject to a civil penalty of no more than \$25.³⁸

Health advocates sought to clarify enforcement issues by urging people to take enforcement into their own hands, then try the police. The ALA, AHA, and ACS issued their own pamphlet at roughly the same time as the Tobacco Institute, entitled “Questions & Answers About the Virginia Indoor Clean Air Act.” They said:

Q: Who is responsible for enforcing the Virginia Indoor Clean Air Act?

A: The owner or manager of a facility should be approached first concerning a violation. The next recourse could be to contact the local law

enforcement agency (i.e., police, sheriff).¹⁶⁰

This advice ignored the fact that there was not a clear responsibility placed on the local police or sheriff to take action.

Low compliance with the sign-posting requirements was one of the more visible problems with the lack of VICAA enforcement. Newspapers reported widespread confusion among business interests due to language that was intended to exempt small restaurants (those with 50 or fewer seats) from being required to have no-smoking sections.¹⁶¹ According to Jane Roberts, the Tri-Agency Council spokesperson, there were also “pockets of resistance” throughout the state, especially in tobacco-growing regions.¹⁶¹ The consensus among health advocates on how to respond to these problems focused on continuing their education pamphlet and allowing affected businesses time to adapt to the new laws.

Anne Donley and GASP embraced a different approach, determining that the best way to improve enforcement among retailers and other low-compliance entities would be to carry out compliance checks and file complaints personally. Donley noted that she had received calls from citizens who had attempted to involve local authorities in enforcement actions, but had been turned away, prompting her to take matters into her own hands.¹⁶² Beginning in August 1990, Donley and several others filed complaints against several entities (Table 30).

Date	Complainant	Accused Violator	Disposition
8/4/1990	Anne Donley	Food Lion Grocery	Food Lion fined \$25 on 8/23/1990
8/4/1990	Anne Donley	Philip Morris	Dismissed, appealed twice, finally dismissed on 8/15/1991
8/4/1990	Anne Donley	Richmond City Manager	Resolved without fine
10/30/1990	Barbara Beville (GASP)	Fords (individuals)	Ruling in favor of Fords, 10/30/1990
4/2/1991	Anne Donley	Richmond Newspapers	Dismissed 8/6/1991
9/3/1991	Henry Crisp	several truck stops	Dismissed 9/7/1991, ruling overturns private citizen enforcement
1991	Anne Donley	Henrico County	Dismissed (filed in wrong court)

Individual enforcement actions ceased after the passage of a bill introduced by Cohen, HB 769, in 1992. As introduced, the bill was intended to clarify the confusion surrounding the enforcement provisions of the VICAA (Table 31). The House Counties, Cities & Towns Committee amended the bill significantly, removing the State Health Department as a designated enforcement agent, removing the language protecting individual enforcement actions, and adding exemptions from the VICAA for tobacco warehouses and tobacco manufacturing facilities. After passing both the House and the Senate, Governor Wilder attached amendatory language, replacing the exception for “retail tobacco stores” with an exception for “establishments primarily engaged in the retail sale of cigarettes, cigars, tobacco and smoking supplies.” The House rejected this amendment, then passed the bill again. At this point, Governor Wilder backed down and signed the bill as originally passed. It went into effect on July 7, 1992.¹⁶³

Table 31: Changes to the VICAA by HB 769 as introduced	
1.	Any law enforcement official could issue a summons to enforce the VICAA
2.	Any person could report a violation to the State Health Department or could contact a law enforcement officer
3.	The health department would be required to contact an alleged violator and seek compliance with the act.
4.	Individual enforcement actions were explicitly preserved as an enforcement mechanism
5.	These provisions applied to local ordinances as well

In the end, the law only stated, “Any law-enforcement officer may issue a summons regarding a violation of this Act.” The local ordinance provision stated that “Any local ordinance shall provide that any law-enforcement officer may issue a summons regarding a violation of the ordinance.”¹⁶⁴

Other than issuing their brochure, the health groups did nothing to seek enforcement of the law.

Attempted Amendments to the VICAA

Two amendments to the VICAA were passed after the 1992 amendment. HB 952 passed in 1994 and made a minor change to the law, redefining the phrase “recreational facility.” The second was passed in 2009, which was a weak restaurant smoking restriction bill opposed by the VFHF because it sanctioned smoking rooms and ventilation. (See discussion of HB 1703 below.)

HB 1796 and SB 815 in 1991

Early in the 1991 legislative session, Del. Cohen and Sen. Michie introduced legislation, HB 1796 and SB 815, to clarify the enforcement provisions of the VICAA. The industry responded strongly, claiming that instead of the minor technical revision that the proponents claimed, the bills represented a violation of the agreement between health advocates and the tobacco industry not to amend the law for two years.

Originally, both bills sought to declare that the penalty for violating the VICAA was civil in nature, allowing the private citizen complainants to go to a civil court to file the complaint. In addition, the Commonwealth Attorney could participate in the enforcement action. The aim was to continue to allow private citizens to take direct action through the court system, as Anne Donley had previously done.¹⁶⁵ Soon afterwards, the House version was amended so that city and county attorneys and *not* Commonwealth attorneys enforce the law. Eventually, the Legislature adjourned before the bill could pass, effectively killing it. The companion bill, SB 815, had died in the Senate Education and Health Committee almost a month earlier.¹⁶³ We were unable to locate any actions by the health groups to support either of these bills.

The tobacco industry put significant pressure on the Legislature during this period. Tobacco Institute lobbyist Anthony Troy described the bill to the press as legalizing “vigilantism,” stating that he had never heard of a situation where “private citizens are deputized and allowed to go out and collect fines on behalf of the state.”¹⁶⁶ Industry allies were also upset because Cohen’s introduction of HB 1796 was viewed as a renegeing on the verbal agreement that there would be a “two year cooling off period” after the passage of the VICAA, in which no

further legislation would be introduced on the subject. Anne Donley argued that the industry had broken their promise first, by allowing Del. Willard R. Finney (D – Franklin County) and Del. Charles R. Hawkins (R – Pittsylvania County) to introduce a bill that sought to exclude open elevators from the VICAA, a move that Donley characterized as “a vehicle for weakening the act.”¹⁶³ Industry lobbyists countered that they had not noticed the bill, and when they were made aware of it, they attempted to get it withdrawn. The attempt was not successful, as Finney’s bill, HB 1980 was adopted to exclude any “open hoist elevator, not intended for use by the public” from the provisions of the VICAA.¹⁶³

HB 2431 in 1993

In 1993, Cohen again attempted to strengthen the VICAA, introducing HB 2431 to remove preemption language. It also allowed any workplace to become completely smokefree and prohibited smoking completely in more public places and required that at least half of any restaurant be non-smoking. Several groups supported Cohen’s 1993 bill, including the Tri-Agency Council, the Medical Society of Virginia, the Virginia Nurses Association and GASP. The Tri-Agency Council released a statement through their spokesperson, Dr. Richard Brandt, pointing to the 1992 US Environmental Protection Agency Report¹⁶⁷ that found secondhand smoke was a Class A carcinogen, as a main reason to push for the amendment at that time.¹⁶⁸

HB 2431 was referred to the House General Laws committee and reported out of committee without amendment. However, when it reached the House Counties, Cities & Towns Committee, the bill was amended to reinstate preemption and remove language that permitted public places to become completely smokefree. In addition, the amendment would have allowed smoking in employee areas of day care facilities, nursery schools and kindergartens. HB 2431, as amended, passed in the House 63-36. The Senate General Laws Committee added private schools and daycare centers to the list of venues where smoking was restricted. The Senate rejected the Committee Substitute bill and passed the House version 39-0. As a result of the changes Del. Cohen requested that the bill be recalled and the Senate voted 27-9 to strike it from the calendar.^{169, 170}

Smoker’s Rights Legislation

The smoker’s rights movement sprung out of an alliance between the American Civil Liberties Union (ACLU) and the tobacco industry in the wake of a 1988 survey by the Administrative Management Society that showed that 6% of companies in the United States were refusing to hire smokers.¹⁷¹ This prompted the ACLU, with undisclosed financial support from the tobacco industry,¹⁷² to work with the industry to seek the implementation of so-called “smokers’-rights” laws in many states in the 1980s and early 1990s. The ACLU justified their actions by claiming that they were working to protect Americans from employment discrimination, or as they referred to it, “lifestyle discrimination,” due to an activity done off-duty.¹⁷¹

The push for smokers’ rights legislation coincided with a tobacco industry campaign to create smokers’ rights groups. These groups were intended to have the appearance of spontaneous public support against “discrimination” against smokers, but their true purpose was

to provide a local focal point for tobacco industry resources to fight local tobacco control legislation. They were also intended to be a credible voice for the tobacco industry, as industry-conducted polling showed the public did not feel that the tobacco industry was credible.^{61, 173}

In 1988, the Tobacco Institute was unhappy with the three localities (Fairfax County, Newport News, and Virginia Beach) that had disallowed the employment of police or firefighters who smoked, something the Institute viewed as employment discrimination.¹⁷⁴ After a planning period, Philip Morris, R.J. Reynolds and American Tobacco developed legislation to prohibit workplace discrimination based on smoking status.¹⁷⁴ The industry's bill, HB 1000, was carried by Del. Franklin Hall (D - Richmond), which also sought to prohibit employer smoking restrictions on employees during nonworking hours unless there was a bona fide occupational requirement or a collective bargaining agreement.¹³⁸ The bill was introduced during the 1990 session but never acted upon, and died when the legislature adjourned without carrying it over.¹³⁸

The next attempt at smokers' rights legislation came during the 1993 session, when Sen. Virgil Goode, (D – Franklin) introduced SB 859 to prohibit job discrimination based on the use of tobacco products by potential employees outside of the scope of their employment. Goode's bill would have also exempted law enforcement officers, firefighters, religious organizations, and nonprofits working on health or policy issues related to cancer, lung disease, air pollution, or smoking. In this original form of the bill, it broadly defined discrimination, but it was amended in the House to limit the application of the bill to hiring, firing, and compensation situations.

Goode introduced the bill in order to protect people who, in his words, want to leave work “to go home, close the door and take a puff” without needing to fear that they would lose their jobs. Despite this rhetoric, other legislators felt that it was misleading to describe discrimination in these terms when, as Sen. Richard Saslaw (D – Fairfax) noted, smokers cause a disproportionate amount of productivity loss through missed days of work and also cost more to insure, both serious considerations for an employer and the state in general.¹⁷⁵ This debate played out in the media, with various legislators adopting variations of these respective positions. Possibly the strongest argument against the bill was made by Del. Jerrald Jones (D – Norfolk) who worried that it would make smokers a “protected class” under Virginia law. Jones and other lawmakers were wary of elevating the class of “smokers” to a similar level as classes based on race, gender, or religion.¹⁷⁶

In April, the bill passed both the House and Senate. Virginia ASSIST, the Tri-Agency Council, and GASP all opposed the measure and urged Gov. Wilder to veto the bill.¹⁷⁷ Wilder did veto it, although it was ostensibly because he was concerned about creating a protected class under Virginia law, as Del. Jones had argued. Wilder's action drew immediate condemnation from Philip Morris, whose President and CEO William Campbell wrote Wilder an angry letter. Wilder's concern about creating a new protected class (echoing the sentiment of Del. Jones) was singled out for particular criticism. Campbell described the bill as one about “privacy and personal liberties ... not about creating a new constitutionally protected class.” Campbell was also very clear that his letter reflected the position of his “11,000 colleagues at Philip Morris USA,” and obliquely claimed that the veto would put jobs at risk.¹⁷⁸

Conclusions

Despite strong and successful efforts by all-volunteer GASP to attract and sustain media attention to the issue of clean indoor air, the VICAA was ultimately a victory for the tobacco industry and their affiliates. Preemptive and relatively weak, the VICAA would hamper future tobacco control efforts by forestalling local clean indoor air measures. Considering the relative success of local clean indoor air measures before the enactment of the VICAA despite Dillon's Rule, and the success of local cigarette excise taxes before and after the VICAA, local action was an effective tobacco control technique in Virginia as it was and has been nationally. Preemption forced tobacco control advocates to focus on statewide tobacco control measures that the tobacco industry had been more successful at countering.

In addition, tobacco control advocates failed to capitalize on strong indicators of support for tobacco control measures. Polling of the public and of legislators prior to the enactment of the VICAA showed favorable attitudes towards tobacco control, but this information was not effectively leveraged to inform legislators of the opinions of their constituents. Thus, even strong legislative champions of the advocates, like Del. Cohen, supported the relatively weak provisions of the VICAA. Cohen said of the VICAA "half a loaf is better than nothing," but despite Cohen's good intentions the VICAA harmed future tobacco control efforts by preventing local action and despite attempts to strengthen its terms.

Divisions among advocates, particularly between GASP and the Tri-Agency Council, also harmed tobacco control efforts. Concerns by the voluntary health organizations about alienating their donor base hampered the Tri-Agency Council's willingness to support strong, comprehensive clean indoor air laws. Tri-Agency Council, favoring milder measures, naively supported Sen. Macfarlane despite his well-known antipathy towards tobacco control measures (and later Del. Cranwell, who carried legislation drafted by the tobacco industry), while GASP supported legislation introduced by Del. Cohen and Sen. Michie that were considerably more comprehensive. Because of this, the tobacco advocates were split in the face of unified tobacco industry opposition, and the tobacco industry was able to guide the legislative process to an arrangement that was satisfactory to them.

Additionally, Virginia advocates faced strong and well-organized opposition from the tobacco industry, which formed the VTC with the purpose of enacting "proactive legislation" favorable to the tobacco industry. With legislative allies heading powerful legislative committees, and with well-funded lobbying efforts, the VTC was successful in their mission of minimizing the negative effects of the VICAA on the industry.

TOBACCO CONTROL INFRASTRUCTURE AND FUNDING

State Tobacco Control Funding in Virginia

Virginia did not fund any tobacco control programming from the state's general fund or from dedicated revenue appropriations. The Virginians for Healthy Youth, formerly the Virginia Tobacco Settlement Foundation, in 2010 was still the only tobacco control entity in Virginia that was funded by public money from the Master Settlement Agreement. The Virginia Department

of Health's (VDH) Tobacco Use Control Program (TUCP), formed in 1992, received no money from the state and was entirely funded by the Center for Disease Control and Prevention's National Tobacco Control Program (NTCP). TUCP fully funded Quit Now Virginia, the state's tobacco quit line.

Virginia Department of Health Tobacco Use Control Program

The Tobacco Use Control Project (TUCP) was formed in 1992 as a program of the Virginia Department of Health (VDH) as a result of Virginia receiving an American Stop Smoking Intervention Study (ASSIST) grant from the National Cancer Institute (NCI) (see below).¹⁷⁹ At the time, Virginia had no specific program for tobacco control, so a position was created within VDH for a Tobacco Use Control Director.¹⁷⁹ The first director of TUCP was R. Neal Graham, who had previously been involved with the Coalition for a Smokefree Virginia and the American Lung Association.¹⁸⁰

After the completion of the ASSIST program, the funding for TUCP shifted from NCI to the National Tobacco Control Program (NTCP) funding from the Center for Disease Control and Prevention's (CDC) Office on Smoking and Health (OSH), which dispersed smaller amounts of money than NCI, but provided technical assistance to the department to establish tobacco control and prevention programming. The NTCP was established in 1999 and covered all 50 states, with the goals of: eliminating secondhand smoke exposure, promoting smoking cessation, preventing youth initiation, and eliminating disparities among various groups with regard to tobacco health impact. As of 2010, TUCP employed 5 full-time and 3 part-time staff funded through NTCP.¹⁷⁹

TUCP uses the funding provided by NTCP to provide technical assistance, training, and similar materials to Virginia advocates, including the Virginians for a Healthy Future coalition (VFHF).¹⁸¹ With VFHF, TUCP helped to set up a statewide website (www.healthyva.org) and conduct polls, direct mail, and media campaigns.¹⁷⁹ In addition, TUCP funds a network of local coalitions and health districts and partner organizations that shared TUCP's mission. These local coalitions worked on local cessation, community education, and promotion of voluntary clean indoor air policies.¹⁷⁹ These local community efforts have focused primarily on restricting youth access to tobacco products.¹⁷⁹

National voluntary health organizations inconsistently supported state funding for TUCP since their inception in 1992, primarily due to their insufficient funding for tobacco control advocacy.¹⁷⁹

Virginia Foundation for Healthy Youth (Formerly Virginia Tobacco Settlement Foundation)

The Virginia Tobacco Settlement Foundation (VTSF) was created by the Virginia Legislature in 1999 as a result of the Master Settlement Agreement (MSA) to conduct youth smoking prevention activities. VTSF is funded by payments to the state under the MSA. The MSA payments are divided between the Virginia Healthcare Trust Fund (40%), the Tobacco Indemnification and Community Revitalization Commission (50%), and the VTSF, which receives 10% of MSA payments. Table 32 shows the total MSA payments actually received by Virginia from 2002-2009, and the amount actually allocated to VTSF.

Table 32: Total Actual MSA Payments to Virginia Compared to Actual VTSF Payments, in Millions of Dollars, 2002-2009

	FY2009	FY2008	FY2007	FY2006	FY2005	FY2004	FY2003	FY2002
Total MSA Payments	146.7	144.8	125.7	119.1	130.3	128.4	150.0	149.6
MSA Funds Allocated to VTSF ¹	13.9	12.7	12.5	12	13	12.8	15.0	15.0

¹ In FY 2008 and FY2009 money was withheld in an escrow account because of a dispute with the tobacco industry over decreased revenues attributable to nonparticipating manufacturers increasing sales.
Source: Virginia Tobacco Settlement Foundation¹⁸²

Until 2009, VTSF utilized their funding to conduct youth tobacco control efforts in four areas: youth tobacco use prevention and cessation; youth marketing, including TV, radio, and online materials, to increase awareness of the harms of tobacco use; youth tobacco access enforcement via funding of the state Department of Alcoholic Beverage Control to conduct compliance checks of tobacco retailers; and funding collaborative research projects that explore the factors that lead to youth tobacco use and their effects. Table 33 details the expenditures by VTSF in these areas from 2001-2008.

Table 33: VTSF Expenditures By Program, in Millions of Dollars, 2001-2009

	FY2009	FY2008	FY2007	FY2006	FY2005	FY2004	FY2003	FY2002
State and community interventions	4.5	3.9	3.8	4	5	5.3	5.7	2.4
Media	4.7	4.7	4.4	5.1	4.9	7.3	7.8	9
Surveillance and evaluation	1.8	1.6	1.4	2	1.9	2.7	2.9	5.2
Administration and management	1.7	1.7	1.6	1.6	1.5	1.5	1.3	1.3
Total Foundation Expenditures	12.7	11.8	11.3	12.7	13.2	16.8	17.9	18

Source: Virginia Tobacco Settlement Foundation¹⁸²

In 2009, legislation passed in Virginia changed the name of VTSF to the Virginia Foundation for Healthy Youth (VFHY), created two subgroups. The first was called VTSF and continued to address youth tobacco prevention activities. The second subgroup, the Virginia Youth Obesity Prevention division, added childhood obesity to the organization’s public health mission. While the legislation did not require any of the MSA-derived funding to be specifically expended on childhood obesity issues, no additional funds were provided for obesity programming or activities. The legislation invited VFHY to solicit additional funding to provide for obesity activities, and required the MSA funding to be “primarily” (at least 51% of the MSA allocation) dedicated to youth tobacco prevention activities. This allows for the possibility that 49% of MSA-derived funding may be diverted from tobacco control activities to provide for obesity.

No MSA funds are utilized for adult tobacco prevention, cessation, media, or interventions.

American Stop Smoking Intervention Study, 1991-1999

Background

The American Stop Smoking Intervention Study (ASSIST) was a research program of the National Cancer Institute (NCI) designed to test the effectiveness of state-level public policy

interventions to reduce tobacco use. ASSIST sought to evaluate the effects of policies in four areas: (1) eliminating secondhand smoke exposure; (2) promoting higher tobacco taxes; (3) reducing and restricting tobacco advertising; and (4) reducing minors' access to tobacco.¹⁸³

In early 1990, the NCI issued requests for proposals to all the states that wished to compete to be part of ASSIST. Thirty-five states responded, and Virginia was one of the 17 states selected.¹⁸³ (Other ASSIST grantees in the southeast were West Virginia, North Carolina, and South Carolina.) The contracts were awarded to the state health departments who were required to partner with the local chapter of the American Cancer Society (ACS) and other state and local groups to form a coalition to define and implement policies consistent with the ASSIST design.¹⁸³ In Virginia, the ASSIST program was awarded to a partnership of the Virginia Department of Health's Division of Health Education in Richmond and the Virginia Division of the American Cancer Society.¹⁸⁴ By coincidence, the ASSIST program was created almost contemporaneously with the passage of the VICAA.

ASSIST was active from 1991 through 1999 and was the first large-scale project aiming to use a broad coalition with specific policy goals to change tobacco use in Virginia.¹⁸³ The first two years were primarily devoted to planning and coalition-building; by 1992 there were six local coalitions active in Virginia. The program picked up momentum and by 1998 Virginia's ASSIST coalition included one state-wide and 17 local coalitions, formed under the auspices of the Virginia Department of Health's Tobacco Use Control Program (TUCP).¹⁸³

The ASSIST coalition included numerous groups and organizations, some of whom were already active in tobacco control in Virginia. The mainstays of the Virginia ASSIST coalition were the Virginia chapters of the ALA, AHA, and ACS, which had the largest volunteer bases and the greatest ideological commitment to tobacco control. Other groups, such as the Virginia Pediatric Association and the Virginia Medical Society, signed the ASSIST coalition mission statement, but did little to help with grassroots advocacy or legislator education. Other smaller groups, such as nursing associations and medical schools, were also involved as signatory members. The Virginia Department of Health's (VDH) Tobacco Use Control Program was formed as a result of the ASSIST grant, and provided ASSIST with access to the VDH's group of local coalitions. Table 34 provides a typical example of how ASSIST funding was allocated in 1995 (allocations for other years were not available).

Carter Steger, who was working with ASSIST in her capacity as a campaign director at ACS, noted in a 2009 interview that during the ASSIST planning phase the coalition had success in forming local coalitions. However, as time passed these local coalitions deteriorated and their effectiveness was degraded. Carter Steger recalled that it was difficult to get coalition members actively involved in tobacco control advocacy because of their unwillingness to cross the tobacco industry.⁸³

Goals

In 1993, at the end of the planning period, Virginia's ASSIST program had developed a plan that aimed to reduce of tobacco consumption by 38% and to cut smoking initiation among youth by 50%, all by 1998 (Table 35).¹⁸⁵ The plan recognized that, as a tobacco state, Virginia faced particular challenges:

Table 34: Virginia ASSIST Grants Distributed FY1995	
Northern Virginia Coalition on Smoking or Health	\$25,000
ASSIST Coalition of South Hampton Roads	\$25,000
Stop Tobacco Use Now Coalition, Richmond	\$25,000
Coalition for a Smokefree Peninsula	\$15,000
Coalition for a Smokefree Virginia	\$319,545
Roanoke Alive and Well Coalition	\$15,000
Appalachia Alive and Kickin' Coalition	\$12,000
Rappahannock Coalition on Tobacco	\$8,000
Smokefree Charlottesville Coalition	\$8,000
New River Breathin' Easy Coalition	\$8,000
Shenandoah Coalition Against Tobacco	\$8,000
Staunton/Augusta Smokefree Coalition	\$6,000
ASSIST Coalition of Eastern Shore	\$6,000
TOTAL	\$480,545
Source: Tobacco Institute ¹⁸⁶	

In some areas of Virginia, the tobacco product is a way of life and a source of income and is therefore more socially accepted. Changing attitudes and perceptions to promote policy change and to involve the media will be a major challenge in these areas.¹⁸⁵

Indeed, in a 2009 interview, Steger recounted that one unnamed organization which was approached to join the coalition refused membership in the coalition because of the presence of a Philip Morris employee on their board of directors.⁸³ To effect changes in entrenched smoking behaviors, Virginia ASSIST aimed to use the media to “generate a great deal of public awareness and support for policy change” in order to “alter the

norm to one in which it is socially unacceptable to smoke.”¹⁸⁵ Virginia ASSIST utilized several channels for reaching citizens to generate awareness, including healthcare delivery systems such as medical societies, workplaces, schools, and community networks such as the Virginia Parent Teacher Association.¹⁸⁴

Industry Response to ASSIST

ASSIST drew the attention of the tobacco industry soon after it was announced.^{187, 188} The industry discussed and subsequently adopted a series of tactics to harass the ASSIST coalitions nationwide (as well as the NCI). Most of these tactics, such as claiming that ASSIST was conducting “illegal lobbying activities,” focused on disrupting the ASSIST capacity to effectively influence policy development. As early as 1992, Philip Morris’s Vice President of Corporate Affairs, Jack Nelson, called for federal restrictions on ASSIST funding, especially concerning lobbying expenditures.¹⁸⁹ Philip Morris (PM) also sought to introduce fiscal and ethics complaints through state government groups, to pressure state Attorneys General to act on those allegations. Additionally, PM pursued allegations of waste in charities, focusing on charities in ASSIST coalitions.¹⁹⁰

TI was also heavily involved in preparations to counter the ASSIST program. Early in 1992, Samuel Chilcote, Jr., the TI president, made anti-ASSIST efforts TI’s “ongoing, top-priority project.”¹⁹¹ TI’s plan involved preparing field staff with information about ASSIST funding and expenditures, and, in conjunction with the tobacco industry law firm Covington & Burling, exploring the use of local “sunshine” laws to require additional reporting of ASSIST financial information.¹⁹¹ TI also planned to increase their field staff’s ability to disrupt any ASSIST legislative activity in several states, including Virginia.¹⁹¹ Finally, TI coordinated efforts

with Lorillard, PM, and RJ Reynolds to increase the dissemination of their ineffective “smoking accommodation” messaging in ASSIST states to counter ASSIST programming.¹⁹¹

Table 35: Specific goals for Virginia ASSIST

Statewide Goals		
Goal	Strategy	Target Date
Local clean indoor air ordinances	Educate local officials about VICAA's effect	1994
VICAA compliance	Educate legislators on effective compliance models	1995
Smokefree public places	Encourage voluntary smoking restrictions from owner/operators	1995
Increase state tax	Educate state/local officials of economic benefits; mobilize grassroots	1998
Restrict outdoor tobacco advertising	Encourage local government, retailers, to restrict ads; encourage free advertising for smokefree messages	1998
Increased prevalence of nonsmoking messages	Develop pro-health media messages; generate media coverage to change social norms	1998

Community Group Goals		
Goal	Strategy	Target Date
Expand coalition to include youth, minority, women groups	Recruitment	1994
Train each local coalition to conduct tobacco education	Statewide training session	1994
Contact at least 5 major community groups in each major geographic area to encourage no-smoking policy	Utilize local coalitions; recognize community groups with policies	1995
Recruit minority religious groups (5 in each area)	Recruitment and training of community religious leaders	1995

Workplace Goals		
Goal	Strategy	Target Date
50% of workplaces restrict smoking	Increase awareness; consult with unions.	1998
Workplaces will maintain tobacco cessation focus	Provide business resource info about cessation programs	1998

School Goals		
Goal	Strategy	Target Date
100% of K-12, 50% of vocational schools will be tobacco free	Increase awareness of risks of smoking.; advocate for policy implementation	1998
100% of K-12 will have effective prevention curricula	Educate school officials; promote comprehensive prevention programs	1998

Healthcare Goals		
Goal	Strategy	Target Date
75% of doctors will advise cessation and provide assistance	Obtain and encourage continuing education credits for training doctors about cessation; encourage reimbursement for training	1998
100% public health facilities tobacco free	Advocate for VICAA inclusion of health facilities; encourage ASSIST coalition participation	1998

Source: Virginia ASSIST¹⁸⁵

Misuse of Freedom of Information Act (FOIA) requests was another disruptive tactic that had two results that were favorable to the tobacco industry.^{187, 192} First, these requests tended to bring ASSIST coalitions' advocacy work to a halt as they struggled to comply with voluminous

requests for information, much of it spurious. Secondly, they gave the industry useful information about ASSIST spending and programming that could be used to organize attacks.¹⁸⁷

The tobacco industry's tactics had tangible effects on ASSIST public health advocacy nationwide. In most of the 17 ASSIST states, health advocates reported that the tobacco industry's efforts to disrupt ASSIST efforts had some impact on their effectiveness, despite the fact that many of the tobacco industry's claims were meritless.^{187, 192} Carter Steger reported that "every now and then Philip Morris would flood our 800 number [when ASSIST was phone banking] so we couldn't call out."⁸³

Marge White, an Assistant Field Director for ASSIST (and as of 2009 the Deputy Director of Virginia Foundation for Healthy Youth) recalled in a 2009 interview that the tobacco industry efforts to oppose Virginia's ASSIST program had several components. She noted that the industry heavily lobbied the legislature against ASSIST's policy components. In addition, the tobacco industry approached several of the venues (such as malls and sporting arenas) that ASSIST was helping to go voluntarily smokefree and attempted to dissuade them from adopting clean indoor air policies.¹⁹³ White also recalled that law firms working for the tobacco industry would submit FOIA requests for significant amounts of data very close to Virginia ASSIST deadlines for quarterly reports or grant applications, causing a lot of disruption.¹⁹³

While actively opposing public policy efforts, the tobacco industry did not oppose Virginia ASSIST efforts regarding youth prevention programming.¹⁹³ Because it was uncontroversial, a consensus emerged in the ASSIST coalition that youth should be the key focus population and that most resources should be devoted towards youth activities, primarily training youth to become community advocates for other youth.¹⁹³ These projects included assessments of the proximity of tobacco advertising to schools, spot-checking tobacco retailer compliance with sales-to-minors laws and advocating for voluntary clean indoor air policies in their communities in venues such as malls and restaurants.¹⁹³ ASSIST provided materials such as stickers and signs for distribution.¹⁹³ ASSIST's adult staff also designed and distributed curriculum guides to schools that included lesson plans on how to integrate tobacco prevention into such subjects as math, social studies and English.¹⁹³ ASSIST adult staff also participated in conferences targeting teachers to offer sessions on tobacco prevention and to distribute the curriculum guides.¹⁹³

ASSIST Accomplishments

After a planning period, ASSIST began advocacy in Virginia in 1992. During that year, ASSIST had teething problems related to membership and leadership. The Membership Committee recognized that ASSIST had gaps in important membership segments, including minority populations, the media, and the politically involved.¹⁷⁷ In addition, a lack of strong leadership and confusion regarding the role of local coalitions hampered coalition recruitment efforts.¹⁷⁷ By later in the year, a permanent chairperson position was established and ASSIST was able to conduct coalition trainings.¹⁷⁷

In 1993, ASSIST established working relationships with the Tri-Agency Council and GASP, the only other active tobacco control groups in the state at the time.¹⁷⁷ Together, the three

groups successfully urged Gov. Wilder to veto SB 859, a 1993 smoker's rights bill supported by the tobacco industry.¹⁷⁷ ASSIST was also invited to assist Wilder's staff in developing a plan to implement the youth access requirements of the Synar Amendment (discussed below), which was the first time ASSIST was able to work with the governor's inner circle.¹⁷⁷ During this year, ASSIST also developed a legislative policy agenda that aimed to make the VICAA stronger by repealing preemption;¹⁷⁷ however, during 1993 ASSIST's legislative activity was largely confined to planning future activity and monitoring legislative activity. ASSIST's local coalition activity during 1993 consisted mainly of helping local coalition members develop and distribute voluntary tobacco control policies and distributing "awareness" materials such as stickers and banners to raise awareness of tobacco control issues in the state.¹⁷⁷

Clean indoor air policies for schools became a focus in 1994. ASSIST placed clean indoor air ads in high school and university sports programs, and delivered awareness materials such as "Smoke Free Class of 2000" kits to schools.¹⁷⁷ ASSIST also worked to recognize and publicize venues that had voluntarily gone smokefree.¹⁷⁷ During 1994, many malls had surprised ASSIST by unexpectedly adopting clean indoor air policies.¹⁷⁷ ASSIST worked to capitalize on the publicity generated by the mall policies by creating signage to distribute to the malls promoting their smokefree status.¹⁷⁷ Similar signage was provided to some restaurants in Virginia that went smokefree.¹⁷⁷ White recalled that all of the indoor malls in Virginia eventually went smokefree except for one, as well as several hundred restaurants.^{193, 194}

In addition, in 1994 ASSIST became more involved in tracking legislative activities, setting up a hotline that provided information about legislation being considered in the General Assembly, and training ASSIST coalition members about legislative issues.¹⁷⁷ These activities coincided with increased tobacco industry opposition to ASSIST nationwide involving accusations of illegal lobbying tactics and misusing Freedom of Information Act (FOIA) requests to hamper ASSIST activities (discussed above). ASSIST responded by issuing clarifications about the scope of acceptable advocacy, reiterating that members acting in their role as ASSIST representatives could not issue materials that adopted a position or opinion about proposed legislation.¹⁷⁷

Another ASSIST goal was to limit smoking in sports venues. Due to the perception that changing stadiums' smoking policies in a tobacco growing and manufacturing state would be more easily accomplished with a focus on youth prevention, the ASSIST coalition asked their media committee to develop a youth-focused program. The project began by identifying existing partners who had sports programs or organizational ties to sports programs, and in 1995 ASSIST approached 7 minor league baseball organizations requesting donated advertising space.¹⁸³ All of the teams refused but did allow paid counter-advertising. Eventually, some of the teams allowed sponsored youth tobacco prevention events and ASSIST helped to promote these clean indoor air activities.¹⁹³ The public response was positive, and by 1996 ASSIST offered to assist the management of these teams to develop no-smoking policies by providing them with model policies.¹⁹³ By 1997, 3 stadiums had adopted 100% smokefree seating and 4 stadiums had adopted smokefree family sections.¹⁸³ ASSIST's involvement in sports arena efforts expanded to a semi-professional soccer franchise, when the Hampton Roads Mariners decided to go smokefree after working with ASSIST.¹⁸³ ASSIST also created some events to capitalize on their relationship with the teams, such as creating a "Sack the Pack" event in partnership with a

local television sports department. ASSIST involvement also led to one minor league baseball manager joining the coalition, resulting in the removal of a Marlboro Man advertisement from that team's stadium.¹⁸³

Virginia's most notable accomplishment during ASSIST was a 4.7% reduction in adult smoking prevalence, second only to Maine, and a remarkable accomplishment for a tobacco state.¹⁸⁸ This also was better than the greatest reduction achieved by a state not in the ASSIST program, Georgia, at 4.4%.¹⁸⁸ Another accomplishment of ASSIST, in the opinion of Carter Steger, was that "just forming coalitions across the state on tobacco control was a huge accomplishment in Virginia."⁸³ Marge White noted that the ASSIST local coalitions, mostly developed by the Virginia Department of Health (VDH), and their relationships with the national health voluntary organizations continued after ASSIST ended.¹⁹³

The Aftermath of ASSIST

ASSIST had difficulty finding support among legislators for its policy goals. In a 2009 interview, Carter Steger remarked that, "Every now and then you'd find a champion, but that was more out of personal conviction ... there's this acceptance in Virginia that tobacco is so strong – Philip Morris is so strong that you kind of have to accept that you're not going to be as progressive as another state."⁸³

Another issue was stability among coalition members, with staff turnover being a significant problem. Steger recalled, "I think there was a period of time during ASSIST that was very stable in terms of staffing. ... But when the funding streams changed, turnover started – The nonprofit world traditionally has turnover. But even in the health departments when the funding streams changed, this ability of the staff that had worked as a cohesive unit started to change."⁸³

ASSIST laid the groundwork for some ongoing tobacco control work. One of the coalition partners, the University of Virginia's Institute for Quality Health (IQ Health), was awarded a SmokeLess States grant from the Robert Wood Johnson Foundation (RWJF) to develop a collaboration between tobacco growers and tobacco control advocates. These efforts eventually led to the Southern Tobacco Communities Project, and to the Virginians for a Healthy Future youth smoking cessation group (see below).¹⁸³ ASSIST also stimulated the formation of the VDH's Tobacco Use Control Program, and for VDH to remain active after the ASSIST program ended in tobacco control work, keeping its network of local coalitions active and ready for collaboration with future statewide tobacco control coalitions.

Virginia ASSIST, however, generally adopted weak policy change goals and focused on conservative and low-impact programming that carried little risk. ASSIST failed to target the tobacco industry aggressively and instead focused on encouraging voluntary clean indoor air policies on a local level. ASSIST did not fight statewide preemption and did not seek any statewide legislative policies.

ASSIST Funding Replaced by NTCP Funding for Health Departments

Virginia Department of Health Tobacco Use Control Program

After the completion of the ASSIST program, the funding for TUCP shifted from NCI to the National Tobacco Control Program (NTCP) funding from the Center for Disease Control and Prevention's (CDC) Office on Smoking and Health (OSH). The migration to CDC funding represented a transitional period for TUCP, as long-time staff members like Neal Graham and Marge White left and TUCP took on new staff and adjusted to the new parameters and lower levels of funding. Schaeffer recalled that these changes caused disruptions.¹⁷⁹ In addition, local coalition partners needed to be retrained. TUCP provided technical assistance, training, and similar materials to Virginia advocates. One of the groups that was provided technical assistance by TUCP was the Virginians for a Healthy Future (VFHF) coalition.¹⁸¹ In addition, TUCP maintained close ties with a network of local coalitions and health districts and partner organizations that shared TUCP's mission. These local coalitions were not focused on policy change, but instead worked on local cessation, community education, and promotion of voluntary clean indoor air policies.¹⁷⁹

Funding for and expenditures by TUCP for fiscal years 2002-2009 (the only years for which data were available) are shown in Table 36.

	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009
Available Funds								
Budgeted	1,131,145	1,131,145	1,056,084	1,510,626	1,159,276	1,519,890	1,172,776	1,117,640
Carry-over from Prior Fiscal Year		384,822	621,768	689,779	1,121,944	1,222,299	1,468,382	1,380,495
Total Funds Available	1,131,145	1,515,967	1,677,852	2,200,405	2,281,220	2,742,189	2,641,158	2,498,135
Expenditures								
State & Community Interventions	23,837	50,181	32,077	36,666	77,201	291,872	304,247	481,711
Media	350,874	588,756	485,119	53,994	144,783	165,359	66,862	20,945
Administration & Management	371,612	255,262	470,877	987,801	836,937	816,576	889,554	575,664
Total Expenditures	746,323	894,199	988,073	1,078,461	1,058,921	1,273,807	1,260,663	1,078,320
Carry-over to Next Fiscal Year	384,822	621,768	689,779	1,121,944	1,222,299	1,468,382	1,380,495	1,419,815
* Data were available only for these years.								
Source: Office of Financial Management, Virginia Department of Health ¹⁹⁵								

2009 is representative of TUCP's activities with local coalitions. In 2009, TUCP provided the funded organizations in Table 37 with training, information, and program materials to these groups to support the implementation of policies that lead towards tobacco-free lifestyles, such as youth intervention, cessation support, and advocating for local voluntary clean indoor air policies.

Much of the focus in 2009 was on funding university groups to adopt policies on campus that incorporate information about tobacco control and cessation into the curricula, and to conduct localized social marketing campaigns to change student attitudes towards tobacco

control on campus. James Madison University, for example, received \$569 in FY2009 for promotional materials with VTSF clean indoor air messaging, and \$5,000 to conduct a media campaign on campus.

Table 37: Local Coalitions and Organizations Funded by TUCP for Tobacco Control Efforts in FY2009

Gain Independence From Tobacco and Other Substances	Virginia Beach Tobacco Free Coalition
Virginia Military Institute	Tobacco Free Chesapeake
James Madison University	Virginia Commonwealth University
University of Virginia	Richmond City Health District
Northern Alliance on Smoking or Health	Longwood University
George Mason University	Randolph College
Rural Virginia United Coalition	Alliance for the Control of Tobacco
Hampton University	Lenowisco Health District
Historic Triangle Substance Abuse Coalition	HEY! Community Task Force
Prospect Community Empowerment Center	Greater Roanoke Valley Asthma and Clean Air Quality Coalition
Source: Tobacco Use Control Program ¹⁹⁶	

The Media campaign’s social marketing incorporated the policy message “Seven Out of Ten College Students Don’t Smoke,” and appeared in the university’s newspaper, on posters, and on the university website. Virginia Commonwealth University received \$7,000, George Mason University received \$3651, and Longwood University received \$3,654 in FY2009 to conduct similar activities. In 2009, Virginia Tobacco Settlement Foundation (the youth tobacco prevention organization funded by payments from the Master Settlement Agreement, see below) also provided \$174,000 in in-kind services to VDH to support their youth media campaign, which comported with TUCP’s goal of reducing youth smoking in Virginia. Half

of this funding went to fund the Virginia Youth Tobacco Survey, a biennial study of tobacco use, and half went to fund the Ydouthink.com website, which is an online youth marketing intervention aimed at empowering children to choose healthy lifestyles.

Conclusions

The ASSIST coalition in Virginia was not very successful in implementing statewide policy changes that reduced secondhand smoke exposure, increasing cigarette taxes, or reducing minors’ access to tobacco products. ASSIST did claim a 4.7% reduction in adult smoking during 1992-1999, and successfully set up a network of local coalitions that the Virginia Department of Health continued to collaborate with on a variety of educational and cessation programming after the ASSIST coalition ended.

However, ASSIST was hampered by the unwillingness of some coalition member organizations to cross the tobacco industry. This lack of cohesiveness was aggravated by tobacco industry interference in the form of FOIA requests to the coalition and other disruptive and harassing tactics, which sapped significant amounts of the coalition’s time. Finally, ASSIST had difficulty finding legislative allies to subscribe to their mission of policy change, which gave the coalition little leverage to fight the tobacco industry in the state legislature. These problems resulted in ASSIST being largely unable to accomplish their mission, and the tangible outcomes of the ASSIST program were limited to a number of voluntarily enacted smoking policies at a variety of public venues and the claimed reduction in adult smoking prevalence.

Smokeless States, 1994-2004

The SmokeLess States Initiative (SLS) was a series of three programs from 1993 to 2004 funded by the Robert Wood Johnson Foundation and administered by the University of Virginia School of Medicine. SLS was intended to support statewide tobacco control coalitions by implementing several policy goals: 1) reducing the number of children and young people who start using tobacco; 2) reducing the number of people who continue using tobacco; and (3) increasing the public's awareness that reducing tobacco use is an important component of any major effort at health care reform.¹⁹⁷ Virginia received a grant in each of the three phases of the program.¹⁹⁷

In 1994, Virginia was awarded a two-year capacity building grant to build a tobacco control coalition to implement the policy goals of SLS. The grant was revised and renewed in 2000, at which time the grant applications more explicitly prevented the funds from being used for lobbying, as RWJF's grantees had been the subject of allegations that funds were inappropriately being used for lobbying purposes.¹⁹⁷ The intention of the grant renewal was to shift the program to a policy-only model, embodied in a three-year grant of up to \$1.5 million, with the University of Virginia again designated as the grantee.¹⁹⁷

Virginia's involvement in SLS helped to bring tobacco farming interests and tobacco control advocates together in the Southern Tobacco Communities Project (STCP, discussed below), which led to the "Core Principles Statement Between the Public Health Communities and the Tobacco Producers," a memorandum of understanding between regional farming and tobacco control interests on the tobacco control policy areas that the farming interests represented by the STCP would support.¹⁹⁸ Advocates and farmers agreed that a significant infusion of money be made available to tobacco growing communities. They also agreed that tobacco products should not be marketed or sold to minors, that a portion of federal (not state) cigarette excise taxes should be used for public health initiatives if a portion is dedicated to farming communities, and that the "prohibition of the use of tobacco products by informed adults of legal age is not a goal of the public health advocates or tobacco producers."¹⁹⁸ The understandings embodied in the Core Principles led both health advocates and farmers to support the division of MSA funding between tobacco community revitalization and youth tobacco prevention programming. This agreement led to the formation of the Virginia Tobacco Settlement Foundation (youth tobacco prevention) and the Virginia Tobacco Indemnification and Revitalization Commission (tobacco growing community revitalization) in 1999 (see below).

The SLS grant ended in 2004. After SLS, RWJF created a new national tobacco control funding program, called "Tobacco Policy Change: A Collaborative for Healthier Communities and States." There was no continuity with SLS in staffing or in its specific mission.¹⁹⁹ Tobacco Policy Change looked at the results from the SLS grant to identify where disparities in tobacco use still existed, and focused on those areas.¹⁹⁹ In Virginia, AHA applied for a Tobacco Policy Change grant, but were denied after RWJF conducted a site visit.¹⁹⁹

Conclusions

While SLS was involved with the successful SCTP effort to bring tobacco farmers together with tobacco control advocates, ultimately SLS accomplished little substantive change in tobacco control policy in Virginia. Perhaps more importantly, while tobacco farmers were an ideologically significant group in a state with a history of tobacco farming, they did not lead and organize political efforts. The tobacco manufacturers, and particularly Philip Morris, were the primary actors for tobacco control opposition, and the tobacco farmers served mainly as one of several available pools of grassroots support for industry efforts. Therefore, while establishing ties between advocates and farmers was a step towards combating industry-promulgated rhetoric about the importance of tobacco farmers to Virginia given Virginia's historical dependence on tobacco, the SLS's involvement with tobacco farmers had little substantive impact on statewide tobacco control policy.

STATEWIDE CIGARETTE EXCISE TAXES

Overview

Like other tobacco-growing states, Virginia has historically had a very low cigarette excise tax. Virginia's first cigarette excise tax was not enacted until August 1, 1961, at 3 cents per pack. The tax was decreased to 2.5 cents on September 1, 1966, where it remained until 2004, and was the lowest excise tax in the country from 1993 until 2004.⁷⁸ The period between 1966 and 2004, when the tax remained at 2.5 cents, was characterized by sporadic attempts to raise the tax, all of which failed due to a combination of significant tobacco industry lobbying and the general anti-tax political climate prevalent in the state. On September 1, 2004, the tax was raised to 20 cents and was raised again on July 1, 2005, to 30 cents. As of 2009, Virginia still had the second lowest state cigarette tax in the nation, above only South Carolina's 7 cent tax.

Early Attempts to Increase the Cigarette Tax

In Virginia, sporadic attempts to raise the statewide cigarette tax from 1966 levels occurred in the decade before 1990, but only around the time that the statewide Virginia Indoor Clean Air Act was passed in 1990 did the number of attempts increase. At that time, Virginia faced a budget deficit that reflected the economic downturn of the time. Estimated at around \$1.4 billion in 1990 (for the 1989-1990 budget), the deficit came at a time when the political leadership under Gov. Douglas Wilder (D) generally resisted tax increases of any sort and attempted to balance the budget using program cuts. However, RJ Reynolds came to the conclusion that some form of statewide excise tax increase was possible in 1990-1991 due to the severity of Virginia's budget crisis.⁸⁰

The industry sought to utilize its lobbying strength, as well as inherent political opposition to taxation at the state level, to combat state tax increases. Thus, the early attempts at increasing the cigarette tax met with failure. For example, in 1990, Del. Dudley Emick (D – Botetourt County) introduced a cigarette tax bill, SB 414, which sought to increase the statewide tax from 2.5 cents to 5 cents, to generate \$14 million for medical services for about 880,000,

people without health insurance.²⁰⁰ Opponents decried it as a “version of socialized medicine” and Emick’s proposal was tabled indefinitely in the Senate Education and Health Committee soon after being introduced.²⁰¹ There is no evidence that public health groups were involved with Emick’s proposal.

In January 1991, Sen. Thomas Michie (D-Charlottesville) introduced SB 624 which sought to raise the cigarette tax by 17.5 cents (to a total of 20 cents). Michie proposed the increase to help offset the state’s nearly \$2 billion shortfall, with the cigarette tax estimated to raise about \$76.5 million for the state’s general fund. In addition, Michie’s tax increase would have been preemptive, repealing existing local excise taxes and prevent localities from exceeding the statewide tax, which would be 20 cents total. Anthony Troy, speaking to the press for the Tobacco Institute, signaled opposition.²⁰² Gov. Wilder, who had made several promises to avoid raising taxes, said that it “would be miraculous” if Michie’s bill survived in the General Assembly. The House Majority Leader, Del. W. Thomas, Jr., (D – Norfolk) was adamant that the bill would not clear his chamber.²⁰³ The bill was referred to the Senate Finance Committee’s Taxation Subcommittee soon after introduction, where it died.¹⁶³

GASP did not lobby for Michie’s proposal, but did alert their members about it in the GASP newsletter. In 2009 Donley recalled that the Tri-Agency Council did lobby for the increase.⁸¹

Similar patterns played out through 2004, when the state tax was finally increased (Table 38).

1992 Session: A Case Study in Tobacco Industry Influence

A case study in the interplay between powerful tobacco industry interests and tobacco control advocates can be found in the 1992 session, where the industry fought off several tax proposals despite a sense among legislators that an increase was likely. 1992 was a transitional session, with the state mired in a deep recession along with the rest of the country. Additionally, several powerful tobacco industry legislative allies were no longer present. Del. A.J. Philpott (D – Henry County), the powerful House Speaker who protected tobacco interests, had died the previous year. Additionally, a powerful industry voice in the Senate, Howard Anderson, Jr. (D – Halifax County), had retired. Anderson’s tenure as Chairperson of the Senate Finance subcommittee during the early 1990s was characterized by a systematic opposition to any tobacco tax proposals. Redistricting had increased the number of urban legislators, diluting the traditionally pro-tobacco rural General Assembly contingent.²⁰⁴ It was in this environment that the State Board of Health attempted to push a tax increase.

A wide range of tobacco industry interests, business associations and labor unions arrayed themselves against cigarette excise taxes for the 1992 session. James Frye, a lobbyist for Philip Morris, described to the media that the industry had established coalition of groups lobbying against taxes as a “vital economic bulwark in Virginia.”²⁰⁴ The coalition at this time included the Virginia Tobacco Growers' Association, the AFL-CIO, the Virginia Farm Bureau, the Virginia Agribusiness Council, the Virginia Wholesalers and Distributors Association, the

Virginia Food Dealers Association, the tobacco companies themselves, and suppliers like Reynolds Metals Co.²⁰⁴

Year	Bill	Sponsor	Description	Passed?
1980	HB 830	Unknown	Unknown excise tax increase	No
1982	HB 830	Wilson	To 7.5 cents	No
	S335	Andrews	To 5.5 cents	No
1986	SB 2	Babalas	To 5 cents, raise sales tax by 0.75%	No
1990	SB 414	Emick	To 5 cents, funds for healthcare	Carried over to 1991
1991	SB 414	Emick	To 5 cents, funds for healthcare	No
	SB 624	Michie	To 20 cents, repeals local tax authority	No
1992	HB 696	Cranwell	To 10 cents, cap local taxes at 10 cents	No
	HB 735	Plum	3 cent tax on cigarettes manufactured in VA	No
	SB 288	Schewel	To 20 cents, local taxes repealed, 50% of state tax revenue to localities	No
	SB 416	Holland	To 5.5 cents, also raise alcohol tax	No
	SB 468	Waddell	To 5 cents	No
	SB 504	Walker	To 5 cents, funds for healthcare	No
1993	HB 2383	Plum	1 cent increase for public education fun	No
	HB 2407	Morgan	To 22.5 cents for indigent healthcare	No
	SB 651	Schewel	To 20 cents, local taxes repealed, 50% of state tax revenue to localities	No
1996	HB 814	Plum	Raise tax 0.5 mills* per cigarette for Public Education Disparity Reduction Fund	No
1997	SB 749	Marye	To 12.5 cents by 2000, extends to other tobacco products	No
1998	SB 565	Miller	To 15 cents, local taxes repealed, 10 cent of statewide taxes to localities	No
2003	HB 1453	Melvin	1 cent per cigarette or 20 cent per pack tax	No
	HB 1566	Hamilton	To 50 cents per pack, 5 cents per cigar, local taxes capped at 25 cents, funds for healthcare	No
	HB 1712	Darner	To 50 cents	No
	HB 2047	Woodrum	To 7.5 cents	No
	HB 2313	Plum	0.025 cents per cigarette to be used for healthcare	No
	HB 2796	Van Yahres	To 60 cents, 50% of which to healthcare, 50% to localities	No
	SB 835	Howell	0.02 cent per cigarette tax for local school construction	No
	SB 1113	Whipple	To 60 cents	No
2004	HB 33	Hamilton	To 50 cents, local taxes capped at 25 cents, used for healthcare	No
	HB 72	Reese	To 50 cents, revenue to Standards of Quality	No
	HB 103	Van Yahres	To 60 cents, 50% of which to healthcare, 50% to localities	No
	HB 793	Watts	To 25 cents, local taxes capped at 50 cents	No
	HB 886	Plum	To 50 cents, local taxes capped at 1/1/04 rate, revenue to Medicaid	No
	SB 749	Howell	To 65 cents, 40 cents for local school construction, 25 cents to healthcare fund, local taxes capped at 50 cents	No
	SB 269	Potts	To \$1, local taxes capped at 1/1/04 rates	No
	SB 455	Whipple	To 75 cents	No
	SB 465	Chichester	To 35 cents, 10% tax on other tobacco products, revenue to healthcare and Medicaid	No
	HB 5018	Parrish	Omnibus Tax Bill, raises state cigarette tax to 20 cents, 30 cents by 7/1/05	Passed.
2005	HB 2035	Hamilton	2 cent per cigarette manufacturing tax	No
	SB 1038	Ruff	1 cent of existing taxes to uninsured medical emergency fund	No
	SB 1204	Mims	2 cent per cigarette manufacturing tax	No
2006	HB 395	Englin	To 80 cents	No
	SB 795	Hawkins	"Roll-your-own" tobacco subject to cigarette excise tax	Passed
2009	HB 2379	Englin	To \$1.19, revenue to Medicaid and schools	No
	HB 2389	Brink	3 cent tax on cigarettes manufactured in VA	No
	SB 947	Howell	3 cent tax on cigarettes manufactured in VA	No

* One mill is equal to 1/10th of a cent.

Before the 1992 session began, Virginia's Board of Health proposed a 24 cent per pack increase in the excise tax. The rationale for the increase was health concerns; Board members testified before legislators about the health problems stemming from cigarette use and argued that the revenues from a tax increase be used for healthcare. However, the Board did not have any paid lobbyists and their efforts were limited to having Board members testify or call on legislators directly. In addition, the Tri-Agency Council declined to take a position on the Board of Health's proposal, characterizing it as an "economic" issue. Without the lobbying support of tobacco control advocates or any effective lobbying power of their own, the proposal died without even being introduced into the legislature in the face of determined tobacco industry opposition.²⁰⁴

Political Climate from 2002 to 2004 Prior to Omnibus Tax Bill

It was in this environment that the tobacco industry continued to block legislation (Table 36, above) until the 2004 Omnibus Tax bill passed (see below). Several factors conspired to change the political environment to allow for this tax increase to go forward. The most important was the support of Governor Mark Warner (D). Warner turned to the cigarette tax as a revenue source as a way to deal with the budget shortfalls that had plagued his administration since he had taken office in 2002, which by 2003 was \$6 billion. Warner pitched his tax increase proposals as part of a package of tax code reform, claiming that through reform, some taxes would be lowered and some raised. However, the net effect would be increased taxes, with the low cigarette excise tax being especially attractive as a target for increase.²⁰⁵

Virginians For a Healthy Future Formed in Part to Push for a Cigarette Excise Tax

Virginians for a Healthy Future (VFHF) was formed in 2001 in part to push for increased cigarette excise taxes. VFHF was principally composed of the Virginia chapters of the three national voluntary health organizations, the American Cancer Society (ACS), the American Heart Association (AHA), and the American Lung Association (ALA). Other members included the Campaign for Tobacco Free Kids (TFK), the Virginia Education Association and the Virginia arm of the American Association of Retired Persons. The first year of VFHF was fundamentally a planning stage where the coalition framed their structure through bylaws. From 2002 to 2004, the coalition focused on efforts to raise the cigarette excise tax.²⁵ The Virginia Department of Health (VDH) and its Tobacco Use Control Program (TUCP) were not members of the coalition, but worked closely with VFHF on a number of issues, including Quit Now Virginia, a cessation phone service.

In 2002, VFHF held a press conference announcing the results of a Mason-Dixon poll showing that 67% of respondents would support a 60-cent cigarette tax increase and announced the formation of a coalition to lobby for higher taxes, calling the campaign "2.5 Cents to Common Sense," with "2.5 cents" being the existing tax rate, and "common sense" being a coalition-supported 60-cent increase, which would have placed Virginia at the national average.²⁰⁶ VFHF went on to become the main statewide lobbying coalition for tobacco control efforts.

The primary goal of the 2002 campaign was a 60-cent increase, which, if implemented, would place Virginia close to the national average. VFHF noted in its announcement that support for the tax was strong throughout Virginia (80% in Northern Virginia and 58% in the Richmond area).^{207, 208} The additional revenue would have been used to offset the budget deficit, with no specific funding for tobacco control, although VFHF welcomed the secondary benefit of discouraging smoking initiation.

One of the primary individuals working on this campaign was Donna Reynolds, community relations director for the ALA.²⁰⁹ Reynolds had previously participated in the Southern Communities Tobacco Project (STCP, discussed below) and had established relationships with some of the tobacco farmer representatives that participated in STCP, particularly the Concerned Friends for Tobacco (CFT), a Virginia-based political action committee.²³ CFT adopted a position that they would “not oppose” tobacco tax legislation, and informed legislators of this position.²³ Additionally, Cathleen Grzesiek recalled in a 2009 interview that some individual tobacco farmers helped with VFHF’s tobacco tax campaign.²³ However, other farming groups, notably the Farm Bureau, staunchly opposed any tobacco tax increase (as well as all clean indoor air legislation).²³

Others involved in the VFHF tax campaign included contract lobbyists for the Virginia chapters of the national voluntary health organizations (Teresa Gregson for AHA, David Bailey for ALA, and Kay Kemper for ACS) and staff lobbyists Keenan Caldwell (ACS) and Cathleen Grzesiek (AHA).²³

The “2.5 Cents to Common Sense” campaign for a 60-cent increase utilized several tactics, including press releases and other messaging emphasizing that the state had “the lowest cigarette excise tax in the nation and that the state had to move from ‘2.5 Cents to Common Sense.’”²¹⁰ The campaign identified three elected officials, the governor, Senate Finance Committee Chair, and the House Majority Leader, as the key figures who needed to be swayed in order to increase the tax. To put pressure on these figures, the coalition utilized pamphlets, radio and TV advertising (funded by ALA and ACS) and a website.²⁰⁶ In addition, VFHF had recruited a large number of groups to support their tax increase campaign through grassroots efforts, and activities such as providing testimony at public hearings (Table 39).²¹⁰

In early January 2003, the coalition reiterated its call for higher taxes, calling a press conference to call attention to the health benefits of raising the tax. Additionally, VFHF announced the launch of their website, www.healthyva.org. In response, Gov. Warner struck a cautious tone, repeating his position from the previous year that he would consider increasing “sin taxes” to balance the budget, but would not spearhead any such measure.

Ultimately, two bills were endorsed by VFHF in the 2003 session: HB 2796 by Del. Mitchell Van Yahres (D – Charlottesville) and SB 1113 by Sen. Mary Margaret Whipple (D – Arlington, Policy Score 10.0, Total Tobacco Industry Campaign Contributions: \$1,000). Both intended to raise the tax to a total of 60 cents. SB 1113 stalled and subsequently died in the Senate Finance Committee soon after being introduced. HB 2796 met the same fate in the House Finance Committee.

Adult Care Services	Fredericksburg Area Regional Health Council	Roanoke Valley Alive and Well Coalition
Albemarle County Medical Society	Gain Independence From Tobacco and other Substances Coalition	Scott County Public School Head Start
Alexandria Medical Society	Greater Tidewater Baptist Ministers Assoc.	Sentara Healthcare
Alliance for Families & Children	Halifax County Medical Society	Shenandoah Coalition Against Tobacco
Alliance for Mentally Ill, Northern Virginia	Hampton Medical Society	Shenandoah Coalition Against Tobacco
Alliance for the Physically Disabled, Inc.	HCA	Shore Health Services
Alliance for the Prevention and Treatment of Nicotine Addiction	INOVA Health System	Smokefree Heart Coalition
Alzheimer’s Association	Kuumba Community Health & Wellness Center	Smokefree Staunton/Augusta-Waynesboro Coalition
American Association on Retardation	Laurel Fork Health Commission	Smythe County Community Foundation
American Cancer Society	League of Women Voters of Virginia	Stop Tobacco Use Now
American College of Cardiology Virginia Chapter	Legislative Coalition of Virginia Nurses	Substance Abuse and Addiction Recovery Alliance
American College of Surgeons	Lonesome Pine Office on Youth	Substance Abuse and Addiction Recovery Alliance
American Heart Association	Loudoun County Medical Society	Temple Rodef Shalom
American Lung Association of VA	Lunenburg Co. Community Health Center	The Arc of Virginia
Arlington County Medical Society	Lynchburg Academy of Medicine	The Arc of Virginia
Asthma and Allergy Society of Virginia	Mclean Clergy Association	The Women's Center
Augusta-Highland County Medical Society	Medicorp Health System	University of Virginia, Cancer Center
Bedford Community Health Foundation	Mental Health Association of Virginia	Valley Coalition Against Tobacco
Bland County Medical Clinic Inc.	Mental Health Association of Virginia	Harris East End Community Health Center
Bon Secours in Virginia	Roanoke Area Youth Substance Abuse Coalition	VA Assoc. of Alcohol and Drug Abuse Programs
Boydton Community Health Facility Inc.	National Alliance for the Mentally Ill - Virginia	Virginia Association of Alcohol and Drug Abuse Counselors
Buchanan-Dickinson Counties Medical Society	Whitman-Walker Clinic Northern Virginia	Virginia Association of Community Rehabilitation Programs
Carilion Health System	New River Valley Breathin' Easy Coalition	Virginia Association of Free Clinics
Center for Pediatric Research	Newport News Medical Society	Virginia Association of Realtors
Central Piedmont Health Services	Norfolk Academy of Medicine	Virginia Association of School Nurses
Central Virginia Asthma Coalition	Northampton County Branch NAACP	Virginia Association of Free Clinics
Central Virginia Health Planning Agency	Northern Neck Medical Association	Virginia Asthma Coalition
Central Virginia Health Services, Inc.	Northern VA Alliance on Smoking or Health	VA Chapter of Am. College of Radiology
Central Virginia Physician Services, Inc.	Northwestern Virginia Health Systems Agency	Virginia Correctional Nursing Association
Chesapeake Medial Society	Old Dominion Medical Society	Virginia Dental Association
Citizens for Access to Mental Health and Chemical Dependency Care	Our Lady of Perpetual Help Health Center, Inc.	Virginia Dental Hygienists' Association
Clinch River Health Services	Parents and Associates of the Institutionalized Retarded	Virginia Depressive and Manic-Depressive Association
Clinch Valley Community Action, Inc.	Parents and Children Coping Together	Virginia Dermatological Society
Coalition for a Smokefree Chesapeake	Patrick Henry Medical Society	Virginia Education Association
Coalition for a Smokefree Peninsula	Peninsula Institute for Community Health, Inc.	Virginia Interfaith Center for Public Policy
Coalition for a Smokefree South Hampton Roads	People First of Virginia	Virginia Network of Private Providers
Community Hospital Support Services, Inc	Portsmouth Academy of Medicine	Virginia Nurses Association
Community Memorial Healthcenter	Portsmouth Community Health Center, Inc.	Virginia Pharmacists Association
Eastern Shore Diabetes Coalition	Positive Choices Coalition	Virginia Poverty Law Center
Eastern Shore Rural Health System, Inc.	Potomac Hospital	Virginia Primary Care Association
Ethiopian Comm. Development Council	Psychiatric Society of Virginia	Virginia Prostate Cancer Coalition
Fairfax County Council of PTAs	Rappahannock Coalition Against Tobacco	Virginia Society for Respiratory Care
Fairfax County Medical Society	Rappahannock Emergency Medical Services Council	Virginia Society of Chiropractic
Fairfax Partnership for Youth, Inc.	Richmond Academy of Medicine	VA Society of Physicians of Indian Origin
Family Support Advocacy Committee	Riverside Health System	VA Assoc. of Occupational Health Nurses
Family Support Coalition	Mid-Tidewater Medical Society	Virginia Thoracic Society
Fredericksburg Area Medical Society	Voices for Virginia's Children	

These bills supported by the coalition did not make much progress through the legislature, despite constant lobbying pressure from VFHF members as a continuation of their

“2.5 Cents to Common Sense” campaign.²¹⁰ Prospects in the House, controlled by Republicans, were unfavorable after the 2003 session due to increased anti-tax and anti-tobacco-control ideology measures, became even more unfavorable after the 2003 session, especially considering the dismal performance of tax-increase bills in the 2003 session.^{210, 211} According to Cathleen Grzesiek, the head of the coalition in 2009, Virginia legislators were unwilling to consider a tax increase until Warner chose to propose it in the 2004 budget.²¹⁰ Also, the support of Sen. John Chichester (R – Fredericksburg, Total Tobacco Industry Campaign Contributions: \$13,687), who was President Pro Tem of the Senate and chair of the powerful Senate Finance Committee at the time, influenced the legislature.²³

Polling in 2004 funded by VFHF and conducted by the Campaign for Tobacco Free Kids (TFK), the primary source for technical assistance for VFHF and an advisory group to the VFHF Steering Committee,²¹⁰ helped tobacco control advocates advance their positions in favor of increasing the excise tax on tobacco products. In February 2004, TFK contracted the poll to Mason-Dixon Polling, and the survey demonstrated high support for an increase in the cigarette tax for a second year in a row: 71% of respondents supported a 75 cent tax increase.²¹¹ VFHF issued a press release highlighting the results, and stressed that increasing the cigarette tax would be a “win-win” situations for legislators and public health.²¹²

A commissioned by TFK analyzed the fiscal and economic consequences of a 50 cent tax increase on Virginia. The report, prepared by Brian Gottlob of the PolEcon Research group,²¹³ was designed to be presented to legislators and Governor Warner to debunk several of the industry’s arguments about the negative effects of an increase. Notably, the report demonstrated that despite a decline in sales, a cigarette tax increase generally is followed by an increase of state revenue that more than offsets the decline in sales. The report also showed that despite arguments to the contrary, the burden of a cigarette tax mainly falls on households with incomes of \$30,000 or more. Perhaps most important to Virginia, with Richmond’s Philip Morris manufacturing presence, was a finding that an increase in excise taxes corresponds with very small changes in overall employment in the state. The report found that a 10% decline in sales would lead to only a 0.1% change in retail employment. (The effects would be felt slightly more by convenience stores, which in Virginia rely on cigarette sales for approximately 20% of their revenue.)

Several bills advanced different excise tax increase proposals during the 2004 Special Session I, but ultimately it was HB 5018, the Omnibus Tax Bill, proposed by Del. Harry Parrish (R- Manassas) that became the vehicle for the actual tax increase of 30 cents. HB 5018 increased taxes generally, including gasoline and car registration as well as tobacco products (both cigarettes and other forms). The revenue created by the increased tobacco taxes was to be placed in the Virginia Health Care Trust Fund (HCTF), created by the Omnibus Tax Bill to provide health care services. These health services were not fully defined by the Act but could include “Medicaid payments, disease diagnosis, prevention and control, and community health services.” The HCTF was funded in several ways. Forty percent of all Master Settlement Agreement (MSA) payments (that had not already been allocated) were to be deposited into the HCTF. In addition, a portion (\$0.025 per pack prior to August 1, 2004; \$0.20 per pack from that date through June 30, 2005; and \$0.30 per pack after July 1, 2005) of the excise tax on individual cigarettes was paid into the HCTF. Additionally, “roll-your-own” tobacco would be taxed at

10% of the sales price, and all of which went into the HCTF. HCTF funds were to be used exclusively for the health care services and the funds would not revert to the general fund at the end of each fiscal year.

No provisions were made for HCTF funds to be used for tobacco prevention, control, or the treatment of tobacco-related diseases.

Donna Reynolds, a member of VFHF and the community relations director for the American Lung Association of Virginia, remarked to the press in 2004 that much of the success of HB 5018 was due to the fiscal crisis in the state at the time, which created legislative support for generating revenue outside of the lobbying efforts of health advocates.²⁰⁹ However, Reynolds felt that the lobbying efforts of the tobacco control groups helped set the stage, and additionally prompted “people in leadership roles [to talk] more about what is important to our organization and to Virginians,” especially concerning the need to reduce youth smoking rates.²⁰⁹ VFHF’s efforts in this regard included face-to-face meetings between VFHF staff, lobbyists, and legislators, as well as grassroots efforts across all VFHF member organizations. VFHF also distributed informational sheets arguing the case for a tax increase to members of the legislature.²¹⁰

Additionally, there was some theorizing in the press, especially in the *Virginian-Pilot* (Norfolk), that Gov. Mark Warner (D) had entered into a quid pro quo with Philip Morris USA on the issue of increasing the cigarette tax. To increase cigarette taxes, Warner would have to deal with the tobacco industry and especially Philip Morris. Philip Morris had been a large contributor to the governor’s 2002 election campaign, providing \$127,600; other tobacco companies and interests provided an additional \$60,300.²¹⁴ In addition, the large tobacco companies, who were participating in the Master Settlement Agreement (MSA) that settled state litigation against the tobacco industry (discussed below) and were required to make regular payments to the state, were forced to compete with smaller, independent tobacco companies not party to the MSA.²¹⁴ This angered the tobacco industry because under Virginia law, these smaller companies were also required to make payments, but they were immediately refunded.²¹⁴ The larger tobacco companies argued that these refunds to the smaller companies represented an unfair advantage for the smaller companies, which used their refunds to undercut the larger companies’ retail prices. Gov. Warner was responsive to the concerns of the larger companies, particularly Philip Morris, and agreed to support legislation that sought to end the refunds to the smaller companies.²¹⁴

Some legislators also hinted that the deal paved the way for the tax increase to sail through. Sen. Stephen Martin (R – Chesterfield, Policy Score 0.7) stated in 2004 that Philip Morris’ decision to drop their opposition “made [the bill] an even more inviting target” for passage, and that “You’d have heard more noise and resistance if that had not been the case.”²¹⁵ Philip Morris spokesperson Jamie Drogan expressed “satisfaction” with the increase.²¹⁵ Philip Morris’ acquiescence in supporting the tax increase proposal paved the way for the tax increase to pass a week later.²¹⁴

Anthony Troy, who served in 2007 a lobbyist for S&M Brands (a cigarette manufacturer that makes Bailey’s brand cigarettes) accused the governor of pandering to large tobacco

manufacturers' interests by requiring small tobacco companies that were not parties to the MSA to make these payments.²¹⁴ Larger tobacco companies argued that the small manufacturers were concentrating their business in states like Virginia that refunded the escrow payments, deriving an unfair competitive advantage. Philip Morris confirmed their support of a tax increase to 30 cents by 2005 through their legislative counsel Mark Berling in the press while the bill was being considered in the House.²¹⁴

HB 5018 passed at the end of April, incorporating a two-stage phase in of the cigarette tax increase. The tax was raised from 2.5 cents to 20 cents in 2004 and the following year to 30 cents. The support of Warner and Philip Morris, combined with the fiscal crisis at the time, allowed it to pass the otherwise hostile House by a vote of 52-45, and the Senate by a vote of 31-8; it was signed by Warner on June 3, 2004.

VFHF and most other advocacy groups (GASP was not involved in the 2004 tax increase campaign) were satisfied with the passage of HB 5018 in 2004.²¹⁵ As Donna Reynolds described to the press after the bill's passage, "This is a historic first step. Our goal was 75 cents, which would make Virginia about average, but we're very happy."²¹⁵ A Campaign for Tobacco-Free Kids representative, also speaking to the press after the bill's passage, quantified the impact of the tax increase as annually preventing 24,000 children from smoking, causing 21,000 adults to quit and saving about 12,000 Virginians from tobacco-related deaths. They also calculated \$310 million in revenue generated for the state through the next two year budget period.²¹⁵ In addition to the staggered tax increase itself, the coalition counted the additional 10% excise tax on non-cigarette tobacco products and the creation of the Health Care Trust Fund, both created by HB 5018, as successes.

The 2004 tax increase campaign was a successful for VFHF, and for Virginia. Increasing the price of cigarettes leads to reductions in cigarette consumption and smoking prevalence,²¹⁶ invariably benefiting the health of the population. In addition, the campaign resulted in more MSA money being spent on healthcare issues rather than going directly into the general fund. Although this law did not directly lead to any additional tobacco control funding, increasing general healthcare funding was a welcome outcome for VFHF.

Attempts to Increase Cigarette Taxes After 2004

After the 2004 tax increase passed there were several additional attempts to pass tax legislation; several are notable. First, in 2006, Sen. Charles Hawkins (R – Chatham) introduced a bill to make "roll-your-own" tobacco subject to the cigarette excise tax rather than the tobacco products tax, at a rate of 10% of the sale price. SB 729 passed, and was signed by the governor. In the same session, Del. David Englin (D – Arlington, Policy Score 9.8) introduced a bill, HB 395, seeking to raise the tax to a total of 80 cents per pack. VFHF supported this proposal but did not do much to promote it.²¹⁰ This bill died in the House Finance Committee without any significant action.

In 2009, Englin tried again with HB 2379. This bill would have increased the cigarette tax by 89 cents, to a total of \$1.19 and increased the "roll-your-own" tax rate to 30% of the sale price. This bill was supported by VFHF but not actively promoted.²¹⁰ VFHF did organize a

lobbying day in which 150 supporters and volunteers visited the capitol to demonstrate in support of the HB 2379 and other bills, seeking to influence the House General Laws committee which was considering the bill at that time.^{210, 217}

Englin's 89 cent bill faced opposition from both the tobacco industry and their allies. These opponents included business interests such as the Virginia Petroleum, Convenience, and Grocery Association. Mike O'Connor, the president of this organization, opposed the bill because "Cigarettes are the number one product sold inside convenience stores." Other opponents felt that the bill would threaten jobs.²¹⁸ VFHF countered this economic argument in a series of press releases by stressing the public health component of the tax increase; namely, that it would save lives and generate significant revenue to reduce healthcare costs.²¹⁰ Ultimately, the House Finance subcommittee killed the bill.²¹⁸

Finally, Democratic Governor Kaine (Total Tobacco Industry Campaign Contributions: \$132,025) requested the introduction of a bill, HB 2389, through Del. Bob Brink (D – Arlington, Policy Score 9.5, Total Tobacco Industry Campaign Contributions: \$2,000) which sought to raise the cigarette tax to 60 cents per pack to balance the budget, which was suffering under the recession at the end of 2008. Kaine's plan to double the state's tax was first revealed earlier that year in a conference with Democratic lawmakers, when he proposed using the tax to generate \$150 million per year.²¹⁹ This was intended to offset a \$400 million reduction in state health care program funding that Kaine was planning on implementing.²¹⁹

Kaine's plan was "tepidly" supported by VFHF,²¹⁰ which focused on its own proposal being carried by Englin. VFHF respected Kaine's willingness to consider a tax increase, but did not actively support his plan because the small increase would not produce significant public health outcomes.²¹⁰ Keenan Caldwell, a VFHF member working for the American Cancer Society, said of the Kaine plan, "We're missing an opportunity to save more lives and reduce health care costs."²¹⁹ Kaine's consideration of raising cigarette excise taxes did lead to some consultation between VFHF and the governor's office, but not to a policy that both parties could fully support.²¹⁰

Opposition was fierce. Republicans in the legislature condemned the plan as putting Virginia's workforce in jeopardy. House Speaker William Howell (R – Fredericksburg, Policy Score 0.3, Total Tobacco Industry Campaign Contributions: \$12,400) argued that the increase would "decimate" some of the 5,500 Virginians employed by Philip Morris. National-level politicians, like US Representative Eric Cantor (R – VA 7th District), chimed in by drawing attention to a claimed \$1 billion investment in the Richmond area since 2004 by Philip Morris. These arguments dovetailed with industry positions. A spokesperson for Altria warned that cigarette buyers would flock to neighboring states, removing some of the benefit of the increased tax revenue.²¹⁹ In addition, some of the same industry allies that opposed Englin's bill tacked their lobbying efforts onto the opposition movement against HB 2389. Ultimately, the bill met the same fate as Englin's, failing to pass out of the House Finance Subcommittee.

Conclusions

The 2004 tax increase represented a victory for tobacco control advocates in Virginia, specifically VFHF which had organized the successful “2.5 Cents to Common Sense” campaign that highlighted Virginia’s status as the lowest cigarette excise tax in the country. VFHF successfully used polling data to show popular support for an increase (albeit a larger increase than what passed), targeted key legislators, and ran a media campaign that included TV, radio, and print advertising. This raised the profile of the cigarette tax issue and undoubtedly helped the 30 cent tax increase pass.

However, other issues played a role that had little to do with tobacco advocates. Philip Morris’ support of the increase in exchange for Gov. Warner’s help in changing the MSA payment status of small manufacturers was a major factor in the passage of the increase. It is unclear whether the tax increase would have passed without PM’s support, as tobacco control advocates’ efforts in the 2002 and 2003 session had been unsuccessful.

The increased tax rate corresponded with a continuing drop in adult and youth smoking prevalence, and the additional funds generated by the tax were earmarked for healthcare use, both welcome outcomes from a public health standpoint. However, the increased cigarette excise tax did not result in increased funding for tobacco control in Virginia.

SMOKEFREE AIR LEGISLATION, 2005-2008

After passage of a \$0.30 cigarette excise tax increase in 2004, the VFHF (Table 40) turned their focus to three main policy areas: securing tobacco control funding, advocating for comprehensive clean indoor air legislation and further increasing the cigarette excise tax. From 2004 to 2009, the primary focus of the coalition was on clean indoor air legislation.²³

The Campaign for Tobacco Free Kids (TFK) was a formal coalition member, assisting VFHF with funding for specific campaigns. TFK had at times received funding for certain VFHF projects from Americans for Nonsmokers Rights (ANR). ANR was not a signatory member of VFHF but was considered a supporting member.²¹⁰

Between 2005 and 2009, tobacco control advocates spent a total of \$691,305 on lobbying. During the same period, the tobacco industry spent slightly over \$2 million. VFHF member groups employed several lobbyists (Table 16, see above). Of these, only two were officially registered as lobbyists for VFHF during the 2005-2006 session. During the 2008-2009 session, the staff lobbyists for the VFHF coalition were Cathleen Grzesiek (AHA), Keenan Caldwell (ACS); and David DeBiasi (ALA). The other lobbyists, Kay Kemper (ACS), Teresa Gregson (AHA), and David Bailey Jr. (ALA) were contract lobbyists for their voluntary health organizations that in part lobbied for VFHF-specific matters. Lobbyists for the other VFHF member organizations were less involved with specific VFHF activities.

From 2003 to 2005, Keenan Caldwell was the Coalition Chair of VFHF. Cathleen Grzesiek served as Chair from 2005 to 2008; after which Caldwell, Grzesiek, and David DeBiasi all took the title of Co-Chair. These three individuals largely guided the direction of VFHF,

along with the Steering Committee that included a representative of the Medical Society of Virginia. Additionally, all decisions regarding VFHF legislative activities and strategies were made by an ad hoc group, the Legislative Strategy Team, which held regular meetings and weekly phone calls to drive VFHF's strategy.²¹⁰

Alliance for the Prevention and Treatment of Nicotine Addiction (APTNA)	Sierra Club – Roanoke Chapter
American Academy of Family Physicians, Virginia Chapter	Sentara Healthcare
American Academy of Pediatrics, Virginia Chapter	Urban League of Hampton Roads
American Cancer Society	Virginia Academy of Physician Assistants
American College of Cardiology, Virginia Chapter	Virginia Asthma Coalition
American Heart Association	Virginia Association of Health Plans
American Lung Association	Virginia Beach Restaurant Association
Americans for Nonsmokers Rights*	Virginia College of Emergency Physicians
American Stroke Association	VA College Co-operative for Tobacco Use Reduction
Bon Secours Health System	Rescue Mission and Free Clinic for the Homeless
Bragg Hill Community Center	SAFE, Chesterfield
Campaign for Tobacco Free Kids	Virginia Commonwealth University Cancer Awareness Team
Cancer Plan Action Committee (CPAC)	Virginia Diabetes Association
Children's Hospital of Richmond	Virginia Dieticians Association
CINCH	Virginia Dental Association
Central Virginia Asthma Coalition	Virginia Hospital and Healthcare Association
Community Coalitions of Virginia	Virginia Interfaith Center for Public Policy
Community Role Models of Arlington	Virginia Muslim Coalition for Public Affairs
Greater Roanoke Valley Asthma and Air Quality Coalition	Virginia Nurses Association
Hispanic Committee of Virginia	Virginia PTA
Ignite Generation	Virginia Public Health Association
Inova Healthcare	Virginia Rural Health Association
Legislative Coalition of Virginia Nurses	Virginia Rural Health Resource Center
March of Dimes, Virginia Chapter	Virginia Society for Respiratory Care
Medical Society of Virginia	Virginia Thoracic Society
National Latino Council on Alcohol and Tobacco Prevention	Virginia Quality Healthcare Network
Project REACH	Voices for Virginia's Children
Rappahannock Office on Youth	Women's Health Virginia
Rural Virginia United Coalition	
*Americans for Nonsmokers Rights was a supporting, not signatory, member of VFHF.	

Another important VFHF contract employee was Nicole Pugar, who served from 2007 to 2009 as Coalition Organizer. Pugar served as a link between member organizations and the VFHF leadership, updating them and disseminating information. However, due to the limitations of the grant from Americans for Nonsmokers Rights (ANR) that funded Pugar's position, which was only part-time, ultimately limited the effectiveness of the Coalition Organizer position in educating VFHF members, in Grzesiek's opinion. However, Grzesiek felt that within the constraints of the position, Pugar served very effectively.²¹⁰

2005: VFHF Push for Workplace Restrictions

In 2005, VFHF turned its attention to a campaign to extend statewide smoking restrictions to workplaces to protect workers' and patrons' health. Their model was Delaware, which in 2002, had passed a strong workplace smoking restriction bill. (Delaware had a weak preemptive law which local advocates were trying to repeal. They developed such strong momentum that the legislature passed a strong comprehensive law and repealed preemption also.) VFHF began the campaign in January 2005 by releasing a poll showing that 59% of Virginians would support broad smoking restrictions in most public places. They also chose Sen. Bill Mims (R – Loudoun) to carry the bill and drafted language that he subsequently introduced

as SB 1191. Mims was selected as a patron by VFHF because he was a member of the majority party as well as being on the committee (the Senate Education and Health Committee) that would hear the bill.²¹⁵ Mims was also strongly supportive of VFHF efforts and viewed workplace smoking issues as a serious public health concern, stating that “someone else’s choice [may] hurt my health ... [SB 1191] is health legislation.”²²⁰ SB 1191 would have strengthened the VCAA by expanding the list of venues where smoking was prohibited to include private sector offices, 75% of hotel rooms, and restaurants, among others. The bill maintained exceptions for tobacco stores and bars were allowed to allow smoking in a separately enclosed area.²²¹

As usual,³² the public opponents of the bill (mostly restaurant and retail associations, such as the Retail Merchants Association of Greater Richmond and the Virginia Hospitality and Travel Association) aggressively opposed it. They again argued it would be an intrusion upon the freedom of choice among business owners and customers and the bill died after failing its third reading on the Senate floor.²²²

Philip Morris did not openly oppose efforts in 2005 because they had made a public pledge to refrain from lobbying to oppose clean indoor air legislation during the 2005 and 2006 legislative sessions.²²³ The activity of tobacco industry allies in opposing VFHF’s efforts, however, made it unnecessary for Philip Morris to intervene directly; Philip Morris would not actively lobby to oppose clean indoor air legislation until the 2007 session.

Executive Order 41 (2006)

Timothy M. Kaine (D, Total Tobacco Industry Campaign Contributions: \$132,025) became governor on January 14, 2006 with his one permitted term scheduled to end in January 2010. After being elected, VFHF met with the governor’s staff several times to educate them on smoking and health issues. While this education may have prompted Kaine to consider some actions in favor of public health, Cathleen Grzesiek, the AHA representative to and co-chair of VFHF, attributed his motivation to the backlash surrounding his comment during the 2006 session that he would veto any smoke-free bill that came before him. Members of his party and the public reacted badly, which led Kaine to consider taking an action that would show support of smokefree issues without having to backtrack from his stated position.²³ It also allowed Kaine to maintain his position (which coincided with the tobacco industry’s position) that it should be up to the proprietor or owner of a business to determine how best to protect his or her employees.²¹⁰

Gov. Kaine decided that an executive order to prohibit smoking in state-owned buildings would be an appropriate action. News reports from August 2006 reported that Kaine was “surprised to find out that there is no state smoking ban in state facilities, and that is something that I’m actively considering right now.”²²⁴ He explained his decision to explore the implementation of new rules as a health concern, stating, “Gosh, everybody from tobacco companies on down now say that secondhand smoking is a health problem. I think in my role as an employer, we should be doing something about that. I am the employer of all the folks who work for the executive branch agencies and institutions in the commonwealth. It’s something that I take seriously.”²²⁵

Despite this willingness to make government facilities smokefree, as of August 2006 the governor was still opposed to the idea of mandatory workplace or restaurant smoking restrictions for private employers, stating “I think there is a legitimate question about the reach of government when it comes to having to mandate [smoking restrictions].”²²⁵ He also felt that this would extend the police powers of the state too far, and that private employers should voluntarily adopt policies that would influence other employers without government intervention, as the law firm at which Kaine was a managing partner had done in the 1980s.²²⁶

By late 2006, Kaine decided to act. On October 26, 2006, he signed Executive Order 41, which prohibited smoking in most executive branch buildings, including state-owned vehicles. The new rules were to be implemented on January 1, 2007, and affected nearly 100,000 government employees.^{226, 227} As issued by Gov. Kaine, Executive Order 41 prohibited “smoking in offices occupied by executive branch agencies and institutions, including institutions of higher education ... [and] in any other building operated by executive branch agencies and institutions.” Exempted were correctional facilities, in which smoking would be allowed “in accordance with guidelines set by the Director of the Department of Corrections,” and mental health facilities, in which smoking would be allowed “in accordance with guidelines set by the Commissioner of Mental Health, Mental Retardation, and Substance Abuse Services.” In addition, the Secretary of Administration was directed “to take necessary steps to publicize available state employee benefits for smoking cessation and to encourage employees to avail themselves of these benefits.” Finally, smoking was prohibited in all state-owned vehicles except for state police vehicles, in which smoking would be allowed “in accordance with policy set by the Superintendent of State Police.”²²⁸

The final guidelines for Executive Order 41 were issued on January 1, 2007 by Viola Baskerville, the Secretary of Administration, in consultation with the Commissioner of Health. The guidelines required that agency heads and heads of state institutions establish non-smoking guidelines for their properties in accordance with Executive Order 41. Specifically, the owner and/or property manager of any affected facility was required to: (1) post no-smoking signs, (2) permit smoking outdoors on state property grounds provided smokers are 25 feet or more from an entrance or exit, including parking garages, and (3) to provide ash urns to aid smokers in disposal of smoking materials. Violations were to be addressed in accordance with Department of Human Resource Management policy.²²⁹

In addition to the health rationales forwarded in his early contemplation of the executive order, Kaine mentioned the costs of smoking to Virginians as a benefit of his plan, noting, “State health care costs more than half a billion a year,” and observing that a benefit of promoting nonsmoking practices would be lower healthcare costs.²²⁷

VFHF felt it played a role in Kaine’s promulgation of Executive Order 41. By lobbying his office after the 2006 legislative session, VFHF staff were able to spend time educating the governor’s staff. VFHF fully supported Executive Order 41 when it was announced, with Keenan Caldwell, a VFHF board member representing the American Cancer Society, congratulating the governor for listening to Virginians and “demonstrating leadership on health policy issues on tobacco.”²²⁷ Some health advocates were reticent about Executive Order 41. Robert Call, the chairman of the Medical Society of Virginia, saw the governor’s action as a

“great first step,” but expressed the MSV’s position that the Society would “love to see everybody stop smoking.”²²⁶ And while Terry Hargrove, a spokesperson for the ALA, was “very happy” that the executive order was signed, she expressed the ALA’s dissatisfaction for the narrowness of Kaine’s vision.²²⁶ “Now we have to protect all workers,” she said, referring to private employers whose employees were not covered by these worker protections.²²⁶ Local advocates also pointed out flaws in Kaine’s selective implementation of worker protections. J.P. Szymkowicz, the president of Smoke Free Arlington, part of the Health Department’s network of local coalitions, added that “[i]t is sad to hear that [Gov. Kaine] still vigorously opposes a comprehensive ban on smoking in private businesses, including bars and restaurants.”²²⁶

Philip Morris did not challenge the governor’s decision; a Philip Morris spokesperson, Bill Phelps, told the *Richmond Times-Dispatch* that “Philip Morris understands and agrees that people should be able to avoid being around secondhand smoke particularly in places where they must go, such as public buildings.”²²⁷ Kaine had received a significant amount of campaign contributions from the tobacco industry, \$132,025, leading up to his 2005 election victory. Of this, PM/Altria was the largest contributor, giving \$53,000.

2006: Bell’s VFHF-Sponsored Workplace Bill

After the failure of the Mims bill in 2005, VFHF attempted to pass a similar bill in 2006. Citing the same Delaware law as a model, they chose Sen. Brandon Bell (R – Roanoke) to carry the bill, SB 648. Bell became VFHF’s champion because Mims had stepped down to become Chief Deputy Attorney General under Attorney General Bob McDonnell (R). (When McDonnell resigned in 2009 to run for governor, Mims became the Attorney General.) Bell was interested in sponsoring the bill due to increasing evidence and his personal convictions that secondhand smoke was damaging and that smoking increased overall healthcare costs.²³⁰ The most important element of Bell’s bill was that it repealed preemption. He did not change the existing statewide restaurant restrictions, exempted some small businesses (like businesses run out of a private home, required that 80% of all rooms offered by hotels or motels be smokefree, and prohibited smoking in a number of public places such as grocery and retail stores.²³⁰

In support of the bill, VFHF released a radio ad that asked the public to contact legislators to support SB 648:

Attention Virginians: we’re making progress towards a smoke-free Virginia. Your Virginia General Assembly has the bill before them right now. Please pick up the phone now and call your legislator and ask them to support Senate Bill 648, the Virginia Indoor Clean Air Act. You deserve a safe, healthy, smokefree environment. Be a part, make it happen. Call now: 1-800-889-0229 and tell them to support Senate Bill 648. Everyone deserves a right to breathe clean air. For more information, visit healthyva.org. This message is supported by the American Cancer Society, the American Heart Association, and the American Lung Association of Virginia.²³¹

VFHF also mobilized their grassroots network in support of the bill.²¹⁰

As with the 2005 attempt, strong public opposition from retail, restaurant, and hospitality associations clouded the prospects of the bill. Governor Kaine was lukewarm on the measure, echoing the sentiment of a large number of Virginia legislators that individual proprietors had the right to decide for themselves to adopt smoking restrictions.²³² The opposition in the legislature was led by Sen. Ken Stolle (R – Virginia Beach, Policy Score 7.0), who was responding to strong opposition from the restaurant association and from the Virginia Hospitality and Travel Association (VHTA). The VHTA’s subgroup the Virginia Restaurant Association (VRA) was also the main statewide organization for restaurants. (VRA had merged with the VHTA in 1993.) The VHTA had been an ally of the tobacco industry since at least 1988, and had participated in a number of activities promoting tobacco industry positions, such as working with the Tobacco Institute to establish a network of industry-favorable restaurants and hotels.³⁴ VHTA was also part of the tobacco industry coalition that opposed the 1990 VICAA.³⁵

Ultimately, Bell offered a substitute of the bill on the Senate floor that reduced the proportion of required smokefree hotel and motel rooms to 75%, and completely prohibited smoking in restaurants (except for private events). The bill also “rolled” preemption forward, stating that any local ordinance enacted before January 1, 2006, would not be deemed invalid because of inconsistency with state law. After January 1, 2006, Bell’s substitute would have only required local ordinances to prohibit smoking in designated no-smoking areas of restaurants. Otherwise, localities were preempted from exceeding the law as it would have existed after January 1, 2006. The substitute was adopted and SB 648 passed out of the Senate by a vote of 28-18 with one abstaining, but was ultimately killed in the House General Laws Committee.

2007: Griffith’s Bill and Kaine’s Amendments

The 2007 session opened with four bills being introduced on smoking restrictions. Sen. Brandon Bell (R – Roanoke) introduced a coalition-supported bill (SB 1161) that mirrored his 2006 effort. Additionally, Del. Vince Callahan (R - Fairfax) and Del. Harvey Morgan (R – Gloucester, Policy Score 9.5) also introduced smoking restriction bills (HB 2005 and HB 1952 respectively). Del. Glenn Oder (R – Newport News, Policy Score 8.5) and Del. Algie Howell (D – Norfolk, Policy Score 9.3) also introduced identical bills, HB 2689 and HB 2255 respectively. The bills were all virtually identical, expanding the VICAA to prohibit smoking in most public places where the public was invited during the normal course of business, including restaurants, common areas of apartment buildings, indoor shopping malls. Proprietors of private workplaces were also allowed to voluntarily institute smoking restrictions. In addition, the bills sought to remove the explicitly preemptive language from existing law, with the bills stating that the new law could not be construed to permit smoking where prohibited by any duly enacted local ordinance, seemingly allowing localities to exceed statewide provisions. VFHF was most supportive of Bell’s bill, but the coalition also supported the Callahan, Morgan, Oder, and Howell bills because they would raise the profile of Bell’s bill and increase its chance of success.²³³

Approximately a week after the three bills were introduced, VFHF held a well-attended news conference to release a Mason-Dixon poll that they had commissioned that showed that 71% of those polled supported smoking restrictions such as those found in the Bell bill,^{210, 234} and received wide coverage in the media. Their press release also included statements by legislators

who were supporting the VFHF push for clean indoor air. Bell noted that “momentum is building, which is evident in the sheer number of bills introduced in 2007.”²³⁵ Morgan stressed the importance of the U.S. Surgeon General’s 2006 report, stating “[t]he science is clear. Secondhand smoke is not an annoyance. It is a serious health hazard responsible for death and disease, and there is no safe level of exposure.”²³⁵ Callahan pointed to the tax burden, noting that “[e]very household in Virginia is paying \$576 in taxes from smoking-caused government expenditures.”²³⁵ Additionally, VFHF provided the information directly to legislators and conducted grassroots mobilization around the polling.²¹⁰

Bell’s bill was strongly opposed by tobacco industry-aligned groups, including the Virginia Hospitality and Travel Association (VHTA, which also included the VHTA sub-group Virginia Restaurant Association) and the Virginia Retail Merchants’ Association. These groups argued before the various assembly committees that they supported free-market positions on smoking prohibitions, and opposed any “blanket bans” such as Bell’s proposal.

However, SB 1161 found support from the local Virginia Beach Restaurant Association (VBRA), a 200-member group that distanced itself from the position of other restaurant and hospitality associations in the state that traditionally opposed any broad prohibitions on smoking in restaurants and bars. VBRA became involved in the measure after Matt Falvey, a former president of the VBRA and a member of VHTA, convinced the VHTA to adopt a neutral stance on tobacco control for one year, in 2004.²³⁶ After VHTA returned to active opposition to tobacco control in 2005, Falvey and other VHTA members resigned and took their concerns to the VBRA.²³⁶ The VBRA embraced the tobacco control position and approached Sen. Bell to support SB 1161.²¹⁰ Bell put the VBRA members in touch with the VFHF and the VBRA became members of the VFHF coalition in 2007.²¹⁰

Particularly important to Falvey and other VBRA members was a sense that smoking restrictions were inevitably going to affect restaurants in the future, and rather than opposing them they should get “out in front” of the issue.²³⁶ Falvey was also concerned about protecting the health of his employees, comparing the smoking restrictions in restaurants to widely-accepted regulations protecting patrons from food-borne illnesses.²³⁶ Finally, Falvey was frustrated that the VHTA was fighting against smoking restrictions alongside the tobacco industry, feeling that restaurateurs should not be fighting battles for the tobacco industry.²³⁶ The VBRA would go on to play a significant role in subsequent legislative sessions.

The tobacco industry response to SB 1161 and its related bills was embodied in a bill introduced by Del. Morgan Griffith (R – Salem, Policy Score 0.7). This bill (HB 2422) was a “red light, green light” bill promoted by the tobacco industry in other states that gave the power to restaurants to decide their own smoking policy by simply posting a sign telling what their policy was. The bill replaced the language requiring smoking sections in restaurants with 50 or more seats from the existing VCAA and inserted language that read “Any restaurant may allow smoking if signs stating ‘Smoking Permitted’ conspicuous to ordinary public view are placed at each public entrance.” Griffith claimed that his bill was not a workers’ health bill, stating to the press, “[t]his may not be perfect for those people who would like to protect workers, but it is better than any bill that has made it to the [House] floor.”²³⁷ Public health groups opposed the Griffith bill, understanding that a “red light, green light” bill was actually a step backwards that

would do nothing to discourage smoking or protect the health of workers.²³⁸ Despite the past willingness of public health advocates to make serious compromises on substance to get some sort of legislation passed, there was consensus that Griffith's bill was worse than the existing law.²³⁹ It also maintained statewide preemption of local ordinances.

Despite a pledge to the public in 2005 and 2006 to refrain from lobbying on clean indoor air legislation, Philip Morris jumped into the fray in 2007 with a full lobbying effort in support of Griffith's bill.²²³ PM claimed that that the measure was enough of a restriction on property rights that they were justified in changing their lobbying stance.²²³

Bell's bill was assigned to the House General Laws Subcommittee, which was historically very hostile to tobacco control legislation and had killed Bell's tobacco control legislation the previous session (see Table 9, above). Bell came under significant pressure from the subcommittee after they stalled his legislation and asked him to meet with Griffith to try to achieve a compromise in early February. Bell doubted whether he could find any common ground with Griffith and declined to compromise with Griffith, saying that he would not support any bill that public health advocates would not support. In addition, Griffith threatened to withdraw his bill if it any amendments were offered to prohibit smoking in all restaurants.²³⁹ Ultimately, Bell's bill was killed in the House General Laws subcommittee.

The House and Senate both passed Griffith's measure on March 4, 2007. Bell and health advocates declined to try and change the bill in the Assembly due to Griffith's threats to strike the bill if any changes were made; therefore, attention turned to the Governor for a possible amendment. Because all the coalition-supported bills had been either killed by or held in hostile legislative committees, using Griffith's measure as a vehicle to enact smoking restrictions in bars and restaurants would be an end-run around the hostile committees and require any amended bill to go to the full House for an up-or-down vote. While the House committees would assuredly kill any strong measure, VFHF had tallied votes in the House and Senate and believed they had enough to pass a strong bill if they could get it out of committee.²¹⁰

VFHF also secured an agreement with Gov. Kaine through trusted political allies, including Sen. Bell, that Kaine would amend the bill to restrict smoking in all restaurants and bars.²¹⁰ If the legislature rejected these amendments, VFHF had commitments from the Senate to kill the measure. However, if a contingency arose where the bill passed out of the legislature retaining the red light/green light provisions, Kaine agreed to veto the bill.²¹⁰ Therefore, VFHF was in a strong position to either enact strong legislation or kill weak legislation and felt "comfortable allowing it to come out [of the Assembly] as it stands, even though the bill itself is problematic," according to Cathleen Grzesiek, director of VFHF.²⁴⁰

VFHF and other public health advocates began to heavily lobby the Governor for changes in Griffith's HB 2422, such as removal of the "red light, green light" provision, that they could support.²⁴⁰ Terry Hargrove, the director of community relations for the American Lung Association, said to the press after the bill went to Kaine that his group had organized a letter-writing and phone campaign to the Governor's offices urging him to positively amend the legislation.²⁴⁰

Kaine vetoed the bill and sent it back to the Assembly with proposed amendments to remove the industry-backed “red light, green light” provision and any exemptions from the all restaurants defined by §35.1-1 9(b), effectively making all restaurants smokefree. In particular, he recommended deleting the provisions which read:

§35.1-24.2. Exceptions.

A. Any restaurant may allow smoking if signs stating “Smoking Permitted” conspicuous to ordinary public view are placed at each public entrance.

B. The provisions of this chapter shall not apply to restaurants as defined in subsection 9(b) of §35.1-1.

Extending the smokefree requirements to all restaurants in this way ended up broader than Kaine intended, because §35.1-1 9(b) included not only restaurants that were located inside a building, but also mobile food vendors such as hot dog cart operators and food vendors in sports stadiums. Since mobile vendors operated out in the open as opposed to a restaurant that operated inside a building, as a practical matter it would be difficult to apply the provisions of the bill to an outdoor area.

Opponents seized upon this unintended outcome, alleging that the drafting error rendered the amendment untenable. Griffith spearheaded the effort to publicize the alleged drafting error, stating: "I think the Governor meant for the ban to apply for more traditional indoor restaurants, but we now have the amendments in front of us, so whatever he meant is not the issue."²⁴¹ A host of tobacco-aligned groups, including the Virginia Retail Merchants Association (VRMA) and the Virginia Hospitality and Travel Association (VHTA, which included the Virginia Restaurant Association), banded together to oppose the amendments. Tom Lisk, a lobbyist who represented both the VRMA and VHTA, spoke to the press opposing Kaine’s amendment, stating that the VHTA’s members “are overwhelmingly of the view that the system already in place – a voluntary system – is working.”²⁴² Philip Morris used its lists of customers to set up a phone-banking campaign to legislators on the issue.²⁴³ A spokesperson for Kaine, Kevin Hall, stated that the governor would not seek enforcement in such outdoor areas. He said, "We are talking about banning smoking in restaurants, not near restaurants ... No reasonable person is going to argue a patch of sidewalk five feet from a sandwich stand is a restaurant.”²⁴³

Griffith was technically correct in his interpretation of the new language. By removing the exemption for 9b restaurants, the bill did indeed extend smoking restrictions to such mobile points of service as outdoor hot dog stands.

Despite the drafting error, Kaine's amendment was positively received by health advocates. VFHF spearheaded a media campaign, running ads that urged lawmakers to support the rewritten legislation. VFHF commissioned a radio ad to rally support for the amended bill:

Fact: Secondhand smoke contains more than 4,000 chemicals, including arsenic, ammonia, cyanide and polonium 210. Fact: Secondhand smoke is a proven cause of lung cancer, heart disease and other serious respiratory illnesses. In the words of the U.S. Surgeon General, “the debate is over,

the science is clear: Secondhand smoke is a serious health hazard that causes premature death and disease in children and nonsmoking adults.” Virginia’s leaders have a chance to do what’s right and take a stand to protect the health of our workers and families. Ask your state legislator to support Governor Kaine's amendment to make all restaurants in Virginia smoke-free. It’s time to protect our right to breathe clean, smoke-free air. Take action today by visiting smokefreevanow.org. That's smokefreevanow.org. This message sponsored by the American Cancer Society, American Heart Association and American Lung Association of Virginia and the Campaign for Tobacco-Free Kids.²¹⁰

Another VFHF radio ad from March and April stated:

Did you know for every eight smokers that die from smoking related illnesses, they take one non-smoker with them? Ask your state legislators to support Governor Kaine’s amendment to make all Restaurants in Virginia Smoke Free. Working in a restaurant isn’t a crime. It shouldn’t carry a death sentence. Take action today and visit smokefreevanow.org. For more information that’s smokefreevanow.org.²¹⁰

On April 2, Bell and health advocates held a news conference, hoping to dispel the controversy that Griffith was encouraging surrounding the amendment. Cathleen Grzesiek accused opponents of the amendment of attempting to confuse legislators and the public. The VBRA joined the news conference as a member of VFHF, with its president, Stacie Perros, noting that their group fully supported the amendment, demonstrating that restaurant owners were not unified in opposing it. Furthermore Bell and the health advocates argued that the language that Griffith and others had latched onto would not extend to consumers, only to those who prepare and serve food.²⁴⁴ VFHF blamed “Big Tobacco” for “purposefully launch[ing] a campaign designed to mislead the public and members of the General Assembly by implying that the Governor’s amendments would affect things like outdoor dining, hot dog carts and even NASCAR races!”²⁴⁵ VFHF also sought to remind legislators and the public that 71% of Virginians supported smoking restrictions in public buildings, offices, bars and restaurants.²⁴⁵

Eventually, the House rejected Kaine's amendments. Grzesiek told the *Richmond Times-Dispatch* that she felt confident that the amendment had the votes required to pass, but noted that "Big Tobacco has deep pockets and pulled out all the stops ... They succeeded in the effort to scare and confuse legislators about what this bill would do."²⁴³ With the amendments rejected, the bill was again passed the General Assembly and went back to Kaine, who vetoed it saying "I am not willing to sign legislation that would eliminate the current requirement for a nonsmoking section in restaurants."²⁴³

Kaine also said that he would support another attempt for a strong restaurant measure the next year.²⁴³

Coalition members and the Virginia Department of Health, which had been supporting VFHF in a technical assistance capacity, announced that they would form a working group to

study the issues involved and attempt to pass a restaurant smoking bill in the next session.²⁴⁶ The working group met in the summer of 2007, mainly to determine how to define a restaurant to avoid the issues that Kaine's amendment encountered. The results of the meeting were used to develop SB 501, which was introduced in 2008 by Sen. Ralph Northam (D – Norfolk, Policy Score 9.5, Total Tobacco Industry Campaign Contributions: \$1,000).²¹⁰

2008: Framework for the 2009 Restaurant Compromise Bill

2008 brought changes to the balance of power in the Virginia General Assembly. Republicans had controlled the state Senate since 1999, but in 2007 Democrats regained control of the Senate. (The House had been controlled by Republicans from 2000-2009.) Because of this, VFHF sought a new patron in the Senate from the majority party and identified Sen. Mary Margaret Whipple (D – Arlington, Policy Score 10.0, Total Tobacco Industry Campaign Contributions: \$1,000). (Sen. Bell had lost his seat in the primary in 2007.) Whipple was the chair of the state's Democratic caucus and passionate about health issues, including tobacco control.²³ Many bills were introduced concerning smoking in both houses, building off of the momentum for enacting stronger clean indoor air laws that had started in 2007 (Table 41).

Whipple introduced SB 298 using language developed working with VFHF.²¹⁰ Whipple was the chair of the state's Democratic caucus, and also passionate about health issues including tobacco control.²³ VFHF had other legislators introduce bills with identical language, including HB 500 by Del. Phillip Hamilton (R – Newport News, Policy Score 4.8, Total Tobacco Industry Campaign Contributions: \$12,996), who was the chair of the House Health Welfare and Institutions Committee and vice-chair of the House Appropriations Committee, which gave him significant power and influence in the House.²³ Two other bills introduced were also identical to the language of SB 298 as introduced. Del. Algie Howell, Jr. (D – Chesapeake, Policy Score 9.3) and Del. Harvey Morgan (R – Essex, Policy Score 9.5) introduced HB 572 and HB 821 respectively.²¹⁰ Morgan had carried a strong bill the year before, and continued to be a strong ally of VFHF.

All of these bills (SB 298, HB 500, HB 572, and HB 821) completely prohibited smoking in public spaces like public buildings, healthcare facilities, retail stores, and also in restaurants and bars. They provided partial coverage for workplaces, prohibiting smoking in any workplace entered into by the public during the normal course of business. These bills also expressly repealed preemption to allow localities to enact ordinances that exceeded any part of their provisions.

Three other bills, SB 202 (Quayle, R – Chesapeake, Policy Score 9.5, Total Tobacco Industry Campaign Contributions: \$9,908), HB 288 (Englin, D – Alexandria, Policy Score 9.8) and HB 1341 (Barlow, D – Chesapeake, Policy Score 8.8) were introduced with a more limited purpose (Table 41). These three bills redefined “restaurants” to avoid the situation in 2007 that had led the defeat of the amended HB 2422 and partially repealed preemption (only allowing localities to exceed state law with regards to regulation of smoking in restaurants) by specifically allowing local ordinances to “contain provisions or standards related to smoking in restaurants that exceed those established in this chapter.” VFHF did not develop or ask legislators to

Table 41: 2008 Clean Indoor Air Bills Considered in the General Assembly

Bill	Version	Sponsor	Public Buildings	Public Transit	Elevators	Healthcare Facilities	Daycare Facilities	Public Schools	Retail Stores	Private Workplaces	Restaurants	Bars	Smoking Rooms?	Ventilation?	Signs Req?	Preemption?	Penalty	Enforcement	Notes	Outcome
SB 501	As Introduced	Locke, Northam	P.O	N	R	P.O	N	P.O	P.O	O	R	R	N	N	Y	Y	\$250-\$1000	Any law enforcement officer		Left in House General Laws
SB 298	As Introduced	Whipple	R	R	R	R	R	R	R	P	R	R	N	N	Y	N	\$100-\$500	Commissioner of Health		
	As Engrossed		R	R	R	R	R	R	R	P	R	R	N	N	Y	N	\$100-\$500	Commissioner of Health	Substituted to remove Commissioner of Health as enforcement agency	Left in House General Laws
HB 500	As Introduced	Hamilton	R	R	R	R	R	R	R	P	R	R	N	N	Y	N	\$100-\$500	Commissioner of Health	Identical to SB 298 as introduced	Left in House General Laws
HB 572	As Introduced	Howell	R	R	R	R	R	R	R	P	R	R	N	N	Y	N	\$100-\$500	Commissioner of Health	Identical to SB 298 as introduced	Left in House General Laws
HB 821	As Introduced	Morgan	R	R	R	R	R	R	R	P	R	R	N	N	Y	N	\$100-\$500	Commissioner of Health	Identical to SB 298 as introduced	Left in House General Laws

S: no-smoking area required
P: partial coverage, exemptions
R: 100% smokefree
N: N/A
O: Smoking area optional

introduce these bills; they were developed by the introducing legislators with input from the Governor's office and occasional input from VFHF.²¹⁰

After the defeats of SB 1161 and the amended HB 2422 in 2007, Gov. Kaine proposed a statewide restriction of restaurant smoking in early 2008 that was essentially the same as the amendments he had provided the year earlier. Kaine announced his support for smokefree restaurants on January 7, 2008, at a VBRA-organized press conference at Matt Falvey's restaurant Hot Tuna. This bill was carried for the governor by Sen. Ralph Northam (D – Norfolk, Policy Score 9.5, Total Tobacco Industry Campaign Contributions: \$1,000) as SB 501. The bill redefined “restaurants” to exclude “mobile points of service” and made all restaurants and bars 100% smoke-free (Table 41). Gov. Kaine said that his reasons for the proposal were based on scientific evidence on the health effects of secondhand smoke, which was “clear and convincing ... Virginia must act to protect workers and consumers in restaurants.”²⁴⁷ Also, after offering the strong amendments for HB 2422, supporting SB 501 was a logical extension of his 2007 political stance.²¹⁰

VFHF adopted a policy of supporting all these bills because they all made restaurants and bars 100% smokefree, even though some were not comprehensive.²¹⁰ However, most of VFHF's resources went to support the Whipple bills and those similar to it, with the main message being that all workers should be protected from secondhand smoke. Because all clean indoor air bills were considered together in the legislative hearings, VFHF was unable to testify about the differences between the individual bills, and instead had to testify about all of them together by focusing on the broader health issues regarding secondhand smoke.²¹⁰

It was no surprise that a legislator representing the Hampton Roads area (a dense urban area in the Southeastern corner of the state consisting of the cities of Norfolk, Chesapeake, Virginia Beach, Suffolk, Portsmouth, and Newport News), like Sen. Northam, would support smoking restriction legislation. Most of the localities in that area (including Virginia Beach, Newport News, Williamsburg, Suffolk, and York County) were considering asking the General Assembly to pass legislation giving their locality the power to enact some sort of local restaurant smoking restriction and Norfolk had been seriously considering enacting local restaurant restrictions under the assumption that preemption did not apply to their municipality until backing off the proposal in 2008 (discussed below).²⁴⁸ Lawmakers representing the Hampton Roads area, including Sen. Northam; Sen. Quayle and Sen. Mamie Locke (D – Hampton, Policy Score 9.0) also pushed for statewide laws that either repealed preemption statewide or allowed their locality greater authority to regulate smoking.²⁴⁸

On January 25, 2008, House Speaker William Howell (R – Fredericksburg, Policy Score 0.3, Total Tobacco Industry Campaign Contributions: \$12,400) referred all of the smoking-related bills to General Laws Committee, notoriously hostile to tobacco-control legislation.²⁴⁹ Howell had close financial ties with the tobacco industry, having accepted \$10,000 in campaign contributions since becoming Speaker in 2003.²⁴ This is significantly more than the median tobacco industry campaign contribution to House Republicans from 1999-2007 (\$5,919). Del. Terrie Suit (R – Virginia Beach), who had previously supported Gov. Kaine's restaurant smoking restriction proposal in the 2007 session, chaired the General Laws Committee. According to House rules, Del. Suit in her role as chair of the committee could have asked to

have a bill brought before the full committee by using House Rule 18. Despite the fact that Del. Suit represented an area with a high support (70%)²⁵⁰ for restaurant smoking restrictions, she refused to allow the bills to come before the full committee and instead funneled them into the hostile Alcoholic Beverage Control/Gaming Subcommittee (referred to as the ABC/Gaming subcommittee), where they were all killed after no further action was taken.²⁴⁹

An editorial in the *Virginian-Pilot* (Norfolk) questioned why her position had changed and raised several points as potential answers.²⁵⁰ Del. Suit maintained that her support waned when many local restaurants in her district voluntarily went smokefree. The editors pointed out that many other areas, including whole communities in her district like Saxis, Big Stone Gap, and others, had very few smokefree choices. Despite the fact that Del. Suit did not accept, and on one occasion returned, tobacco industry contributions, she did owe her chairpersonship of the General Laws Committee to Speaker Howell. Public health advocates felt the same way. As Cathleen Grzesiek, co-chair of VFHF, described, once Suit “became chair of [the] General Laws [Committee] ... all of a sudden she no longer supported clean indoor air laws.”²³

Tobacco control advocates from the Virginia Beach area turned up the political heat on Del. Suit after realizing that she had the power to determine whether these bills were to die in committee. The primary group that pressured Suit was the Virginia Beach Restaurant Association (VBRA), which urged its members -- who were constituents of Del. Suit in the South Hampton Roads area -- to tell her to reverse her decision.²⁵¹ In addition, the VBRA took out a full-page ad in the *Virginian-Pilot* urging readers to pressure Del. Suit to move the bill out of subcommittee for the consideration of the full General Laws Committee.²⁵¹ Noting that it seemed unfair that just seven legislators could keep a bill from the other 93 members of the House and that there seemed to be broad legislative support for such a bill, a past president of the VBRA stated that “we [the VBRA] feel all representatives should have a chance to vote on it.”²⁵¹ Meanwhile, other hospitality industry groups, including the Virginia Hospitality and Travel Association, remained opposed to the bill.²⁵¹

VFHF also employed phone banking to target Suit, as well as Speaker William Howell, Dels. Thomas Gear (R – York County, Policy Score 0.0, Total Tobacco Industry Campaign Contributions: \$8,438) and David Albo (R – Fairfax County, Policy Score 1.0, Total Tobacco Industry Campaign Contributions: \$17,650) who were members of the ABC/Gaming subcommittee. The primary activity against Suit, however, came from the VBRA.²¹⁰

Advocates were outraged that the bills ended up in the ABC/Gaming subcommittee. Hilton Oliver, the executive director of Virginia GASP, said “[t]he issue of smoking in restaurants has nothing to do with ABC and gaming, but it has a lot to do with health. They are playing games [there in the House], no question about it.”²⁴⁹ Virginia politics and the influence of Speaker Howell had placed the antismoking bills into hostile committees, like many other times before. VFHF held that at a minimum, the bills deserved a fair hearing by the full committee.²¹⁰



Figure 15: VFHF Print Ad Thanking Allies, 2008²¹⁰

The debate mirrored the same arguments that had been made in Virginia (and virtually all other states) ever since the issue of smoking restrictions first emerged in the 1970s. Many on the General Laws Committee continued to point toward free-market principles to justify opposing the legislation. For example, Del. Gear argued, “[i]t’s wrong for government to intervene and tell restaurants they have to do something.”²⁵² Del. Suit argued that the General Assembly did not need to act on the proposal and that voluntary smoking restrictions were already happening.²⁵³ She stated “[t]wo years ago ... I couldn’t find a restaurant that was smokefree. But because of this debate, the whole issue over the last few years has been elevated to the level that so many restaurants have gone smokefree, I no longer believe it’s necessary for the government to step in and do it.”²⁵⁴

As before, representatives from the Virginia Retail Merchants Association, Virginia Hospitality and Travel Association, and Cigar Association of Virginia spoke of the bill in terms of “choice and property owners’ rights.”²⁵⁵ Nathan Jones, a Richmond resident and owner of 13 restaurant franchises, claimed that a restaurant law in Indiana caused a 10-15% drop in alcohol sales, which Mr. Jones claimed could “kill a small business” in a year.²⁵⁴ These often-repeated claims about the harm to small business interests from tobacco restrictions – the centerpiece of the

tobacco industry’s efforts to generate local opposition to such laws since the 1980s - are false.^{32, 61} In particular, a 2003 analysis of all the research on the economic impact of smoking restrictions on the hospitality industry, including bars and restaurants, showed no negative impact on revenue.³³

Despite the pressure from several sides, Del. Suit did not change her position, and the legislative session ended in March with no tobacco restriction bills surviving.²⁵¹ All the tobacco control bills before the ABC/General Laws Subcommittee were defeated unanimously by voice vote rather than a recorded vote.²⁵⁵ The reason, according to Gov. Kaine after the vote occurred, was that “[t]hese guys don’t want to be on the record on a matter like that.”²⁵⁵



Figure 16: VFHF Print Ad Opposing Tavenner Proposal²¹⁰

VFHF vociferously opposed Tavenner’s proposal, mobilizing their grassroots network to contact Gov. Kaine to protest the idea.²¹⁰ VFHF also met with coalition members to educate them about why the proposal would not protect Virginians and remind them that the dealbreakers agreement stated that hours provisions were unacceptable.²¹⁰ In addition, VFHF conducted a campaign directed at Kaine that included fact sheets, direct advertisement (Figure 16) and a letter drafted by the main representatives of VFHF. The letter thanked the Governor for his support in the 2007 session on the amendment to HB 2422, and asked him to oppose the hours provision because it: (1) would not protect patrons or workers from lingering harmful SHS byproducts; (2) would result in lower compliance than a comprehensive law; (3) would be

After the 2008 session, VFHF ran an ad in the Richmond, Fredericksburg, Hampton Roads, and Roanoke media markets thanking Gov. Kaine and their legislative “champions” for supporting their activities (Figure 15).

In fall 2008, the Virginia Secretary of Health and Human Resources Marilyn Tavenner proposed a “compromise” bill intended to have a better chance of passing in the 2009 legislative session. Tavenner suggested an “hours provision,” allowing smoking in restaurants and bars after 10 p.m.^{210, 256} “Hours provisions” were another tobacco industry tactic designed to weaken clean indoor air laws. These provisions frame the secondhand smoke issue as one of children’s health, which ignores the health of both patrons and food service workers who suffer harm from the long-lasting effects of smoking. Furthermore, because the provisions relate to patrons’ age and the time of day, it is much more difficult to discern violations of the ordinance, frustrating enforcement.²⁵⁷

difficult and costly to enforce; and (4) would focus on protecting youth while not protecting all Virginians.²¹⁰ VFHF also met with Tavenner to voice their concerns.²¹⁰

VFHF's efforts were assisted by the intervention of Sen. Ralph Northam (D – Norfolk, Policy Score 9.5, Total Tobacco Industry Campaign Contributions: \$1,000), who helped to convince Kaine to discard the Tavenner proposal by promising to return in 2009 with a more comprehensive bill that did not include an hours provision.²⁵⁶ With Northam's help, public health advocates were able to convince Kaine to back off of the proposal; by November Tavenner's proposal had been abandoned.²¹⁰

Conclusions

The legislative sessions from 2005 to 2008 set the groundwork for subsequent statewide restaurant legislation in 2009. Despite the concerted efforts of tobacco control advocates, including a broad media campaign and favorable polling data, the opposition of the tobacco industry caused all tobacco control bills to ultimately die. Much of this was due to the members of a single House committee, the House General Laws Committee, which was assigned nearly all of the introduced tobacco legislation by the Speaker of the House, Del. William Howell, an opponent of tobacco control.

Despite setbacks, VFHF had notable success in working with Gov. Kaine on HB 2422, which was amended with VFHF-supported language. The flawed language of the amendment caused the bill to be defeated, but VFHF had achieved a notable success in finding agreement with Kaine to support 100% smokefree restaurants. Kaine's willingness to strengthen HB 2422 and his commitment to veto it if it was not comprehensive was a powerful political tool for the coalition, and demonstrated the importance of carefully cultivating a relationship with the governor's office (a relationship that would unfortunately not last through the 2009 session)

LOCAL SMOKING RESTRICTION ACTIVITIES, 2006-2008

Between 2006 and 2008, several localities in the Hampton Roads region and in the areas surrounding Washington DC considered or attempted to implement local restaurant smoking restrictions (Table 42). These local attempts by local city councils and advocates did not directly involve state level tobacco control organizations, who played a minor supportive role. In several instances, the local activity resulted in a vote to ask the General Assembly for permission to impose stricter restrictions than the VICAA allowed. Norfolk was the exception, with the city council determining that they did not need to ask the General Assembly and could instead implement restrictions on their own. While no locality enacted or was granted a restaurant smoking restriction during this period, the popularity of the proposals and the media coverage of the events undoubtedly influenced the statewide restaurant smoking law that passed in 2009.

Norfolk

Norfolk enacted their original smoking ordinance in 1988, which provided for nonsmoking sections in restaurants and many other public places, and prohibited smoking

completely in many retail stores. This made it stronger than the subsequent state law passed in 1990.

In May 2006, Theresa Whibley, a physician, was elected to the Norfolk City Council. After being elected, Whibley began to push for an ordinance that would that would completely prohibit smoking in restaurants after reading the 2006 Surgeon General’s Report “The Health Consequences of Involuntary Exposure to Tobacco Smoke,” which among other findings reported that eliminating indoor smoking fully protects nonsmokers from harmful effects, while ventilation and separation of smokers from nonsmokers within an enclosed space did not.²⁵⁸ What Whibley read in the Surgeon General’s Report dovetailed with her personal convictions and experience as a physician that second hand smoke was harmful.²⁵⁹ No other Hampton Roads area city had smoking restrictions at the time and Whibley felt that the city “need[ed] to take the lead” on the restaurant smoking issue.²⁶⁰ When she joined the Norfolk City Council, she began inquiring whether the Council could prohibit smoking in restaurants.²⁶¹

Table 42: Local Smoking Restriction Activity, 2006-2008

Year	Locality	Action
2007	Stafford County	Considered restaurant restriction but took no further action
	Alexandria	Considered using zoning laws to restrict smoking but took no further action
	Norfolk	Restaurant smoking restriction passed
	Roanoke	Voted to ask General Assembly for permission to restrict outdoor smoking
	Chesapeake	Voted to ask General Assembly for permission to restrict restaurant smoking
	Newport News	Voted to ask General Assembly for permission to restrict restaurant smoking
	Portsmouth	Considered asking General Assembly for permission to restrict restaurant smoking, took no further action
	York County	Declined to ask General Assembly for restaurant smoking restriction
2008	Norfolk	Rescinded 2007 ordinance before it went into effect
	Fredericksburg	Voted to ask General Assembly for permission to restrict restaurant smoking

Whibley sought help from City Attorney Bernard Pishko, who informed her that Norfolk’s charter allowed the city to implement a restaurant smoking restriction without requiring permission of the General Assembly. Pishko argued that neither Dillon’s Rule nor the preemptive language of the VICAA impinged upon Norfolk’s inherent police powers (the power to protect the health and welfare of its citizens) granted by its charter. Therefore, any ordinance that correctly invoked Norfolk’s police powers would be valid. While the VICAA explicitly preempted stronger local regulation of restaurants or bars, Whibley and Pishko had compiled a great deal of evidence (including the 2006 Surgeon General’s report²⁵⁸) that demonstrated that no level of secondhand smoke exposure was safe, and that because of this no law that required no-smoking sections could adequately protect the health and welfare of patrons or workers.²⁶¹ Based on this fact, the Norfolk city attorney’s office drafted language for the proposed ordinance that simply required any nonsmoking area to be “effective.” Because the only effective protection for workers and

patrons would be a 100% smokefree interior space, Whibley and Pishko were confident that their “effectiveness” language was a valid exercise of the city’s police powers. Both Pishko and Whibley expected the ordinance to be challenged in court if enacted but felt that they could argue successfully that this approach was consistent with both Dillon’s Rule and the requirements of the VICAA.

Whibley and Pishko were the primary motivators for the proposed ordinance, but, after learning about their proposal, the Virginia chapters of the national voluntary health organizations offered material support and publicity, primarily to identify and promote restaurants that were smokefree.^{259, 261} After discussing the idea with the City Council in December 2006, the Council voted to endorse the idea but to hold off on enacting any ordinance until it became the results of the debate about statewide legislation affecting restaurants would be.²⁶²

City Manager Regina Williams scheduled hearings in January, 2007 for restaurant owners to address their concerns, as a majority of restaurateurs had come out as opposed to the ordinance, primarily based on concerns that the ordinance would harm their business. These concerns were echoed by some on the Council, such as Vice Mayor Paul Riddick, who was concerned that it would affect the livelihoods of small business owners.²⁶⁰ The Norfolk Restaurant Association opposed the proposed ordinance, but in a 2009 interview Whibley characterized their complaints as not very vociferous.²⁵⁹

On July 10, the state Attorney General’s office released an opinion by Virginia Attorney General Bob McDonnell (R) that stated that such restrictions would violate the VCAA’s preemption language, which was issued in response to a request from Del. Bill Janis (R – Goochland County, Policy Score 0.3 \$3,150 in campaign contributions from tobacco industry sources in 2007). In response, Norfolk’s City Attorney, Bernard Pishko, told the press his opinion was that the police powers inherent in Norfolk’s charter were sufficient to allow the restrictions to be implemented without asking the General Assembly for permission.²⁶³ In August 2007 the City Council decided to go forward with their plans to restrict smoking in restaurants within the city despite McDonnell’s opinion, based on Pishko’s advice to the council that it made no difference as to their ability to enact stronger local restaurant restrictions.²⁶⁴ In October 2007, the Council voted 7-1 to implement an ordinance that completely prohibited smoking in restaurants and bars (Table 43).

	Public Buildings	Public Transit	Elevators	Healthcare Facilities	Daycare Facilities	Public Schools	Retail Stores	Private Workplaces	Restaurants	Bars	Smoking Rooms?	Ventilation?	Signs Req?	Penalty	Enforcement	Notes
1988	P O	P O	R	P	N	P	R	X	P	X	N	N	Y	Class 4 misdemeanor	Norfolk Department of Public Health	City Manager required to educate affected citizens of provisions. Restaurants with 50 or more seats required to have a sufficient no-smoking area.
2007	P	P	R	P	X	R	R	X	R	R	N	N	Y	Class 4 misdemeanor	Any law enforcement officer. Department of Public Health to conduct compliance checks.	
S: no-smoking area required X: exempted P: partial coverage, exemptions R: 100% smokefree N: N/A O: Smoking area optional																

As passed, the 2007 ordinance was significantly stronger than state law, completely prohibiting smoking in restaurants and bars, with an exception only for establishments conducting a private function in the entire space. It maintained many of the other provisions of the 1988 ordinance. By completely prohibiting smoking in restaurants or bars, Norfolk's ordinance not only would have protected the health of workers and patrons, but it was also significantly stronger than the 2009 statewide legislation, which allowed for both smoking rooms and ventilation.

However, the ordinance would not have gone into effect until July 2008, and before that date arrived the Council shifted its position in early 2008 on the restaurant smoking restriction issue. Five council members rethought their support, citing the failure of statewide or regional smoking restrictions in the General Assembly. The reservations centered around a feeling in the Council that the restaurant restrictions would harm businesses. Barclay Winn, a councilmember whose interactions with Virginia Beach led to the Hampton Roads regional approach, said that he wanted a "minor revision for sports bars . . . I just want to be sure we get a level playing field."²⁶⁵ Another councilmember, Vice Mayor Anthony Burfoot, wanted to include a provision that allowed restaurants the ability to appeal the restriction if they can show resulting economic damage.²⁶⁵ Councilmember W. Randy Wright felt that the Council "can't put our establishments at a competitive disadvantage."²⁶⁵ As the five council members backedpedaled, Whibley expressed frustration and hoped that the law would be implemented unchanged.²⁶⁰

Ultimately, despite Whibley's efforts, the Council moved steadily towards a vote rescinding their earlier ordinance. At the end of March 2008, the Council voted to rescind the restriction, partially because it seemed that a statewide restaurant smoking restriction would soon pass (and did in 2009).²⁶⁶ Whibley was frustrated as four council members had changed their minds four months after voting the initial passage of the ordinance, comparing it to the failure of the General Assembly to pass smoking restrictions that Virginians overwhelmingly supported: "We dropped the ball like they did."²⁶⁷ Soon afterwards, Lorene Alba of the ALA, Hilton Oliver of Virginia GASP, and Katie Pepe of ACS went on the record to question the Council's reasoning. Hilton Oliver pointed out the fallacy of one of the main rationales in reversing the ordinance, that it would harm business, saying "[f]or every Norfolk resident who goes to a Virginia Beach restaurant to smoke, you'll get four or five people from Virginia Beach."²⁶⁷ After rescinding the ordinance, Norfolk did not consider a local smoking proposal again in light of the pending statewide law.

The reversal of the Norfolk city council has parallels with tobacco industry efforts in other states, notably in California. In the late 1980s and early 1990s, several California localities attempted to enact local smoking restrictions. In 1990, the Los Angeles city council considered a total smoking prohibition in all restaurants in the city, a proposal which had been developed internally without prompting by tobacco control groups (as in Norfolk). The tobacco industry mobilized restaurateurs and smokers rights groups to oppose the legislation, and were successful because the voluntary health organizations were inactive on the issue.⁶¹ Because of a lack of sustained activity by health groups, the ordinance was defeated by the tobacco industry.⁶¹ In contrast, 1990 smoking restrictions in the city and county of Sacramento both succeeded despite significant industry opposition due to the concerted efforts of the ALA, which worked closely with city council members to educate them about the scientific harms of secondhand smoke.⁶¹

While the role of the tobacco industry in influencing the city council in Norfolk was unclear, the health groups did not take any significant action to counter the claims of harm to restaurants that apparently influenced the council. While VFHF provided technical support testimony at Norfolk City Council hearings in support of Whibley’s proposal, VFHF felt that Norfolk was hamstrung by the Attorney General’s opinion that Norfolk could not restrict smoking on their own.²³ Cathleen Grzesiek, interviewed in 2010, felt that challenging the Attorney General’s opinion would require a costly lawsuit that VFHF could not afford.²³ Despite the important precedential value of the Norfolk ordinance, VFHF chose to focus instead on state-level smoking restrictions. With funding to properly support Norfolk’s innovative strategy by challenging the Attorney General’s opinion in court, public health advocates in Virginia could create a precedent for local action.

Hampton Roads Regional Efforts

During the discussions among the Norfolk city council concerning their proposed ordinance, Norfolk became part of an attempt to unite the surrounding Hampton Roads region in pushing for restaurant smoking restrictions. The discussions were headed by two council members, Barclay Winn from Norfolk and Rosemary Wilson from Virginia Beach. The proposal would have brought a unified block of around one million (out of 7.77 million statewide in 2008) Hampton Roads constituents to bear on the General Assembly.²⁶⁸ The discussions included the cities of Norfolk, Virginia Beach, Portsmouth, and Chesapeake.²⁶¹

All of the Hampton Roads cities except Norfolk determined that in order to introduce stronger restaurant smoking restrictions, they would have to ask the General Assembly to enact a law granting them the power to do so. After Norfolk’s efforts to enact their own separate ordinance fell apart in 2008 all of the cities agreed that asking for permission from the General Assembly was the correct approach. This push led several legislators to introduce bills sought to grant localities the ability to exceed statewide smoking restrictions in restaurants. Despite the regional effort in Hampton Roads, most of the bills did not specifically apply to one region, and would grant preemption restrictions to most or all localities in Virginia (Table 44). None of the bills survived.

Bill	Sponsor	Description	Outcome
HB 288	Englin	Would allow any locality to exceed VICAA restaurant restrictions	Died in House General Laws Committee
HB 1063	Brink	Would allow cities and counties in Northern VA to exceed VICAA restaurant restrictions	Died in House General Laws Committee
HB 1341	Barlow	Would allow any locality to exceed VICAA restaurant restrictions	Died in House General Laws Committee
HB 1432	Howell, A.	Would allow any locality with 200,000 or greater residents to exceed VICAA restaurant restrictions	Died in House General Laws Committee
SB 202	Quayle	Would allow any locality to exceed VICAA restaurant restrictions	Died in House General Laws Committee
SB 347	Blevin	Would prohibit smoking in restaurants and bars in the city of Chesapeake	Died in House General Laws Committee

Conclusions

Ultimately, the local activity surrounding restaurant smoking restrictions was unsuccessful in implementing any local ordinances, but it did demonstrate to statewide lawmakers and health organizations that localities desired stronger restaurant smoking laws. However, statewide public health advocates failed to capitalize on Norfolk's use of the concept of police power of local government to work around statewide preemption, and continued pushing for a statewide law. The state law that ultimately passed was weak and problematic. It is possible that had statewide health groups promoted Norfolk's model, Virginia cities and counties may have been able to enact strong local ordinances.

2009 CLEAN AIR LEGISLATION AND RESTAURANT SMOKING

After unsuccessfully attempting to strengthen Virginia's clean indoor air laws to protect all workers for the previous four years, the main statewide tobacco control coalition (VFHF) adopted new tactics for the 2009 session that took advantage of the prevailing political climate to support several bills that were introduced just to strengthen restaurant smoking restrictions. Ultimately, the coalition's efforts were overshadowed by an agreement between the Republican leadership of the House and Democratic Governor Kaine that set the stage for a weak compromise restaurant smoking law that allowed for smoking rooms utilizing ventilation.

Political Climate During the 2009 Legislative Session

There were some important changes in Virginia's political climate in 2009 that increased the chances that health advocates would be able to enact legislation that year. Elections would be held in November and all 100 members of the House were up for reelection. This election coincided with a rise in Democratic influence in Virginia – Gov. Tim Kaine (D, Total Tobacco Industry Campaign Contributions: \$132,025) was elected in 2006 and Virginia supported Democratic Presidential candidate Barack Obama, the first time a Democratic presidential candidate had taken Virginia since 1964. Democrats were gaining influence, especially in suburban Northern Virginia. Finally, House Speaker William Howell (R – Fredericksburg, Policy Score 0.3, Total Tobacco Industry Campaign Contributions: \$12,400) felt that his seat in his Fredericksburg district was vulnerable because it was becoming less conservative. Some House Republicans, most of all Howell, felt that they needed to project a different image. It is likely that this was a significant source of pressure upon Howell, and coupled with the VFHF campaign discussed below, caused him to shift his position on tobacco control legislation. In addition, the party in power after the election would be able to control redistricting in their chamber. Because the Democrats controlled the Senate, it was a political imperative for Republicans in the House to retain control.²¹⁰

In addition, during the 2009 session some important changes were made to the composition of the House General Laws (HGL) committee, namely that Del. Chris Jones (R – Suffolk, Policy Score 7.3, Total Tobacco Industry Campaign Contributions: \$3,750) replaced Terrie Suit (R – Chesapeake, Total Tobacco Industry Campaign Contributions: \$1,900) who had retired, as the chairperson of the committee. The VFHF coalition, who had been repeatedly disappointed by the HGL's consistent propensity to kill tobacco control legislation, felt hopeful

that Jones would influence the committee to approach such legislation in a different light.²⁶⁹ Jones had openly supported clean indoor air legislation and also had stated his desire that clean indoor air bills be heard in the full committee.²¹⁰

The Health Coalition's Activities

VFHF Campaign in Fredericksburg to Pressure Howell

Prior to beginning the 2009 legislative session, VFHF decided to target Speaker Howell's Fredericksburg district with pressure from their grassroots elements to force him to stop assigning legislation to the hostile ABC/Gaming subcommittee of the House General Laws Committee and allow it such bills to be heard in the full committee.²¹⁰ They intended to capitalize on Howell's vulnerability before the 2009 elections (in which his seat, along with all other House seats, was up for election) in a district that was becoming less conservative.

VFHF hired a district organizer, Adam Bray, whose background was in community organizing around worker justice issues, to identify and mobilize constituents in and around the Fredericksburg district with phone banking and grassroots action. During the American Cancer Society's Great American Smokeout in November 2008, Bray and VFHF took out a large ad in the *Fredericksburg Free Lance-Star* urging readers to call Howell and ask him to "make Virginia smokefree" (Figure 17).

The campaign was successful in pressuring Howell, who reportedly referenced Bray's campaign in a legislative caucus, saying something to the effect of, "[if] they're going to do this to me, what else could they do?"²³ Howell sought out Gov. Kaine and they ultimately agreed in principle to a "compromise" restaurant smoking bill that allowed for smoking rooms and ventilation.

Howell changed his position on clean indoor air bills directly because of the Fredericksburg grassroots campaign. Had VFHF been able to implement this tactic on a larger scale, it might have lead to a stronger restaurant smoking bill. VFHF was unable to do this because in 2009 they could only afford to hire a single district organizer;²³ using their limited funds, they targeted the legislator who would have the greatest impact for the money spent.

Polling Data and VFHF Lobbying Efforts and Media Campaign

As in prior years, on January 22 VFHF released a poll showing overwhelming support (75%) for a comprehensive smokefree workplace law.²¹⁷ At the same time, around 150 volunteers from VFHF attended a lobbying effort at the state capitol to urge lawmakers to support smokefree workplaces as well as excise tax increase proposals.²¹⁷ Understanding the

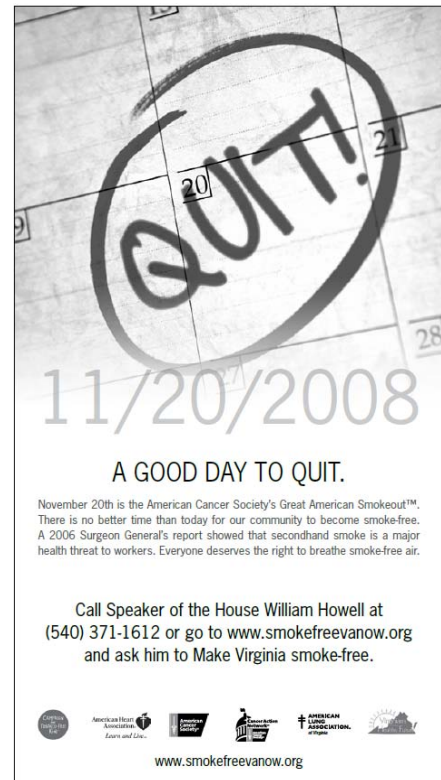


Figure 17: VFHF Advertisement²¹⁰

political climate of the Democrat-controlled Senate to be favorable to tobacco control legislation, VFHF focused their lobbying efforts on the Republican-controlled House, as epitomized by their campaign to pressure Speaker Howell.²¹⁷

VFHF's lobbying efforts consisted mainly of face-to-face interactions with legislators, focusing on members of the House General Laws (HGL) Committee, which had heard all previous VFHF tobacco control bills and would almost certainly hear all such bills in 2009 before they could reach the House floor.²¹⁰ One such target was Del. Thomas Gear (R – York County, Policy Score 0.0, Total Tobacco Industry Campaign Contributions: \$8,438) who served as the chair of the ABC/Gaming subcommittee and was strongly and vocally opposed to clean indoor air laws.²³

In 2009, ACS, AHA, and ALA all suffered budget cutbacks, eliminating their ability to conduct a paid media campaign.²¹⁰ ACS was able to fund some paid phone banking of legislators on behalf of VFHF, and VFHF conducted a postcard campaign to legislators on their lobbying day in January (Figure 18).²¹⁰ Finally, the coalition worked to mobilize their grassroots network and those of their partner organizations to generate as much contact between constituents and legislators as possible.²¹⁰



Figure 18: VFHF-Funded “Smoke Free Virginia Now” Postcard Advertisement, 2009²¹⁰

Restaurant Proprietors and the Virginia Beach Restaurant Association

Despite the antipathy of the Virginia Restaurant Association (part of the Virginia Hospitality and Travel Association), many restaurant owners supported the idea of comprehensive clean indoor air legislation covering restaurants. The largest restaurant organization to start supporting restaurant smoking restrictions was the Virginia Beach Restaurant Association (VBRA).

One of the more active restaurateurs in Virginia supporting restaurant smoking restrictions was Matt Falvey, a Virginia Beach restaurant and owner of several restaurants including Hot Tuna and Shorebreak and former president of the VBRA. Falvey had made his three restaurants smokefree in 2007. In a 2009 interview, Falvey explained that he supported smoking restrictions in restaurants for several reasons. First, it was a public relations move; noting vocal public support for restaurant smoking restrictions, Falvey felt it would help VBRA members to support rather than oppose further restrictions.²³⁶ He also was unhappy that workers in some workplaces in Virginia were protected from secondhand smoke and that restaurant and bar workers were not. He felt that voluntary restaurant smoking restrictions were ineffective. In addition, Falvey knew that restaurant associations generally resisted any additional regulation and that libertarian attitudes about individual business rights were prevalent among Virginia

restaurateurs. Without guidance from a group like the VBRA, Falvey felt that restaurateurs would have a “knee-jerk reaction” and fight further regulation of smoking in restaurants.²³⁶

As a member of VHTA, Falvey’s advocacy for smoke-free restaurants led the VHTA to stop opposing clean indoor air legislation for one year, during the 2003 session. After VHTA returned to active opposition in 2005, Falvey and other VHTA members resigned and took their concerns to the VBRA.²³⁶ The VBRA embraced the tobacco control position and approached Sen. Bell to support SB 1161.²¹⁰ Bell put the VBRA members in touch with the VFHF, and the VBRA joined the VFHF coalition in 2007.²¹⁰ Falvey lobbied for VBRA members to support VFHF efforts by arguing that, despite the traditional opposition of restaurateurs to any government regulation, that smoking was “the one area that is a major health concern that [the government] had chosen not to regulate us,” which was unfair to restaurant workers and patrons.²³⁶ Falvey also argued that restaurants did not share a common interest in fighting this particular regulation with the tobacco industry, because the tobacco industry was using restaurants to be “the face of anti-tobacco legislation. They’re kind of standing back.”²³⁶

Falvey also had some early contact with VFHF, but particularly with Keenan Caldwell, the ACS co-chair of VFHF, who worked with Falvey and others. However, Falvey was more supportive of local incremental progress than were the voluntary health organization advocates, which was a source of disagreement.²³⁶

202 Market, Roanoke	Lori’s Italian Grille, Lynchburg
Aromas, Newport News	Light, Newport News
Arts Etc. and Café, Martinsville	Lucky Oyster Seafood and Grill, Virginia Beach
Beef O’Brady’s, Newport News	Mahi – Mahs, Virginia Beach
Blue 5, Roanoke	Montano’s, Roanoke
Briar Patch Tea Room, Poquoson	Pi – zzeria, Virginia Beach
Brick House Tavern, Newport News	Plaza Azteca, Newport News (3 locations)
Carraba’s, Newport News	Poquoson Deli, Poquoson
Catch 31, Virginia Beach	Poquoson Seafood and Steak, Poquoson
Colangelo’s Gelato, Newport News	Port 151, Poquoson
Coastal Grill, Virginia Beach	Port 151, Poquoson
Crab Cake House, Poquoson	Port Arthur, Newport News
CROC’s 19 th Street Bistro, Virginia Beach	Rey Azteca, Newport News
Das Wald Café, Newport News	Rosilita’s, Newport News
Elmariachi Mex, Newport News	Rudee’s, Virginia Beach
FDR Restaurant, Newport News and Hayes	Schlesingers, Newport News
Fire and Vine, Virginia Beach	Silver Diner, Newport News
Gotti’s, Newport News	Soya, Newport News
Hot Tuna, Virginia Beach	The Crabcake House, Poquoson
Joe and Mimma’s, Newport News (2 locations)	The Melting Pot, Newport News
Kapponanar, Newport News	Third Bay Café, Martinsville
Kelly’s Tavern, Newport News	Three Pigs Barbecue, McLean
La Villa Da Toto, Lynchburg	Waterman’s, Virginia Beach

Another VBRA advocate for restaurant restrictions was Laura Habr, owner of CROC’s 19th St. Bistro in Virginia Beach (which went smokefree in 2007). Habr became involved with VBRA’s efforts to enact clean indoor air legislation for restaurants when CROC’s participated in the March of Dimes’ Signature Chef event prior to the 2007 legislative session. March of Dimes approached Habr and informed her that they had made it one of their legislative priorities to pass clean indoor air legislation. Habr became the volunteer advocacy chair for March of Dimes at a local level, focusing on a message involving the effects of secondhand smoke upon women and

especially its role in premature births. The outcome of Falvey and Habr's actions was that the VBRA became a vocal advocate for restaurant smoking restriction legislation during the 2009 session (Table 45).

2009 Smoking Restriction Legislation

During the 2009 session, 14 bills were introduced regarding clean indoor air, all of which primarily dealt with restaurant and bar smoking restrictions (Table 46). Under Virginia state law which was in effect prior to the 2009 session, any restaurant with fifty or more seats was required to designate a no-smoking area sufficient to meet customer demand (as determined by the management). Smoking could not be regulated in private workplaces that the public did not enter into during the normal course of business.

Bills Incorporating Industry Tactics: HB 1703, HB 2483 and SB 1382

HB 1703 was offered by Del. John Cosgrove (R – Chesapeake, Policy Score 1.3, Total Tobacco Industry Campaign Contributions: \$2,750) on January 14, 2009 and was similar to a bill he had filed in 2007. Instead of the VICAA requirement of reasonable smoking in government owned or operated buildings, smoking was prohibited. Restaurants (and bars areas of restaurants) with 50 more seats constructed prior to July 1, 2010, were still required to have a no-smoking area “sufficient to meet customer demand.” Restaurants constructed after July 1, 2010, would be required to confine smoking to a structurally separate, ventilated smoking room. Additionally, there was a provision that required employee consent before a worker would be required to work in a smoking area. HB 1703 was not a strong tobacco control bill. The employees and patrons of all restaurants existing before July 1, 2010, were not protected. Restaurants built after that date would allow smoking in ventilated smoking rooms, an ineffective protection against the harms of secondhand smoke.³²

The bill would have done little to protect the health of Virginians. Cosgrove had been traditionally hostile to tobacco control legislation, but credited his choice to sponsor HB 1703 to constituent pressure, pointing to VFHF-sponsored polling data that showed a large margin of support for such legislation.²⁷⁰ Introducing a bill like HB 1703 that gives the appearance of strengthening tobacco control laws while providing little substance is a standard tobacco industry tactic to undermine effective smoking restrictions.

HB 2483 was introduced by Del. Albert Eisenberg (D – Arlington County, Policy Score 9.0) as a “minors provision” law. Eisenberg's bill would allow smoking in any restaurant or bar that posted signs that prohibited minors, with up to a \$250 fine for violation by the proprietor. However, the proprietor was given affirmative defenses, preventing liability if the proprietor had asked the minor to leave the establishment. The bill also did not prevent minors from being in outdoor areas of restaurants or bars that allowed smoking.

SB 1382 introduced by Sen. Kenneth Stolle (R – Virginia Beach, Policy Score 7.0, Total Tobacco Industry Campaign Contributions: \$12,442) was also a “minors provision” bill. The bill prohibited smoking in restaurants, except those that only allowed entry to persons 18 years of age or older. It allowed any bar, or bar area of a restaurant, to allow smoking. All restaurants

built after July 1, 2009, could only allow smoking in designated smoking rooms. If any restaurant allowed smoking, they were required to have a no-smoking area of an unspecified size. The fine schedule for violations was similar to HB 2483, and proprietors were allowed an affirmative defense to violation if the proprietor had asked the violator to move from the prohibited area and posted signs stating “No Smoking” and minors were prohibited in designated smoking rooms.

This “minors provision” language was a variation of the standard industry “red light, green light” tactic. By allowing smoking when certain conditions are met, rather than all the time, these tactics are difficult to enforce and are ineffective.³² The industry employs this language when it seeks to combat popular support for smoking restrictions by delaying and weakening effective smoking restrictions.^{32, 271}

VFHF opposed all of these bills as inconsistent with the principles of smokefree workplace regulations because they did not protect all workers and customers from secondhand smoke. VFHF issued a fact sheet to legislators containing their reasons for opposing the bills, in which VFHF criticized all three bills for allowing indoor smoking, which had no safe level of exposure and which no practical ventilation system or interior division could render safe. They also criticized the convoluted enforcement rules, which stated that restaurants that excluded minors or were operating before a specific date could allow smoking. VFHF rightly pointed out in their information sheet that these provisions would frustrate enforcement and would fail to protect all workers and patrons.²¹⁰

SB 1105 – Northam (and Identical Bills HB 1692 and SB 1160)

SB 1105 was sponsored by a VFHF stalwart, Sen. Ralph Northam (D – Norfolk, Policy Score 9.5, Total Tobacco Industry Campaign Contributions: \$1,000), a pediatric neurologist who was committed to VFHF’s mission of supporting clean indoor air legislation.²³ As introduced on January 13, 2009 it was a more pro-health bill than HB 1703, and in its original form it was supported by VFHF. Northam’s bill was filed at Governor Kaine’s request.²¹⁰ It completely restricted smoking in any restaurant, bar, or lounge area. Proprietors were required to post signs stating “No Smoking” and to remove all ashtrays and smoking paraphernalia. Violators and proprietors would be fined \$25 for violation. The bill also prohibited retaliation by employers against employees who filed complaints or sought prosecution of any violation of its provisions.

In many respects, this bill was similar to the provisions of other pro-health restaurant smoking bills introduced in 2009. However, there were some important differences, mainly that SB 1105 as introduced did not have a long list of exceptions. There was no exception for smoking rooms or for private events at restaurants. The only exception was for outdoor areas; otherwise, smoking was entirely prohibited in restaurants and bars. It also differed from the strongest bill, SB 1057, by not specifically repealing local preemption.

The language was identical to two other bills, HB 1692 introduced by Del. David Englin (D – Alexandria, Policy Score 9.8, Total Tobacco Industry Campaign Contributions: \$1,750) and SB 1160 introduced by Sen. Richard Saslaw (D – Alexandria, Policy Score 9.3, Total Tobacco Industry Campaign Contributions: \$7,500), who was the Senate majority leader and also

Table 46: 2009 Smoking Restriction Bills as Introduced

Bill	Sponsor	Public Buildings	Public Transit	Elevators	Healthcare Facilities	Daycare Facilities	Public Schools	Retail Stores	Private Workplaces	Restaurants	Bars	Smoking Rooms?	Ventilation?	Signs Req?	Preemption?	Penalty	Enforcement	Notes
HB 1692	Englin	P	R	R	P, O	R	P	P, O	X	R	R	N	N	Y	Y	\$25	Any law enforcement officer	Identical to SB 1105, SB 1160
HB 1703	Cosgrove	R	N	R	P	R	P	P	X	P	P	Y	Y	Y	Y	\$25	Any law enforcement officer	Restaurants built after 7/1/2010 may only allow smoking in ventilated smoking rooms.
HB 1704	Howell, A.	R	R	R	P	R	R		P	R	R	N	N	Y	N	\$250 for violator, \$500 for proprietor	Commissioner of Health	Smoking prohibited in multi-unit residential common areas, 80% of hotel and motel rooms.
HB 1833	Toscano	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Unspecified	Any law enforcement officer	Sought to repeal local preemption
HB 2007	Brink	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N/A	N/A	Sought to allow N. Virginia localities to regulate restaurant smoking.
HB 2067	Hamilton	R	R	R	P	R	R		P	R	R	N	N	Y	Y	\$250 for violator, \$500 for proprietor	Commissioner of Health	Identical to HB 1704 except for deleted provisions repealing preemption.
HB 2246	Barlow	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N/A	N/A	Sought to allow localities to regulate restaurant smoking.
HB 2483	Eisenberg	P	R	R	P	R	P	P	X	P	P	N	N	Y	Y	\$25	Any law enforcement officer	Restaurants or bars with "No Minors Allowed" signs may allow smoking.
SB 870	Lucas	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Unspecified	Any law enforcement officer	Sought to repeal local preemption
SB 1002	Quayle	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N/A	N/A	Sought to allow localities to regulate restaurant smoking. Identical to HB 2246
SB 1057	Whipple	R	R	R	P	R	R		P	R	R	N	N	Y	N	\$250 for violator, \$500 for proprietor	Any law enforcement officer	Smoking prohibited in multi-unit residential common areas, 80% of hotel and motel rooms.
SB 1105	Northam	P	R	R	P, O	R	P	P, O	X	R	R	N	N	Y	Y	\$25	Any law enforcement officer	Identical to HB 1692, SB 1160
SB 1160	Saslaw	P	R	R	P, O	R	P	P, O	X	R	R	N	N	Y	Y	\$25	Any law enforcement officer	Identical to HB 1692, SB 1105
SB 1382	Stolle															\$250 for violator, \$500 for proprietor	Any law enforcement officer	Smoking allowed in restaurants with liquor license that prohibit persons under 18, and in bars holding a liquor license

S: no-smoking area required

X: exempted

P: partial coverage, exemptions

R: 100% smokefree

N: N/A

O: Smoking area optional

supportive of tobacco control measures generally.²³ Englin's bill, like Northam's, was filed at Gov. Kaine's request.²¹⁰ Englin had considered carrying comprehensive language but decided to focus on the restaurant smoking issue in particular.²³

VFHF supported these bills as introduced because they were consistent with their guidelines on adequate clean indoor air legislation, but not as actively as SB 1057 (see below), which was a more comprehensive bill that comported with VFHF's intention that "ALL Virginians deserve clean air."²¹⁰

SB 1057 – VFHF Bill Introduced by Whipple (and HB 1704, HB 2067)

SB 1057 was introduced by Sen. Mary Margaret Whipple (D – Arlington, Policy Score 10.0, Total Tobacco Industry Campaign Contributions: \$1,000), with the full and active support of VFHF, as the coalition's official bill filed at their request.²¹⁰ Whipple had been VFHF's main patron for the 2008 legislative session, and she carried the most comprehensive smoking restriction language in SB 1057 in the 2009 session. SB 1057 prohibited smoking in any enclosed area open to the general public, including retail stores and restaurants, much like SB 1105. It also prohibited retaliation by employers against employees who filed complaints or sought prosecution of any violation of its provisions.

It differed from Northam's SB 1105 by additionally prohibited smoking in 80% of all hotel and motel rooms, and the common areas of multi-unit residential facilities. Whipple's bill also repealed preemption, restoring local control.

SB 1057 was an extremely strong smoking restriction bill when compared to its contemporaries. It completely prohibited smoking in many workplaces that were not previously protected, and repealed preemption.

HB 1704 was introduced by Del. Algie Howell, Jr. (D – Chesapeake, Policy Score 9.3, Total Tobacco Industry Campaign Contributions: \$2,000) and was identical to Whipple's SB 1057. Howell was considered a VFHF champion who had carried a coalition-supported bill in 2008, and so VFHF also strongly supported HB 1704 as well.²¹⁰

HB 2067 was introduced by Del. Phil Hamilton (R – Newport News, Policy Score 4.8, Total Tobacco Industry Campaign Contributions: \$12,996), the chair of the House Health Welfare and Institutions Committee as well as the vice-chair of the House Appropriations Committee, which gave him significant power and influence in the House.²³ HB 2067 was identical to SB 1057 and HB 1704, except that it did not include language specifically repealing local preemption because Hamilton felt that it would not pass the House if such language was included.²³

Preemption Repeal Bills

Several bills sought only to repeal local preemption. These bills were HB 1833, introduced by Del. David Toscano (D – Charlottesville, Policy Score 9.5, Total Tobacco Industry Campaign Contributions: \$250) and SB 870, introduced by Sen. Louise Lucas (D – Chesapeake,

Policy Score 9.0, Total Tobacco Industry Campaign Contributions: \$5,000). Both bills allowed for localities to exceed statewide restrictions on smoking for any venue, not limiting the repeal to restaurants or bars. VFHF strongly supported these bills as they comported with VFHF's intentions that all Virginians deserved clean indoor air.²¹⁰

Two other identical bills sought a limited repeal of the statewide preemption provisions for restaurants. HB 2246 was introduced by Del. William Barlow (D – Williamsburg, Policy Score 8.8), and SB 1002 was introduced by Sen. Frederick Quayle (R – Chesapeake, Policy Score 9.5, Total Tobacco Industry Campaign Contributions: \$9,908). These bills allowed any locality to exceed statewide standards concerning restaurant smoking restrictions. VFHF supported these bills, with the caveat that they preferred language that would protect all Virginians, not just those in restaurants.²¹⁰

One bill, HB 2007, introduced by Del. Robert Brink (D – Arlington, Policy Score 9.5, Total Tobacco Industry Campaign Contributions: \$2,000), sought only to allow specific localities in Northern Virginia to enact more stringent smoking restrictions for restaurants. Bars were not included in this limited preemption amendment, and it was conditional on approval by a vote of two-thirds of the population of each locality. The localities were the counties of Arlington, Fairfax, Loudoun, and Prince William; and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

Deal Between Speaker Howell and Governor Kaine

Except for SB 1382, the bill containing a “minors provision,” which died in the Senate Education and Health Committee and SB 1160, which was identical to SB 1105 and was incorporated into SB 1105 by the Education and Health Committee, all the Senate bills (SB 870, SB 1002, SB 1057, SB 1105) passed the Senate Education and Health Committee, passed floor votes, and were sent to the House where Speaker Howell immediately referred them to the House General Laws Committee on February 4, 2009.

Around this time, a closed-door meeting occurred between the Speaker Howell and Governor Kaine and his staff. No health groups were invited to the discussion. The meeting was the result of two factors. The first factor was the changing demographics in Howell's district, coupled with the successful VFHF campaign to pressure Howell to (at least nominally) support clean indoor air legislation. Howell intended to use a restaurant smoking bill both to show his constituency that he had acted on the issue and to take the issue off the table as a potential stumbling block for the upcoming November 2009 elections. The second factor was Kaine's attempt to shape a political legacy. Democrat Kaine had been unable to secure any high-profile victories in the legislature and securing Howell and, by proxy, the House Republicans' support would allow give Kaine a much-needed political victory.

Kaine and Howell decided that they would support a bill that prohibited smoking in restaurants unless the restaurant employed a structurally separate and ventilated smoking room. They left local preemption in place.

VFHF and other groups who were likely to oppose the legislation, like the Virginia Hospitality and Travel Association, were left out of the discussions and not contacted for their views in a deliberate attempt to push the “compromise” proposal through before significant opposition could be generated. Because of this, the remaining groups opposing the compromise (primarily AHA, ACS, ALA and TFK) had very little political capital to attempt to change the course of events. Amy Barkley of TFK noted in a 2009 interview that “there wasn’t really anything [VFHF] could do except make sure that our four groups were standing strong and still publicly saying we opposed it ... I don’t know how much more we could have done with those partners [who supported the compromise bill] to secure them.”²⁷² Cathleen Grzesiek of VFHF said that the coalition had been caught by surprise by the negotiations on the compromise, having heard only rumors of meetings between representatives of Kaine and Howell before the announcement was actually made. VFHF only found out about the deal at 8:00 on Wednesday night February 18, the night before the compromise language was incorporated into the bill and did not see the actual language until 8:00 am Thursday morning, just two hours before Kaine and Howell held a press conference to announce the deal. Neither side had much time to react.²³ She felt that Kaine, Howell, and the others involved with the compromise acted quickly so that “both sides [health advocates and hospitality/travel associations] didn’t have time to marshal their forces.”²³ VFHF immediately and repeatedly contacted the Governor’s staff and the chair of the House General Laws committee, Del. Jones, to attempt to alter the terms of the proposal, discussing their concerns about the compromise language and suggesting changes that VFHF could support.²¹⁰ While Kaine’s staff and Jones listened to VFHF’s concerns, they did not make any changes to the compromise language based on VFHF suggestions.²¹⁰

VFHF Coalition Splits Over “Compromise”

After a deal had been reached between Kaine and Howell, Kaine’s office contacted various groups to secure their support. Although VFHF was excluded from the discussions between Kaine and Howell, the Governor later reached out to some of the VFHF organizations who seemed likely to support incremental, not comprehensive, legislation. As a result, the leadership of the VFHF and its member organizations who supported comprehensive smoking restrictions played no part in what would eventually become the most significant action on clean air legislation in Virginia since 1990.

There were several reasons why VFHF split over the Kaine-Howell proposal. There had been some preexisting strife among VFHF member organizations and national health organizations over how comprehensive a bill needed to be for VFHF to support it.²⁷² Some VFHF groups, including those who ended up supporting the Kaine-Howell compromise, were willing to support a less comprehensive bill in order to achieve incremental progress.²⁷² This ideological divergence meant that, according to Carter Steger in a 2009 interview, some groups “[forgot] the real goal, which is protecting health.”⁸³ National level advocacy groups who had been providing technical assistance to the coalition, and the VFHF leadership, were adamant that bills they were to support should be comprehensive.²⁷² These internal divisions led some groups to split off and support the Kaine-Howell proposal when political pressure to compromise was applied.⁸³ As Carter Steger put it in a 2009 interview, “the health groups ... couldn’t evoke pain on the members [of VFHF] strong enough to prohibit them making the deal [to support Governor Kaine].”⁸³ Amy Barkley of the Campaign for Tobacco Free Kids, in a 2009 interview, felt that

this initial rift was exploited by the Governor's representatives to prevent opposition, ultimately leading to the schism.²⁷²

The VFHF members that split off from the coalition to support the compromise included the Medical Society of Virginia, the Virginia Nursing Association, the March of Dimes, and the American Academy of Pediatrics Virginia Chapter.²⁷² The Medical Society was supportive of the compromise bill with a spokesperson characterizing it as a bill that “would allow tremendous strides not only in reducing the number of deaths from secondhand smoke, but also from the diseases and illnesses that come from smoke exposure.”²⁷³ The Virginia Hospital Association took a neutral position, declining to support the Kaine-Howell compromise or the VFHF comprehensive bills, thereby effectively depriving VFHF of a coalition member. These groups were targeted by Kaine's administration as likely to support the legislation and the administration even made some overtures to the core constituent groups of the VFHF: ACS, ALA, ACS, and TFK.

Ultimately, Barkley said, the challenge VFHF faced in 2009 was attempting to convince legislators, the general public, and other coalition members that the Kaine-Howell proposal was not a “step in the right direction.”²⁷² VFHF lacked the financial capacity to successfully educate Virginians about why holding out for a comprehensive bill would be preferable to backing the Cosgrove/Northam bills that were vehicles for the Kaine-Howell compromise language. Additionally, VFHF's lack of grassroots depth meant that their actual influence with legislators was lacking.⁸³ Barkley attributed this to a lack of resources committed to the coalition, not a failing of expertise.²⁷² With limited resources committed to the effort and no forewarning of the deal that Kaine and Howell struck, the coalition leadership was not able to aggressively fight the compromise. In addition, the coalition was unable to counter the “buzz” in the media that surrounded the bill, which labeled SB 1105 and HB 1703 as a historic achievement in a tobacco-friendly state.

In a 2009 interview, VFHF co-chair Grzesiek acknowledged that the coalition leadership was aware of some of its shortcomings, and attempted to address it by applying for a Robert Woods Johnson Foundation Tobacco Change Policy grant in 2003, 2005, and 2007.²¹⁰ Each application was rejected. Low levels of funding resulted in some organizational inadequacies; in particular, Grzesiek felt that an “executive director” role was needed for VFHF rather than the part-time co-chairpersonships of the representatives from ACS, AHA, and ALA.²¹⁰ Grzesiek stated that she and the other co-chairs had other responsibilities associated with their jobs that prevented a total commitment to VFHF.²¹⁰

Another issue facing VFHF was a failure of some of the member organizations to fully commit to the terms of the “deal-breakers” agreement (Figure 19) which was primarily a list of unacceptable legislative language such as red light/green light provisions, smoking rooms, and exemptions for venues such as bingo halls. While Cathleen Grzesiek recalled in 2009 that she was “comfortable that [VFHF] had a verbal agreement,” and had revisited the document in 2008 during the legislative session²¹⁰ the fact was that the deal-breakers document was never signed. In any event, Grzesiek felt that even a signed deal-breakers agreement would not have prevented some of the coalition members from walking away from the principles of the dealbreakers agreement to support the Kaine-Howell proposal.²¹⁰



Smoke Free Legislation Dealbreakers

Ventilation systems and/or Smoking Rooms are ineffective and costly. Ventilation cannot remove the harmful constituents of secondhand smoke and smoking rooms put employees who work in them at risk.

Hardship Provisions allow for exemptions if a business can demonstrate economic hardship after going smoke-free. These exemptions are unnecessary and are based on the false premise that a negative economic impact results from smoke-free air laws.

Signage or "Red Light/Green Light" Provisions allow businesses to simply post signs indicating that an area allows smoking. These do nothing to protect employees and patrons in those areas.

Grandfather Provisions exempt certain existing businesses from the smoke-free regulations, which is unfair to both employees and patrons. There is no legitimate economic argument for permitting older establishments to avoid a health regulation.

Consent Provisions allow smoking if all employees in a business consent. Employees are then pressured into "consenting" to work in smoke-filled areas either voluntarily or contractually (by signing a contract as a condition of employment). Employees should never be put in a position where they must choose between jeopardizing their health or their job.

Hours Provisions restrict smoking only during certain hours of operation. These provisions are not only ineffective, but create confusion and are difficult to enforce.

Minors Only Provisions allow smoking if minors are not allowed on the premises. These provisions do not protect employees or patrons. Smoke-free laws are important for everyone, not just minors.

Licensing Fees allow businesses to permit smoking on the premises upon payment of a licensing or other fee. This arrangement is completely ineffective and does not protect the public health.

Tax Incentives for smoke-free businesses merely reward businesses for doing something that they should be required to do in any case - providing a safe and healthy workplace for their employees and customers.

Long Phase-in Provisions delay health protections. Laws typically become effective within 30-90 days of enactment, which allows ample time to inform business owners and residents of their responsibilities. Longer periods simply allow time for possible weakening or repeal of the law.

Bar, Bowling Alley, and Bingo Parlor Exemptions

Prohibiting smoking in places such as bars, bowling centers, and bingo parlors may be contentious. But smoking should be completely eliminated in these and other venues for all the usual reasons; the health hazards of secondhand smoke are dangerously high in these establishments.

Casinos and Other Gambling Venue Exemptions

Casino or other gambling venues are workplaces and should be included within the coverage of a smoke-free law.

Private Club Exemptions

This exemption is not recommended. Restaurants and bars may try to establish themselves as private clubs in order to avoid compliance with the law. If private clubs are exempted, the definition of a private club must be clear. Also, the exemption should not apply when a club is open to the public.

Figure 19: VFHF "deal-breakers" provisions²¹¹

Carter Steger, Senior Director State and Local Campaign at American Cancer Society Cancer Action Network and a previous member of Virginia's ASSIST coalition, felt in 2009 that the groups that were split off during the compromise negotiations were never really committed to the principles in the deal-breakers agreement; he observed that they

never really signed on to the deal-breakers. They were informed of the deal-breakers, but they never owned the deal-breakers ... I think certainly people like March of Dimes and Medical Society, they were all shown the document. As part of the Coalition, they tacitly agreed to them. But when push came to shove, obviously they didn't own them because they were fractured off.⁸³

Kitty Jerome, a public health policy consultant with the Robert Wood Johnson Foundation that partially funded VFHF, stated in 2009 that these groups "never fully took the 'deal breakers' agreement with the Coalition seriously."¹⁹⁹

Compromise Language Introduced into HB 1703 and SB 1105

As noted above, by February 4 all the remaining tobacco control bills from both the House and the Senate (with the exception of SB 1160, which had been incorporated into SB 1105 before it passed out of the Senate) were before the House General Laws committee. The following day the HGL committee conducted an unrecorded voice vote to incorporate all of the outstanding House bills (HB 1692, HB 1704, HB 1833, HB 2007, HB 2067, HB 2246, and HB 2483) into HB 1703. This maneuver meant that all of these bills ceased to exist, and only HB 1703 existed in the House moving forward. The following day, the Committee also incorporated all of the extant Senate bills (SB 870, SB 1002, and SB 1057) into SB 1105, also by a voice vote. This meant that by February 6, there were only two clean indoor air bills before the General Assembly. On the same day, February 6, the Committee adopted substitute language for the two bills that embodied the Kaine-Howell compromise, so HB 1703 and SB 1105 were thereafter identical in language (Table 47).

The substitute language, which represented the compromise worked out between Kaine and Howell, partially restricted smoking in a number of places used by the general public, such as elevators, the common areas of public schools, and hospital emergency rooms. Smoking in restaurants was generally prohibited, with several important exceptions: If a restaurant constructed a smoking room that was structurally separated and contained a separate smoking area, that portion of the restaurant did not have to be smokefree. Outdoor areas not enclosed by walls, windows, or temporary enclosures were also exempted. Local preemption was maintained.

Opposition to the Compromise Bill

The tobacco industry and its allies in the restaurants and hospitality associations (except the Virginia Beach Restaurant Association, a VFHF member) were hostile to the Kaine-Howell compromise language. These groups repeatedly characterized the bill in the media as a political or business rights issue, not a health issue. They argued that business would be lost and restaurants closed by the measure, hurting the state's economy. Virginia Republicans generally

espoused a view that individual businesses had rights that extended to choosing whether to allow smoking or not, a view that ignored the rights of employees or potential health concerns. These free-market leanings dovetailed with the restaurant and hospitality industries’ rhetoric.

Health advocates also opposed the legislation, but for different reasons. Teresa Gregson, the AHA lobbyist, was credited by Amy Barkley in a 2009 interview as putting out the strongest statements opposing the compromise bill that encompassed the VFHF position that, as Barkley paraphrased, “[the bill] isn’t a huge victory or a big change. It shows that the industry is as powerful as ever because they got their way.”²⁷² VFHF attempted to use statements such as Gregson’s as an educational tool to try to alter the march of the Kaine-Howell compromise bills towards passage. Barkley recalled a significant effort was expended by VFHF to also change the tenor of the press coverage of the compromise.²⁷²

	Bill	Sponsor	Public Buildings	Public Transit	Elevators	Healthcare Facilities	Daycare Facilities	Public Schools	Retail Stores	Private Workplaces	Restaurants	Bars	Smoking Rooms?	Ventilation?	Signs Req?	Preemption?	Penalty	Enforcement	Notes
As Introduced	HB 1703	Cosgrove	R	N	R	P	R	P	P	X	P	P	Y	Y	Y	Y	\$25	Any law enforcement officer	Restaurants built after 7/1/2010 may only allow smoking in ventilated smoking rooms.
As Introduced	SB 1105	Northam	P	R	R	O	R	P	O	X	R	R	N	N	Y	Y	\$25	Any law enforcement officer	Identical to HB 1692, SB 1160
HGL Substitute	HB 1703 and SB 1105	Cosgrove and Northam	P	N	P	P	R	P	P	P	P	P	Y	Y	Y	Y	\$25	Any law enforcement officer	Nonpublic educational facilities, retail stores larger than 15,000 sq. ft. and recreational facilities required to establish no-smoking areas
S: no-smoking area required X: exempted P: partial coverage, exemptions R: 100% smokefree N: N/A O: Smoking area optional																			

Legislators who joined the Kaine-Howell compromise coalition expressed amazement that health advocates opposed the legislation. Del. Dave Albo (R – Fairfax County, Policy Score 1.0, Total Tobacco Industry Campaign Contributions: \$17,650) said to the press during the 2009 session that he was “a little bit shocked that some people are getting a new car and now they’re complaining about the color.”²⁷⁴ These arguments, expressed by Albo and others who supported the legislation, viewed the legislation as a “step forward” that would improve the health of Virginians. This viewpoint overshadowed the VFHF position that a non-comprehensive bill was

not worth having. The media and most legislators continued to view the bill as constructive and did not understand the objections posed by VFHF, partially because of VFHF's lack of resources to properly educate the public and legislators, as well as the fact that they were blindsided by the Kaine-Howell proposal.²⁷² Whatever the reason, there was general confusion among legislators and the public as to why a health group would oppose a bill that the media portrayed viewed as pro-health.

HB 1703 and SB 1105 Amended

Upon learning of the Kaine-Howell proposal and seeing the substitute versions of HB 1703 and SB 1105 which had come out of the House General Laws committee, some legislators who were opposed to any form of tobacco control were displeased. Mostly Republicans, they felt the bills would infringe upon the rights of business owners. Some prominent Republican voices, including Del. Jeffrey Frederick (R – Prince William, Policy Score 0.3, Total Tobacco Industry Campaign Contributions: \$7,050), the chairman of the Virginia Republican Party, and Republican Attorney General Bob McDonnell, de facto Republican leader as the presumptive nominee for Governor, distanced themselves from Howell and other Republicans who supported the Kaine-Howell compromise language, causing a schism in the party. These dissenting Republicans sent a letter to their party, which read in part, “supporting [the Kaine-Howell compromise bills] will discourage and demoralize the Republican base and confuse those that view us as the party of free market principles.”²⁷⁵

This dissatisfaction among some legislators led to an attempt to weaken HB 1703 and SB 1105. On February 9, the House amended HB 1703 and SB 1105 with eight floor amendments which weakened the bills even further. Del. Thomas Gear (R – York County, Policy Score 0.0, Total Tobacco Industry Campaign Contributions: \$8,438), the chair of the ABC/Gaming subcommittee of the HGL committee and strongly and vocally opposed to clean indoor air laws,²³ offered an amendment to exclude restaurants with fewer than 75 seats from the smoking restrictions; this amendment was rejected. The other eight amendments were all offered by Del. Terry Kilgore (R – Lee County, Policy Score 0.0), who was also strongly opposed to tobacco control legislation and had accepted more than \$10,000 in tobacco industry campaign contributions between 1999-2007.²⁴ Kilgore's amendments made the following changes:

1. Moved back the effective date of the law from July 1, 2009 to January 1, 2010.
2. Exempted any outdoor area of a restaurant, regardless of whether it was fully or partially enclosed.
3. Allowed entire restaurants to be reserved for private functions, essentially allowing smoking in the entire restaurant.
4. Instead of a smoking room requiring separate entrances *and* a ventilation system, one or the other would suffice.
5. A minors provision, exempting any restaurant from the provisions when minors were excluded from the restaurant.

With these floor amendments, the House passed HB 1703 on February 10 by a vote of 61-37. Editorial observers in the press and the health advocacy community noted that the Kilgore amendments represented a push by Republicans hostile to the bill, working alongside tobacco

industry lobbyists, to intentionally weaken the bill to the point where either it would not pass at all, leaving the status quo in place or be weak enough to satisfy industry interests.²⁷⁶

VFHF members who supported comprehensive smoking restrictions were very displeased with Kilgore's amendments, which were not only weaker than the bill they originally supported, SB 1057, but weaker even than the Kaine-Howell compromise. Health advocates feared that the amendments would make an already problematic bill worse and that it could possibly pass in a weakened form. However, according to Grzesiek, the amendments did help with getting the media to understand some of the problems with the Kaine-Howell proposal, but after a short time the media backed away from criticism of the proposal.²¹⁰

Governor Kaine and Speaker Howell were also unhappy with the amendments, which disrupted their carefully negotiated compromise, so they planned to have Kaine strip the amendments from the bill if it were to reach his desk in the amended form.²⁷⁵ Kaine told the press, "We need to get the bill back to the deal."²⁷⁷ Furthermore, he specifically disapproved of the minors-only provisions that were included in the amendment, saying that the "health of adults is important too ... this was not a minor's health bill ... it was an all-Virginians health bill."²⁷⁸

SB 1105 passed the House with the amendments by a vote of 59-39 on February 9 and the following day HB 1703 passed the House by a vote of 61-37. After passing the House, SB 1105 returned to the Senate floor so that the Senate could vote on the House amendments that had been offered by Kilgore. The Senate rejected the House amendments by a vote of 11-28, and because of this the House requested a conference committee. The conference committee consisted of Senators Northam, Locke, and Quayle, and the Delegates were Cosgrove, Jones, and Eisenberg. The conference committee returned the bills after stripping Kilgore's amendments, essentially returning the bills to a form that embodied the Kaine-Howell compromise language (with very minor changes, such as a revised implementation date). In this form, both bills passed and were enrolled in both houses on March 4. Governor Kaine signed the bills on March 9. After passage, Kaine announced that he would sign the bill as quickly as possible, saying that he felt that "it will be signed quite swiftly – in the quickest-drying ink I can find."²⁷⁹

VBRA member Laura Habr's support of the restaurant legislation led to her restaurant being selected by Gov. Kaine as the location of the signing of the legislation into law. Habr said that Kaine "wanted to reward all of us in the restaurant industry, especially in Virginia Beach."²⁸⁰ At the signing, Kaine thanked the legislative supporters of the bill, specifically the bills' patrons Northam and Cosgrove. The president of the Medical Society, Dr. Thomas Eppes, spoke of the bill as a "victory" for Virginians that represented a "giant step forward" and was achieved "through compromise, collaboration and patience."²⁷⁰

Kaine's victory in securing the passage of his restaurant smoking restriction bill can be seen as a significant accomplishment in an administration that had seen the Republican-controlled House thwart nearly every measure that the governor backed. Additionally, having been chosen in 2009 to become the chairman of the Democratic National Committee, Kaine claimed the law as a large policy achievement on his resume.²⁸¹ While this was a political victory for Kaine, it was not a victory for public health.

Reactions to the Passage of HB 1703 and SB 1105

GASP was outside of the political process from the start, so the organization had a different perspective from VFHF when the bill passed. Hilton Oliver, speaking to the press on behalf of GASP, said the compromise was “a pretty good bill under the circumstances.”²⁷⁹

VBRA members were mostly satisfied with the final language that passed. Laura Habr was “pleased with the outcome,” which she characterized as an “across-the-board ban, in all public places, and that included restaurants.”²⁸⁰ However, acknowledging that there was disagreement among VFHF members, especially the Virginia chapters American Heart Association, American Lung Association, and the American Cancer Society which were the most active and involved in VFHF, Habr expressed “a lot of confidence that fractured groups in [sic] this issue would reconvene and work together, for the best interests of our industry and the public health.”²⁸⁰

VFHF was disappointed that the Kaine-Howell language was ultimately passed, rather than the comprehensive language they supported. Co-chair Grzesiek felt that the coalition leadership had worked hard to provide information to legislators about the ineffectiveness of smoking rooms and the lack of clear implementation and enforcement.²¹⁰ However, unlike in previous years, VFHF was unable to implement an effective education campaign for the general public, because they did not allocate or raise money for paid radio and print advertising to counter the Kaine-Howell proposal. Grzesiek felt that “by the time [the Kaine-Howell proposal] was announced, it was a done deal and legislators already knew how they were going to vote. There was nothing we could do to change that” in the limited period of time VFHF had to react.²¹⁰

Potential Implementation Challenges

Despite being excluded from the processes that lead to the compromise, VFHF did receive assurances after the 2009 restaurant bill had passed from Kaine’s representatives that some of their concerns, such as any exploitation of the private club exemption or concerns over enforcement, would be attended to by the legislature if they became an issue. Cathleen Grzesiek expressed concern soon after the bill passed that the penalty provisions were vague and poorly worded, leading to ambiguity about how often a violator could be fined or how enforcement would be carried out. Grzesiek said that she had been reassured that if there was a lack of enforcement, the provisions would be revisited.²³

Conclusions

Ultimately, it was a combination of factors that allowed the compromise language drafted by Kaine and Howell to proceed through the legislature to the Governor’s desk fundamentally unchanged. The political situation that confronted both Howell and Kaine caused them both to agree to a course of action that once started was not easily diverted. Acting together they wielded great political strength. This is in stark contrast to the limited influence that VFHF was able to bring to bear on the political situation as a whole. Despite the successful campaign in Howell’s

district, VFHF did not have the resources or political connections, especially to the governor's office, to effectively influence the political situation in Virginia in 2009.

In part, VFHF's problems in influencing the 2009 legislative session were a lack of funding to create an impactful media campaign, in order to garner public opinion and generate pressure on legislators. Lack of funding was the primary reason that the successful campaign against Howell could not be broadened further to influence other legislators. With more funding to influence legislators and closer contacts with the governor, VFHF might have been successful in at least stopping the passage of the Kaine-Howell compromise legislation.

Another issue is an aversion among Virginia advocates from using arguments about the tobacco industry to defeat bad legislation. In discussions with VFHF co-chair Cathleen Grzesiek, she articulated the reasons why VFHF avoids confronting industry tactics directly. Virginia is different, she noted, because "big tobacco isn't this evil other in another state ... everybody knows someone who works at Altria."²³ She pointed to a strong feeling among Virginia advocates that because tobacco represents "an economic driver for our economy," that the public in Virginia would not find such arguments persuasive.²³ However, she also admitted that the strategy has not been tried (at least by VFHF) on any sort of scale in Virginia.²³ Because the role of tobacco manufacturing is diminishing in Virginia, with tobacco growing dramatically declining, VFHF could have explored anti-industry messaging to begin to level the playing field against a well-funded and organized tobacco lobby.

Finally, since 2002, VFHF has focused on statewide tobacco control measures while neglecting the possibility for local action. Virginia localities, notably Norfolk, had seriously contemplated acting to strengthen their local smoking restrictions, felt restrained by preemptive state law and also held themselves back from action in order to see what came out of the 2009 push for statewide restaurant smoking restrictions. While VFHF provided some assistance to these localities, they were unable to devote the resources necessary to fight preemption in the courts. Because the tobacco industry is most effective at fighting tobacco control at the state level, repealing preemption and focusing on local smoking restriction measures would allow advocates to more effectively combat the tobacco industry. South Carolina provides an example of a Southern tobacco-growing state that has successfully enacted local clean indoor air ordinances despite apparently South Carolina's apparently preemptive statewide law. Virginia's tobacco control advocates should consider what lessons can be drawn from South Carolina's experiences and push for local tobacco control activity, using the model of police power developed in Norfolk.

SYNAR AMENDMENT AND YOUTH ACCESS LAWS

Background: Youth Access Laws Prior to Synar Amendment

Virginia had a law banning sales of tobacco to minors but the law was repealed in the 1970s, after which there were no legal restrictions on selling cigarettes to children.²⁸² Del. Gladys Keating (D - Fairfax County) introduced HB 350 during the 1984 session attempting to set the legal age at 16. The bill failed in committee. The next session, Sen. Madison Marye (D - Montgomery) introduced SB 580, which would have set the legal age at 14 years. This bill died

as well. The voluntary health organizations did not promote these bills, and GASP had not yet formed.

In 1986, Virginia considered SB 8, which would have made it illegal to sell tobacco products to persons under the age of 18, punishable by up to a year in jail and a fine of up to \$1,000. However, it was weakened in the House, and as enacted only made it illegal for a person 18 or older to sell to anyone 16 or younger, and also prohibited the possession of tobacco by persons younger than 16, with a penalty of \$25 for any violation. Governor Gerald Baliles (D) signed the bill into law in April 1986.^{282, 283} Marye and other legislative supporters noted that SB 8 would put Virginia in step with 27 other states that had similar laws at that time.²⁸⁴ Opponents of the bill protested that it would criminalize children and prevent children from going out to buy cigarettes for their parents.²⁸²

In 1991, HB 1164 passed, which increased the legal age for tobacco purchase from 16 to 18 years, required the posting of signs stating the minimum age for purchasing tobacco, and increased penalties for sales to minors. The bill also included a provision that allowed minors to buy cigarettes with parental permission. This bill was supported by the tobacco industry as part of a push to enact weak sales-to-minors laws.¹⁶³ Soon after passage, the Tobacco Institute announced their “It’s the Law: We Do Not Sell Tobacco Products to Persons Under 18” campaign. “It’s the Law” was a retailer education and signage promotion that was heavily supported by traditional industry allies as an alternative to strong laws and as part of the industry’s public relations efforts to appear “responsible.” As in other states, the Virginia Retail Merchants Association, the Virginia Wholesalers & Distributors Association and the Virginia Hospitality and Travel Association partnered with the Tobacco Institute to promote this program. Charles Inman, Sr., a representative for the Wholesalers & Distributors Association, said at a 1991 press conference announcing “It’s the Law” that “We support this new law and we urge all retailers who sell tobacco products to obtain and display the ‘It’s The Law’ signs and stickers.”¹⁶³

Virginia health advocates like GASP’s Anne Donley said that the program was merely a public relations move with little actual content.²⁸⁵ These industry-created youth access programs are not only ineffective, but also serve as a public relations cover by making it seem like the tobacco industry is doing something on the issue.^{286, 287} In reality, programs like “It’s the Law” may encourage youth smoking by reinforcing notions of smoking as an adult, and therefore desirable, activity.²⁸⁶ These industry-created programs also did not address any of the demonstrably effective tactics to reduce youth smoking.²⁸⁷

HB 2048 was passed in 1993 and increased the fine for sale to minors, prohibited “knowing sale” to a minor if a retailer had a reason to believe the person was under 18, and repealed the provisions allowing minor sales with parental permission.¹⁶⁹

The Synar Amendment

The Alcohol, Drug Abuse and Mental Health Administration Reorganization Act, passed in 1992 by Congress, included sale-to-minors compliance language referred to as the Synar Amendment. The Synar Amendment made some of the federal substance abuse block grants to the states contingent upon their enforcement of youth tobacco access restrictions, including

random unannounced inspections of retailers and regular reporting of youth enforcement progress to the Department of Health and Human Services (DHHS). The regulations implementing the Synar Amendment requirements were the responsibility of DHHS, but the regulations that were issued were weak and did not adequately require enforcement.²

Between the passage of the Synar Amendment and the promulgation of the DHHS regulations, the implications of the law were unclear to decision-makers in Virginia. Both tobacco control advocates and industry groups attempted to use this uncertainty to advance their own ends.

Philip Morris' Action Against Access Program

1994 and 1995 Sessions

In June 1995, Philip Morris announced its Action Against Access (AAA) program, a public relations measure intended to show that the tobacco industry was taking action in response to the issue of youth smoking.^{286, 287} The tobacco industry used youth access programs, such as the "WE CARD" program developed by the industry's Coalition for Responsible Tobacco Retailing, nominally to control youth access but primarily as a method for preventing stronger youth access legislation.² In a similar vein, PM intended the AAA program to specifically highlight the role of Philip Morris and change consumers' feelings about the company rather than to actually reduce youth access to tobacco.²⁸⁶ In 1994, PM took over the "WE CARD" incorporated it into its AAA program.²⁸⁶

According to Philip Morris internal documents, the AAA Program was intended to encourage voluntary retailer compliance in age verification through such programmatic components as notices on packs that sale to minors is prohibited, the discontinuation of sampling, and the discontinuation of mail distribution of tobacco. AAA was also envisioned to incorporate the preexisting the "WE CARD" program. There were incentives for retailers in the program, including "merchandising benefits."²⁸⁸ On its announcement, a Philip Morris spokesperson told the *Richmond Times-Dispatch* that the program "is not a public relations program. This is a serious initiative."²⁸⁹ Philip Morris planned to spend up to \$20 million advertising and implementing the plan nationwide, which would include "reasonable" licensing of vendors,²⁹⁰⁻²⁹² which was not required in Virginia at that time.²⁸⁹ PM intended licensing to be state by state, rather than federal, and to include "enforcement mechanisms for illegal cigarette sales to minors and provide for appropriate sanctions -- by store -- for violations, including fines and possible suspension or revocation of licenses" according to remarks made in 1995 at the announcement of the program by Michael Szymanczyk, Executive Vice President of Sales and Marketing for PM.²⁹¹

Another reason that the AAA program was initiated was to attempt to demonstrate that federal regulation of cigarettes by the Food and Drug Administration (FDA), which Philip Morris opposed, was unnecessary.²⁹²

In Virginia, PM regional coordinator Jay Poole led the effort to rally tobacco industry allies to support PM's AAA ideas, and to eventually introduce legislation that implemented the

AAA program goals. PM worked closely with traditional tobacco industry allies in Virginia, such as the Virginia Farm Bureau, Virginia Agribusiness Council, Virginia Wholesalers Association, groups representing retailers, and other tobacco companies to develop a proposal that would be acceptable to all of them.²⁹³

Poole also worked with Governor George Allen's (R) office, particularly regarding PM's support of state cigarette retailer licensing.²⁹³ Allen's legislative strategists indicated the Governor was not supportive of retailer licensing. PM conducted surveys with their supporters in the General Assembly, who also faced expressed solid opposition with regard to retailer licensing.²⁹³ Staunch tobacco industry allies in the legislature, like Sen. Virgil Goode, indicated that they felt that no bill that included retailer licensing could pass.²⁹³

Before the late January deadline for submission of new bills, Poole reported the reactions to the draft bill that PM was planning on introducing.²⁹³ The draft at this time included a line-of-sight provision requiring cigarettes to be in view of a clerk, a photo ID provision, and retailer licensing.²⁹³ Right after the announcement, Philip Morris initiated a push to gain support for the AAA program in Virginia. Packets of promotional and educational materials were sent out to "friendlies"²⁹³ – groups of tobacco industry allies – asking them to comment on the proposed draft language. He claimed that some unnamed health groups were genuinely supportive of PM's attempts to follow through with youth access restrictions.²⁹³ He also noted that the reactions of PM's traditional allies ranged from reserved to openly hostile to the notion of a comprehensive youth access bill that included licensing.²⁹³

The public health groups attacked AAA as a public relations measure devoid of actual pro-health content. Scott Ballin of the Washington, DC-based Coalition on Smoking *OR* Health stated that the program was "designed to convince the public that tobacco companies are good corporate citizens," but noted that there was little desire to change anything but public perception of the company.²⁸⁹ Philip Morris notably would not cease other marketing activities that could appeal to youth under AAA.²⁸⁹ About six months after the program was announced, several health advocates, including Neal Graham (director of VDH's tobacco control program at the time) and Carter Steger of the Virginia American Cancer Society noted that Philip Morris had done very little had to live up to their promises.²⁹⁴ Steger told the *Richmond Times-Dispatch* that she had never felt that Philip Morris would take any significant action towards controlling sales to minors and the same article noted that PM had not suspended merchandising benefits to retailers who violated youth sales laws, among other undelivered promises. A Philip Morris spokespersons responded by claiming that the AAA program would be "phased in."²⁹⁴

In the 1995 session, Delegates James Almand (D – Arlington) and Julia Connally (D – Arlington) successfully passed HB 2595 that required notice to be placed on vending machines that sale to minors was prohibited (Table 48). The bill sought to meet Synar requirements to preserve Virginia's federal block grant substance abuse funding by enacting several youth smoking restrictions. Speaking to the press at the announcement of HB 2595, Almand and Connally described their bills as measures protecting children's health. Both agreed that the issue would be less controversial and more likely to pass because "it doesn't touch on the issue of adult smoking."²⁹⁵ Almand also said, incorrectly, that the Synar Amendment required legislation such as this to preserve funding, a notion that industry spokesperson Anthony Troy also disputed.

Troy described the bill in the media as a “prohibition” rather than a “youth access issue” and claimed not to have “seen any studies that suggest youth today are paying \$2.50 a pack out of a vending machine.”²⁹⁵ More importantly, Troy argued that the Synar Amendment’s requirements were not yet known, urging lawmakers to wait until the regulations were promulgated at a federal level before enacting any legislation.²⁹⁵ Just after the official rollout of the AAA program, Almand told the *Times-Dispatch* that he would be “happy to work” with PM on an AAA-related bill because of he wanted to fight against industry interests in order to pass restrictions on cigarette sales.²⁹⁶ Almand’s desire to fight the tobacco industry was clearly disingenuous, as Almand was ultimately selected by PM to be the sponsor of the bill for the 1996 session.²⁹⁷

Year	Bill Number	Sponsor	Summary	Outcome
1994	HB 714	Connally	Prohibits vending machines except for areas without minor access	Continued to 1995
1994	HB 1084	Van Yahres	Requires age verification if vendor believes youth to be <18	Died in House
1994	SB 335	Calhoun	Prohibits sampling at public events, creates smokefree public elementary and secondary schools	Continued to 1995
1994	HB 1353	Morgan	Amends prohibition of "sale" to minors to include "distribution" for compliance with Synar	Enacted 4/7/95
1995	HB 174	Connally	Prohibits vending machines except for areas without minor access	Died in House
1995	SB 335	Calhoun	Prohibits sampling at public events, creates smokefree public elementary and secondary schools	Died in Senate
1995	HB 2595	Almand	Requires notice on vending machines, enhances penalties, prohibits sale outside of sealed manufacturer packaging	Enacted 4/3/95
1996	HB 1231	Connally	Enhances penalties for minors, requires line-of-sight for vending machines, penalizes vending machine violations	Enacted 4/5/96
1996	HB 1416	Mims	Requires ID for tobacco sale unless vendor believes >18	Enacted 4/5/96
1996	HJ 123	Almand	Joint subcommittee formed to study underage smoking laws	Died in Senate

1996 Legislative Session

For the 1996 session, Almand agreed to draft and carry the AAA legislation for PM, which became HB 853. As introduced, HB 853 would also have made several changes to the existing Virginia Indoor Clean Air Act (VICAA) (Table 49).

1. Photo ID required for sale of tobacco to a minor when retailer has reason to believe buyer is at least 30 years of age;
2. Appearance of buyer does not constitute a defense in any proceeding alleging the sale of tobacco to a minor;
3. Tobacco vending machine sales prohibited unless located: <ul style="list-style-type: none"> a. In a restaurant, no less than fifteen feet inside the entrance but not in the vestibule area, and within unobstructed line of sight of proprietor or agents, and within twenty-five feet of the cashier’s station; b. In a hotel or motel, on the main floor, inside the office or lobby but not in the vestibule area, within unobstructed line of sight of the proprietor or agents and not more than twenty-five feet from the desk clerk’s station; c. In a private club; d. In a retail store primarily selling tobacco products; e. In a place of employment where an “insignificant portion of its regular workforce [is] comprised of persons under the age of eighteen years, and only in such locations that are not accessible to the general public;” f. Or in a restaurant, hotel, or motel, if the machine is modified to accept only tokens, if not in the vestibule area and no less than fifteen feet from the entrance. Tokens may not be sold except to individuals who furnish ID demonstrating the individual to be eighteen years or older.
4. Public areas of drugstores and pharmacies added to the list of places in which smoking is prohibited

Almand did not include PM's language regarding retailer licensing, which was opposed by many tobacco industry allies, such as convenience store operator Southland Corporation and the Virginia Retail Merchant's Association, despite PM's promotion of the idea. Tobacco retailers generally opposed retailer licensing as it entailed increased cost and regulation. The issue was also a divisive one among tobacco manufacturers; PM employees tracking the AAA legislation were concerned with the media portraying the licensing issue as "fan[ing] the flames of industry disharmony," and providing help to detractors of PM's AAA agenda.²⁹⁸

The bill failed to report out of the House Committee on Counties, Cities, and Towns during the 1996 session. The bill was continued to the 1997 session, but in December 1996 was struck from the docket just before the 1997 session began, killing the bill. Jay Poole, a PM regional coordinator, expressed relief in an internal PM memo because it meant that PM could spend the next year building consensus among allies about the licensing issue that had proved so contentious in the 1996 session.²⁹⁹

Two other laws were enacted in the 1996 session that affected youth access restrictions. HB 1416, sponsored by Del. Bill Mims (R - Fairfax County, Total Tobacco Industry Campaign Contributions: \$2,500) was intended to require photo identification to prevent youth sales. As introduced, the law required a retailer to ask for photo ID unless the retailer had reason to believe that the purchaser was older than 30. Appearance was not to be a defense in the case of violation. The bill was heard in the House Courts of Justice committee, chaired by Del. Almand, where it was substituted with weaker language on February 10 by a vote of 15-7 that only required the vendor to ask for proof of identification "from an individual whom the person has reason to believe is at least eighteen years of age or whom the person knows is at least eighteen years of age." Additionally, if the retailer had asked for and reasonably relied upon photo ID provided, the retailer could use this as a defense against an action brought for violation. In this form, HB 1416 passed both houses and was signed by Gov. George Allen (R) in April. This weak bill represented a victory for tobacco retailers and the tobacco industry.

HB 1231, introduced by Del. Connally, was also passed in 1996. As introduced, it required that any vending machine that dispensed tobacco products had to be located at a restaurant, hotel, private club, tobacco store, or a jobsite where there is an "insignificant portion" of workers under the age of 18. Vending machines in restaurants, hotels, and motels were required be located within the "line of sight" of the proprietor. Also, proprietors whose vending machines operated in restaurants, hotels, or motels had the option of converting the machines to accept only tokens, which required photo ID to purchase, and would override the other restrictions on placement.

HB 1231 was heard in the same committee as HB 1416 and was also amended to remove the specific establishments that could utilize vending machines, and instead permitted vending machines in any place that was not open to the general public and not generally accessible to minors. If the vending machine was in a place open to the public, line-of-sight placement was required, unless the machine was at least 10 feet away from a public entrance or required tokens to operate. The Department of Agriculture (not the Department of Health) was authorized to conduct compliance checks. In this form, the bill passed both houses and was signed by Allen in April. This represented a tobacco industry victory; research has shown that provisions like those

of HB 1231 are ineffective in reducing youth access to tobacco products from vending machines; the only effective method to reduce access is to locate vending machines in adult-only areas venues.³⁰⁰

Both HB 1231 and HB 1416 were, according to a PM timeline of AAA activity, supported by the cigarette manufacturers and their allies, and that PM actively “worked for their enactment.”²⁹³ PM noted that “all segments of the [tobacco] industry” favored the enactment of both bills.²⁹³

We were unable to identify any role that the health advocates played in the enactment of either of these bills.

Alcoholic Beverage Control Board Enforcement

Since youth access laws were first on the books in Virginia, enforcement had been the responsibility of local law enforcement agencies, which rarely acted. Tobacco Institute lobbyist and former attorney general Anthony Troy (D, 1977-78) had first proposed the idea of using the Virginia Alcoholic Beverage Control Board (ABC) to enforce youth access laws in 1994, but it took until 1997 for the idea to gain traction. By that time, Gov. George Allen (R) was in office and making youth access laws a priority of his administration. This was due in part to pressure from tobacco control advocacy groups like the Coalition on Smoking OR Health, which conducted petitions and media events in early 1995 as part of a campaign called “Kids Against Tobacco.”³⁰¹ The campaign sought to publicize the areas that children were not completely protected from cigarette smoke, such as public schools where teachers were allowed to smoke in staff-only areas.³⁰¹ In addition, it is likely that Allen was responding to publicity surrounding the federal Synar Amendment.

The concern over youth access was also a product of the gubernatorial race between Republican Gilmore and Democratic Lieutenant Governor Don Beyer. Incumbent Governor George Allen (R) (who under Virginia law could only serve one term) had appointed new members of the ABC board who supported their agency taking on an enforcement role. This action served to shore up Allen’s credentials in fighting youth smoking rates, and both Gilmore and Beyer competed to be the “toughest” on youth smoking issues.

Troy and Allen worked together on the ABC enforcement issue and agreed that Allen, and not Troy, would be given credit for the move if it came to fruition.³⁰² Allen’s Attorney General, James Gilmore, was also strongly supportive of the ABC proposal, positioning himself with respect to Beyer on the campaign issue.³⁰² Gilmore had close ties to the tobacco industry, having attended a Philip Morris fundraising event for his campaign on a Philip Morris corporate jet in March 1997, where he received a \$20,000 check from Philip Morris.³⁰³ In 1996, he had accepted \$12,000 from Philip Morris in campaign contributions. In 1997, the Tobacco Institute conducted at least one major fundraising even on his behalf.³⁰⁴

The legislative vehicle for the ABC legislation that Allen and Troy agreed upon in 1997 was HB 2530, introduced by Del. Bill Mims (R - Fairfax County, Total Tobacco Industry

Campaign Contributions: \$2,500). As introduced, HB 2530 allowed members of the ABC and their agents to issue a summons for any violation of tobacco access laws.

Tobacco control advocates were not impressed by HB 2530. While it was generally agreed on all sides of the issue that ABC agents were competent theoretically to enforce youth access laws, questions were raised by health advocates about whether resources existed to enforce the law. Concerning the former, Gilmore said that as governor he would ensure that the ABC agents would get additional funds to conduct enforcement activities if they requested them. Carter Steger of ACS welcomed that statement, but just after HB 2530 was introduced stated to the press that she was “extremely worried about the establishments that sell cigarettes but not alcohol. The smaller the store, the more likely the sale.”³⁰² ABC agents responded by saying that they would study the costs of going into these retail outlets where they usually did not operate and would request additional funds if necessary. They also noted that the ABC board was self-sustaining, generating more revenue on its own than it withdrew from the state’s general budget, which they felt would alleviate some the resource-scarcity concerns.³⁰²

As passed, the law changed very little. In its final form, the bill removed the word “member” from the language, simply stating that agents of the ABC were allowed to issue summons for violations. The bill was enacted with an emergency clause by the governor’s amendment, which meant the law took effect at the moment it was signed on April 2. Gilmore counted HB 2530 as a major legislative victory in his position as Attorney General.³⁰⁵

Licensing of Tobacco Retailers

In the 1998 session, Almand presented a bill, HB 1368, which called for licensing tobacco retailers, the provisions that had been stripped from the AAA bill he had introduced in 1996 as HB 853. The bill was supported by officials at ABC, who recognized that licensing would allow them to identify more retailers to conduct compliance checks. In 1998, only 8,000 tobacco retailers were on the ABC roster, less than half of the total number of tobacco retailers in Virginia. This facet of the bill was also welcomed by health advocates, including Neal Graham, director of youth control programs at the Virginia Department of Health (VDH). Steger from ACS also welcomed the move, stating that it would increase the ability of Virginia to conduct youth enforcement activities.³⁰⁶ Additionally, with Master Settlement Agreement talks underway (discussed below), the ABC and the Board already authorized to check for youth access compliance per HB 2530 which had passed in 1997, ABC favored by Gov. Gilmore as a potential tobacco control agency.³⁰⁶ Opponents, including Troy from the Tobacco Institute and legislators like Del. Eric Cantor (R – Henrico), said that the licensing bill was premature and that Virginia should wait for guidance from the federal level before enacting anything.³⁰⁷ Retailers also opposed the bill.

Initially, Gilmore opposed the licensing plan and suggested that instead of licensing retailers to gain access to information useful for enforcement and compliance checks, that the Virginia Tax Secrecy Act be amended to give ABC access to state information about tobacco wholesalers, which could be used to create a list of tobacco retailers.³⁰⁸ Tobacco control advocates pounced on Gilmore’s suggestion, with ALA executive director Kurt Erickson noting that licensing is “one of the best tools for cracking down on folks who sell tobacco to minors.”

Erickson also questioned why Virginia needed to “go to the federal government to get a list of tobacco retailers in its own state? It makes no sense.”³⁰⁹

Eventually, the bill died after Gov. Gilmore created a compromise that satisfied most parties, including health advocates. HB 1368 was dropped and HB 1430 was introduced at the request of the governor. HB 1430 was carried by Del. Almand, and gave the ABC access to records formerly secret under the Virginia Tax Secrecy Act that allowed the ABC to use state tax records to compile a database of retailers. The bill also gave ABC the power to use the records for purposes of inspection and enforcement. However, the bill did not give VDH or the Virginia Department of Mental Health, Mental Retardation, and Substance Abuse Services access to the information despite the fact that they were responsible for monitoring retailer compliance.³⁰⁸

Health advocates and the administration were enthusiastic about the compromise, which allowed them to strengthen youth sales oversight without dealing with the divisive licensing issue. Kurt Erickson, director of the Northern Virginia ALA, said to the press that Gov. Gilmore should be “commended for such a swift and deliberate response” to the licensing issue.³⁰⁸ Ultimately, Gilmore signed the bill into law in April after it was approved by both houses.

Speaking to the press just before HB 1430’s passage, Steger credited the evolution of the youth smoking issue on national events, mainly the settlement with the tobacco industry that was then being debated, saying “What’s happened on a national level has filtered down even to Virginia. It’s given legislators the cover they need to achieve things they probably wouldn’t have touched in the past.”³¹⁰ She also said that while advocates had desired licensing, the compromise had given the state knowledge of who was actually retailing tobacco, which was desperately needed. Other advocates, like ACS lobbyist Sarah Bedard, said the compromise would give them political strength to push the following year for licensing and for vending machine bans.³¹⁰

Retailer Indemnification

HB 2611 was introduced in 1999 by Del. Almand to weaken the already weak penalties for retailers who illegally sold tobacco to minors. The bill stated that

Where a defendant retail establishment offers proof that it has trained its employees concerning the requirements of this section, the court may suspend all or any portion of the penalties imposed hereunder. However, where the court finds that a retail establishment has failed to so train its employees, the court may impose a civil penalty not to exceed \$1,000 in lieu of any penalties imposed hereunder.

Additionally, the bill as introduced raised the penalty for a minor purchasing or possessing tobacco products from \$50 to \$100 for a first violation, and from \$100 to \$200 for a second violation. The bill did not change the ability of a judge to suspend the driver’s license of a minor convicted under the law.

After the bill was referred to the House Committee for Courts of Justice, it was amended to include an alternative penalty for a minor who violated the provisions of the law. The amendment allowed a court, in its discretion, to require the minor to perform up to 20 hours of community service for the first violation, or up to 40 hours for a second or subsequent violation, as an alternative to the monetary penalties (Table 50). This version was passed and enacted on April 15, 1999.

	Retailer	Minor
1st Violation	<\$100	<\$100 or 20 Hours Community Service
2nd Violation	<\$200	<\$200 or 40 Hours Community Service
3rd or Subsequent	<\$500	<\$200 or 40 Hours Community Service
Additional		Suspend Driver's License

We were unable to determine what role the industry or health advocates, if any, played in these deliberations.

Prohibition on Attempted Purchase by Minors

In 2003, Virginia passed HB 1403, introduced by Del. Thomas Wright (R – Lunenburg, Policy Score 0.3, Total Tobacco Industry Campaign Contributions: \$31,000), which prohibited

attempted purchase of tobacco products by minors. The new provisions carried over to attempted purchase all the penalties already codified in Virginia law concerning actual purchase by a minor. The *Newport News Daily Press* noted that the bill “sailed through the General Assembly without a hint of controversy” and that the bill was additionally supported by a tobacco retailer association, the Virginia Petroleum Convenience and Grocery Association.³¹¹ This law further shifted the focus of youth access enforcement away from retailers and the tobacco industry and onto the youth.

Year	Bill Number	Sponsor	Summary	Outcome
1997	HB 2530	Mims	Increases penalties; ABC agents authorized to enforce	Enacted
1998	HB 1368	Almand	Licensing of tobacco retailers	Stricken from Calendar
1998	SB 696	Mims	Amended vending machine notice and location requirements	Enacted
1999	HB 2611	Almand	Indemnifies retailers who train employees about youth laws	Enacted
2000	HB 1461	Bolvin	Increases penalties for violations involving bidis	Enacted
2003	HB 1403	Wright	Prohibits attempted purchase by minors	Enacted
2003	HB 2616	Sears	Sales of wraps or rolling papers to minors prohibited	Enacted

There is no evidence of VFHF or other tobacco control advocate support of or opposition to this bill.

Other Youth Access Laws

Between 1997 and 2009, several minors’ laws were passed that tinkered with the state’s youth smoking access laws, including some new requirements and prohibitions (Table 51).

Conclusions

Despite being nominally strengthened, youth access laws in Virginia remained weak as of 2009. In all instances, the tobacco industry and in particular Philip Morris guided youth access legislation through the legislative process. With the narrow exception of PM's favored retailer licensing provisions unpopular with other tobacco industry players, the tobacco industry was able to kill legislation it was opposed to, and allow legislation that it tolerated to advance. Furthermore, youth access laws had moved towards penalizing youth and away from penalizing tobacco retailers, against whom retail restrictions are easier to enforce. This comports with the industry strategy of shifting enforcement actions towards individual purchasers, which makes enforcement more difficult.

TOBACCO GROWER AND HEALTH ADVOCATE RELATIONSHIP

The Relationship between Tobacco Growers and the Tobacco Manufacturers

Cooperation between tobacco growers and the tobacco industry notably declined between 1997 and 2008 due to political and economic ramifications of changes made to the U.S. tobacco market during that period. Starting in 1933, the U.S. tobacco market had been regulated by the federal Tobacco Price Support Program operated by the U.S. Department of Agriculture. The program was established to improve tobacco producers' income through control of supplies, as well as to protect the market from manipulation by tobacco manufacturers trying to keep prices low as they had under the auction system prior to 1933. The program included two primary components: 1) an acreage allotment and an annually-set poundage quota for tobacco growing based on demand from tobacco product manufacturers, and 2) a price support system guaranteeing a minimal price for tobacco grown within the quota system not purchased at auction. This system created tobacco quota holders who had the exclusive right to grow tobacco; they could also lease that right to other farmers. The Tobacco Price Support System operated effectively through the early 1990s, but as tobacco manufacturers began to use more foreign-grown tobacco and poundage quotas began to decrease correspondingly, tobacco grower organizations began to support eliminating the quota system. Growers argued that the quota system put U.S. growers at a competitive disadvantage because of the costs associated with leasing quotas to separate growers, that the price support system could be manipulated by tobacco manufacturers and that the acreage quota locked growers into producing tobacco with land that could be profitably used for other crops.²

In the late 1990s, several proposals circulated in the federal government to eliminate the quota system, all of which would have included a "quota buyout" to compensate existing quota holders (based on its value as a leasable). Tobacco manufacturers preferred to maintain the quota and price support systems, because the system gave them considerable flexibility and control over the market with the fall back of the price support system for growers. Manufacturers argued that the cost of eliminating the program and compensating quota holders would have exceeded the amount gained for manufacturers by lower prices achieved without a price support system. The disparate positions of growers and manufacturers over the regulation of the tobacco market was the root of a series of conflicts between 1997 and 2004 which distanced tobacco companies from their traditional grower allies.

At the same time, health groups nationwide began to push for the inclusion of tobacco within the regulatory purview of the federal Food and Drug Administration (FDA). Health groups, particularly the Washington DC-based Campaign for Tobacco-Free Kids (TFK) and the voluntary health organizations leveraged the distance between tobacco growers and tobacco manufacturers over a quota buyout to garner growers' support for FDA regulation of tobacco products in exchange for support of a quota buyout. Building tobacco control alliances with growers increased the impression among tobacco growers that their interests were divergent from those of manufacturers. Public health groups had already begun a partnership with tobacco growers at the urging of President Bill Clinton to find ways to limit smoking while protecting tobacco producing communities, resulting in the March 1998 Core Principles document signed by prominent grower and public health organizations.²

The first serious consideration of a tobacco quota buyout took place within the context of the 1997 proposed "global tobacco settlement" of multi-state lawsuits against the tobacco companies seeking compensation for Medicaid expenditures of tobacco-related illnesses. This "global tobacco settlement" took the form of the U.S. Senate's consideration of the controversial "McCain bill," which was eventually defeated, setting the foundation for the Master Settlement Agreement in 1998. The McCain bill would have included both FDA regulation of tobacco and a quota buyout plan as well as de facto immunity from future lawsuits for the manufacturers. Tobacco companies secured the support of many tobacco growing organizations to join them in opposing the McCain bill and its quota buyout provisions by promising a \$28 billion payout to growers under a separate settlement.^{2, 312}

The McCain bill failed to pass and was replaced by the private Master Settlement Agreement (MSA), which included a separate settlement between manufacturers and tobacco growers to compensate growers for potential loss of revenue associated with the MSA's provisions, known as Phase II. However, under the MSA's Phase II payments to tobacco growers, the growers were to receive only \$5.2 billion, not the promised \$28 billion. This failure by tobacco manufacturers to stand by their agreement with growers led to the first major break of the manufacturer-grower organization alliance. In early 2000, tobacco farmers filed a class-action lawsuit against cigarette manufacturers, *DeLoach vs. Philip Morris*,³¹³ alleging that the tobacco companies misled farmers when they encouraged them to oppose the removal of the quota system and accused manufacturers of rigging the federal price support system to keep prices low. This suit was settled by Philip Morris and other major tobacco companies in 2003 and by RJR in 2004, after 175,000 tobacco farmers had joined the suit, providing approximately \$254 million to those growers (an average of \$1,451 per farmer).²

In March 2000, Philip Morris exacerbated existing tensions with growers by announcing that it had developed a direct contract system for purchasing burley tobacco, under which they would arrange to buy a set amount of tobacco from a specific grower at a set price, circumventing the Tobacco Price Support System by setting the price and purchasing the tobacco prior to the tobacco reaching federally-controlled auctions. The direct contract system provided little protection and high risks for farmers compared with the federal tobacco program, and the expansion of this program would undermine the quota and price support system further by manipulating both supply and demand outside the system. Philip Morris began executing this system in 2000 over opposition by most growers and grower organizations.

Despite the decreasing importance of domestic tobacco farming to the tobacco industry, tobacco growers represented an important source of legitimacy for the tobacco manufacturers' political goals. Therefore, despite the increasing divergence between the two groups, maintaining a seemingly close relationship was beneficial to the tobacco companies because, as one Philip Morris representative put it in 1990, "local growers have more credibility in legislatures than do hired guns."⁵⁷ The importance of the relationship also extended outside of merely legitimizing their lobbying efforts, resonating in the public sphere as an important public relations tool. Thus it was in the tobacco industry's best interest to maintain an appearance of commonality with tobacco growers, despite the underlying tensions over quotas.

Nationwide and in Virginia, the net effect on farmers was that many immediately stopped producing tobacco. Moreover, the remaining production was consolidated on fewer but larger farms. Finally, some Virginia production of flue-cured tobacco, free from the geographical constraints of the quota system, moved to regions with lower production costs such as North Carolina.⁵⁸

Southern Tobacco Communities Project, 1997

Tobacco control advocates capitalized on the growing animosity between growers and tobacco companies over the quota buyout and concerns among tobacco growers about declining demand for U.S.-grown tobacco.² One outcome of this growing rift between farmers and the tobacco industry was the creation of the Southern Tobacco Communities Project (STCP), an attempt by tobacco control advocates to discover areas of common interest. An implied goal of the health groups in the STCP discussions was to alter the historical hostility of tobacco farmers towards tobacco control issues.

The predecessor of the STCP was the Virginia Tobacco Communities (VTC) project, a 16-month project from 1994 to 1996 initiated by health advocates, including the Institute for Quality Health, American Cancer Society and Virginia Department of Health with a similar purpose, seeking common ground with tobacco farmers and farming communities.³¹⁴ The University of Virginia's Institute for Environmental Negotiation provided independent facilitation between these health groups and the tobacco growing community representatives that they reached out to.

VTC leveraged the mission of the Virginia House Joint Subcommittee Studying Alternative Strategies for Assisting Tobacco Farmers, which had been established prior to the formation of VTC, as a vehicle to reach out to tobacco farmers. VTC members attended Subcommittee sessions and used the time to build informal contacts in the farming community, and VTC's participation in the Subcommittee lent the project credibility among farmers.³¹⁴

VTC's primary strategy was to create an ongoing dialogue between diverse interests through roundtable meetings, intended to react to and analyze the changes in tobacco communities.³¹⁴ A total of five roundtable meetings were held and resulted in an exchange of knowledge between advocates and tobacco growers. Ultimately, VTC presented four main legislative recommendations to the Virginia House Joint Subcommittee Studying Alternative Strategies for Assisting Tobacco Farmers: 1) improvements in production and marketing of

tobacco; 2) improving access to information about profitable supplemental on-farm enterprises; 3) improving access to financing for small business development; 4) increasing access to education for employment in specific non-tobacco growing work sectors.³¹⁴ Additional lessons and findings from the VTC appear in Table 52.

Table 52: Lessons and Findings from the Virginia House Joint Subcommittee Studying Alternative Strategies for Assisting Tobacco Farmers	
1.	The high profitability of tobacco lead to considerable dependence on the crop in tobacco-growing communities;
2.	Despite tobacco industry rhetoric tying health advocates to lower prices, increased overseas production were mostly to blame;
3.	Growers and manufacturers would continue to have strong ties despite disagreements and antagonism over overseas production;
4.	Polls demonstrated support in the 70% range for cigarette excise tax increases that benefited crop diversification;
5.	Future projects should address involvement of manufacturers, labor unions, and migrant worker groups, who were all involved in production and manufacturing but were not present at VTC discussions;
6.	Relationships with tobacco growers and other non-traditional allies would be very important for future health policy measures;
7.	Tobacco control advocates need to be more educated about tobacco production and quota systems, and need to avoid unnecessarily antagonizing tobacco farmers;
8.	Media presence in grower-advocate meetings had a significant impact on comfort levels and stifled conversations about collaboration;
9.	Conflicts of interest between growers and health advocates are likely to exist in the future, thus consensus building processes will be essential for successful collaboration. ³¹⁴
Source: Virginia Tobacco Communities Project: A Search for Common Ground ³¹⁴	

The VTC project led to the creation of the Southern Tobacco Communities Project (STCP) in 1997 funded by the Robert Wood Johnson Foundation and, like VTC, was managed by the Institute for Quality Health, a division of the University of Virginia’s Department of Health Services. The program was facilitated by the Institute for Environmental Negotiation, a part of the University of Virginia whose mission was to promote conflict resolution and consensus building, building on the work that had previously been done by the VTC.^{314, 315}

STCP brought together regional leaders from public health and tobacco interests with the goal of promoting health in rural southern communities.³¹⁵ The STCP collaborative project eventually led in 1998 to release of the “Core Principles Statement,” a memorandum of understanding that outlined areas of agreement between the farmers and health advocacy groups. Health advocates would push for the continuation of the tobacco quota system and for funds to be secured for tobacco community diversification. Farming interests agreed to support tobacco control goals supported by federal taxes, FDA regulation of tobacco products, and marketing programs aimed at reducing youth smoking rates.³¹⁶

After the Master Settlement Agreement (discussed below) was announced, Southern farmers and grower organizations began a dialogue with health advocates under the auspices of STCP concerning how to best utilize the incoming MSA funds for their respective interests that was initiated by STCP. An agreement was reached to introduce a bill, HB 2635, that embodied the understanding of the parties: 50% of the incoming MSA funds would be directed towards tobacco-dependent communities, to be administered by the Virginia Tobacco Indemnification and Community Revitalization Commission and Fund (TICRC, discussed below); 10% of the

funds would be used for youth-prevention oriented tobacco control work, eventually conducted by the Virginia Tobacco Settlement Foundation after its formation in 1999 (VTSF, discussed below); the remaining 40% of the funds were not earmarked and their distribution was to be left to the Virginia legislature.

STCP considered the negotiations surrounding the use of MSA funds as a major success that balanced the needs of tobacco farming communities and public health advocates.³¹⁵ However, this position ignores the fact that no MSA funds were directed towards general tobacco control advocacy, because the establishment of the Virginia Tobacco Settlement Foundation used all the MSA funds earmarked for tobacco control for youth-targeted efforts. Therefore, the use of the MSA funds as negotiated by STCP was not as effective in promoting public health goals as it might have been had MSA funds been utilized to fund tobacco control efforts for all Virginians.

The meetings that led up to this agreement included many of the representative groups from STCP. The tobacco farmers were represented at the meetings by the Farm Bureau, the Flue-Cured Tobacco Cooperative Stabilization Corporation, the Burley Tobacco Growers Cooperative, the Tobacco Growers' Association, and the National Black Farmers Association.³¹⁷ Some traditional tobacco industry allies, like the Farm Bureau described their new relationship with their former foe as a strange result of circumstance. One Farm Bureau member observed to the press at the announcement of the formation of STCP, "You've seen how dogs and cats are sometimes found to depend on each other. There's a little bit of that going on here." However, Al Glass, a Farm Bureau director, noted at the same time some of the advantages of the meetings, saying that health advocates have "learned a lot about tobacco farming. They always saw Joe Camel and the Marlboro man – they never saw an economic community scattered through ten states."³¹⁷

A leader among the farmers was Clarence D. Bryant III of Virginia, the founder of the Concerned Friends of Tobacco (CFT), a group that has organized in 1993 to combat a federal cigarette taxation proposal by President Bill Clinton to fund his health care reform package. CFT was one of the lead growers' groups in developing a relationship with health advocates.³¹⁸ Bryant served as one of the farmers' representatives and was a farmer himself. Bryant characterized the growers' interest in working with STCP as a way to secure funds for farmers, to serve as "insurance to protect us, because everything was being created [by the MSA] between the industry and the states and we were caught in the middle."³¹⁹ One reason for farmers' interest in STCP according to Andrew Shepherd, a representative of the Virginia Cured Tobacco Cooperative Stabilization Corporation, was the increasing importation of foreign tobacco, which led to a decline in domestic purchasing and hit farmers in the pocketbooks.³¹⁸ Bill Novelli, President of the Washington, DC-based Campaign for Tobacco-Free Kids (TFK), noted that both growers and health advocates had realized their notions about tobacco farming had evolved from thinking of the growers as being in lockstep with the manufacturers "regardless of the consequences" to realizing the inherent friction in the relationship. Additionally, Novelli said that "the public health community has come to better understand that tobacco producers, their families, and the people in their communities have a very different set of values than do the tobacco companies."³¹⁷ Shepherd noted that "meetings between [health advocates and growers], away from the rhetoric of politicians ... led to the realization that many of us on both sides had

similar concerns.”³²⁰ JT Davis, a member of the Concerned Friends for Tobacco organization, also felt upbeat about the meetings, stating, “This is truly a unique win-win situation. Direct, face-to-face discussion invariably results in new, more accurate understandings.”³²⁰

Both Reeve and Becker described the agreement reached between STCP members in positive terms. Reeve called it “an incredible accomplishment.”³¹⁹ However, there were some objections among STCP members as to the agreements reached between STCP members that lead to the agreement on the division of MSA funds. Becker said, “a lot of my counterparts across the country don’t understand why we only went for 10 percent. But we were very, very realistic. It was as much as we could have expected in a state like Virginia with our history with tobacco.”³¹⁹ Becker was the regional lobbyist for AHA, working in Maryland, Virginia, and South Carolina, and felt that Virginia’s MSA funds agreement would be a model for those states as well.³¹⁹

Some advocates, such as Donna Reynolds, communications director for the ALA in Virginia, wanted more money to be dedicated to tobacco control efforts. Reynolds was concerned that the funding earmarked from the MSA was still less than CDC recommended funding levels for state tobacco control (which would have been 28.6% of the settlement funds over a five year period).³¹⁶ However, she noted to the press that she had some hope that the 40% that had yet to be allocated would be dedicated in part to tobacco control in the next year.

Ultimately, in 2004 as part of the Omnibus Tax Bill that raised the cigarette excise tax to 30 cents, the 40% of the MSA payments that Reynolds had desired to be used for tobacco control were to be deposited in the newly created Virginia Health Care Trust Fund (HCTF), to be used to provide medical services including but not limited to Medicaid payments. While tobacco control expenditures were not specifically prohibited, they were not required and as of 2010 no HCTF monies had been expended on tobacco control measures..

Conclusions

VTC and STCP were successful in bringing together tobacco farmers and tobacco control advocates, and achieved several modest accomplishments. The Core Principles Statement demonstrated that there could be public agreement and cooperation between farmers and advocates. The MSA agreement that lead to the foundation of the VTSF and TICRC was another public indication that the collaboration could bear tangible results.

However, from a public health perspective the results were modest. The MSA agreement permanently committed the portion of the MSA payments used for tobacco control to a youth-only tobacco control program. This money, representing 10% of the entire Virginia MSA payments, could have supported perennially underfunded state tobacco control agencies.

Marge White, who was involved with the ASSIST coalition through the VDH during the MSA discussions, had worked closely with STCP members during the dialogue with tobacco growers. Asked in 2009 whether she felt that STCP had any long-term impacts on the relations between farmers and tobacco control advocates, she felt that the talks lead most of the farmers and farming groups to stop opposing, but not necessarily actively supporting, some tobacco

control legislation.¹⁹³ Specifically, tobacco farmers ceased testifying against legislation concerning the MSA and youth access to tobacco, and individual farmers maintained relationships with the ALA, AHA, and ACS.¹⁹³ However, there is little evidence to demonstrate that continuing relationships between farmers and advocates have impacted the tenor or outcome of tobacco control efforts.

THE MASTER SETTLEMENT AGREEMENT

Background

Events leading up to the Master Settlement Agreement (MSA) began in 1994 when the Attorneys General of Mississippi and Minnesota sued Philip Morris, Brown & Williamson, Lorillard, and RJ Reynolds to recover Medicaid costs incurred as a result of tobacco-related illness. By 1996, five states had sued the tobacco industry. Eventually almost every state (all except Virginia, Kentucky, North Carolina, and Tennessee) would sue the cigarette manufacturers, leading to the 46 state Master Settlement Agreement, which provided billions of dollars to the states and in which the industry agreed to some marketing restrictions.

In 1996, Anthony Troy, the Tobacco Institute lobbyist and former attorney general, had asked Del. Ward Armstrong (D – Henry County, Policy Score 2.8, Total Tobacco Industry Campaign Contributions: \$16,250) to introduce HB 1392.³²¹ HB 1392 sought to expand the defenses available to a third party (i.e., the cigarette companies) sued by the Department of Medical Assistance Services for recovery of Medicaid expenditures. It allowed these third parties to use defenses normally available only to individuals, not corporations. Health advocates claimed that this language would bar the Virginia Attorney General from suing the tobacco industry to recover Medicaid expenditures.³²¹

Troy and Armstrong both denied that the goal of HB 1392 was to shield the tobacco industry. Business groups such as the Virginia Manufacturers Association, the Virginia Chamber of Commerce, and the Virginia Agribusiness Council, all tobacco industry allies, supported the legislation.³²² Troy claimed that “Not just tobacco companies, but any company ought to be able to raise any common law defense that currently exists.”³²¹ He did, however, acknowledge that the legislation was spurred by the lawsuits against the industry in other states.³²¹

Despite industry denials, health groups and the media maintained that the bill would protect the tobacco industry from lawsuits regarding Medicaid by effectively barring the Virginia Attorney General from joining other states in suing the tobacco industry to recover Medicaid expenditures.³²¹⁻³²³

HB 1392 passed both houses of the legislature and was signed by Gov. George Allen (R) in April. (Gov. Allen was a stockholder of Philip Morris, holding around \$11,300 in 1997.³²⁴)

In March 1996, it was announced that cigarette manufacturer Liggett Group was settling with four states (Virginia, Kentucky, North Carolina, and Tennessee), the first time any cigarette manufacturer had settled smoking and health litigation. This settlement added substantial

momentum to the states' efforts to pursue the industry. In response, Virginia Attorney General James Gilmore (R) announced to the press that Virginia would not sue the tobacco companies.

Anti-smoking advocates charged that the tobacco lobby was responsible for the decision, to which a Gilmore spokesperson replied, "There are five states doing this, and there are 45 that are not doing this. There is nothing political going on."³²⁵ However, when fundraising for his future 1998 gubernatorial bid, Gilmore made headlines by flying on a Philip Morris plane to a Republican event that raised \$50,000; by March 30, 1997, Gilmore had raised \$86,000 from tobacco industry contributions.^{326, 327} Additionally, Gilmore opposed federal legislation giving the FDA power to regulate cigarettes during his bid to become governor, a position that drew fire from tobacco control advocates like the ACS and ALA of Virginia.³²⁸ Gilmore had also defended the decision not to sue the tobacco industry because tobacco manufacturing was a "key ingredient of the state economy" and that it would be wrong for the industry to be sued because of the "individual decisions of people" to use tobacco.³²⁹ Gilmore also held a significant amount of stock in Philip Morris, Inc., totaling approximately \$42,000 in 1997.³²⁴

In June 1997, after the Liggett settlement made it apparent that lucrative payouts would be made to the states involved, the new Virginia Attorney General Richard Cullen (R) (appointed by Gov. Allen to replace Gilmore, who had stepped down to run for governor) and Governor Allen worked to assure that, despite nonparticipation in the litigation against the industry, Virginia might still receive payments from any settlement.³³⁰ Allen appointed a three-member task force intended to work with the United States Congress, which at that point would have had to approve the proposed settlement (eventually embodied in the McCain bill³¹²) because part of the original deal required immunity for the tobacco companies from most future legislation and other changes that required changes in the law.³³⁰ The goal of the task force was to minimize the impact of the settlement on the state's tobacco industry; it included Cullen, Transportation Secretary Robert Martinez and Commerce and Trade Secretary Robert Skunda.³³⁰ Health advocates reacted negatively to the announcement, noting that Allen had not appointed the Secretary of Health and Human Services to the task force, but rather pro-tobacco-industry representatives.³³¹ GASP executive director Hilton Oliver, speaking to the press, decried the focus on the livelihood of tobacco farmers rather than public health.³³¹ A spokesman for the ALA of Northern Virginia agreed, saying to the media that "it's a shame the public health community was ignored" in the composition and purpose of the task force.³³² Due to controversy around the immunity provisions, the McCain bill died and the litigation continued in most of the rest of the country.

After taking office as governor in 1998, Gilmore remained on the sidelines in terms of litigation. In May 1998, Gilmore reiterated his determination to stay out of the suit, and affirmed his support of the tobacco industry, saying that he opposed "any plan that adversely affects the Virginia economy."³³² However, when the second proposed settlement between states and the tobacco industry, referred to as the "Master Settlement Agreement" (MSA), was being finalized in late 1998, Gilmore's Attorney General Mark Earley (R, Total Tobacco Industry Campaign Contributions: \$115,342) told the press that the administration was preliminarily in favor of participating in it even though Virginia had not filed suit because there was potential for the states to win substantial cash payouts from the industry.³³³ (The MSA only involved the states that were parties to the litigation and, so, did not require Congressional action.) Earley sent

several aides to New York, where settlement negotiations were being held, to monitor the situation.³³³ Virginia tobacco control advocates expressed concern that the settlement monies would be appropriated for uses other than public health, such as transportation or education. However, some advocates, such as Carter Steger of the ACS and STCP, hoped that some of the funds would go to compensate tobacco farmers.³³³

When the final version of the MSA was negotiated in November 1998, non-signatory states were given 30 days to join or miss out on the payments. The next month, Earley and Gilmore announced their intention to file a suit in Virginia in order to secure a projected \$4 billion (out of a total of \$206 billion) for Virginia over the first 25 years of the settlement. Virginia was one of four tobacco-growing states to file suit so that they could join the MSA during this grace period so they could get some of the money.

At the last minute on November 19, 1998, James Feinman, who was a Lynchburg attorney and a previous General Assembly candidate, filed a motion to block Virginia from participating in the MSA, arguing that the settlement would interfere with suits that he had filed on behalf of lung cancer victims against the industry. A federal judge rejected the motion.³³⁴ Gilmore and Earley then had until noon on November 20 to accept or reject the settlement.

Ultimately, Gilmore agreed to participate, which meant that subsequently the General Assembly would enact legislation to determine how the MSA payments were to be allocated³³⁵

National Tobacco Grower Settlement Trust Agreement (Phase II Payments)

The MSA also directed the tobacco companies to meet with the political leadership of tobacco-growing states to devise a plan to offset economic losses for farming communities. These meetings were held in 1999, after which an additional agreement was signed among 14 tobacco-producing states and the tobacco companies, establishing the National Tobacco Grower Settlement Trust Agreement commonly referred to as “Phase II.” This agreement created a \$5.15 billion trust that would accumulate through regular payments from the settling tobacco companies over 12 years in order to offset losses that were expected to be incurred by growers and quota owners as a result of reduced sales of tobacco products as a direct result of industry price increases to cover the Phase I MSA payments.

THE VIRGINIA TOBACCO SETTLEMENT FOUNDATION

The Virginia Tobacco Settlement Foundation (VTSF) was created in 1999 in the wake of the Master Settlement Agreement by the Virginia Legislature to use some of the MSA money to conduct youth smoking prevention activities. The purpose of the VTSF was to distribute assets from the MSA payments to “assist in financing efforts to restrict the use of tobacco products by minors through such means as educational and awareness programs on the health effects of tobacco use on minors and laws restricting the distribution of tobacco products to minors.”³³⁶

In 2009 VTSF expanded its scope to include childhood obesity and also changed its name to Virginia Foundation for Healthy Youth (VFHY), maintaining VTSF as a subgroup focused on youth tobacco prevention and education.

Formation

HB 2635 and the identical SB 1165, approved by the General Assembly in March 1999, created both the Virginia Tobacco Settlement Foundation (VTSF) as well as the associated Virginia Tobacco Settlement Fund (VTS Fund) in which MSA funds were deposited. HB 2635 also created the Tobacco Indemnification and Community Revitalization Commission (TICRC, pronounced “Ticker”). The initial legislation allocated 10% of the MSA funds to the VTSF, and 50% to TICRC. Both VTSF and TICRC were political subdivisions of the Commonwealth¹⁹³.

HB 2635 was sponsored by Del. Whittington W. Clement (D – Danville, Total Tobacco Industry Campaign Contributions: \$39,825) and SB 1165 was sponsored by Sen. Charles R. Hawkins (R – Pittsylvania, Total Tobacco Industry Campaign Contributions: \$11,950). The bills grew out of discussions between health advocates and farmers, who had met as part of the STCP in late 1998 to discuss what to do with the money that Virginia expected to get from the MSA. There was a decided emphasis by legislators and health advocates on the plight of farmers, with the sponsor of one of the bills, Sen. Hawkins, stating that “our farmers face their greatest crisis since the founding of Virginia.”³³⁷ The bills were supported by the Virginia Farm Bureau, the National Black Farmers Association, and the Virginia chapters of ACS, ALA, and AHA.³³⁷

After passing both houses, Republican Gov. Jim Gilmore expressed his reservations about the bills as written and refused to sign them unless amendments he proposed were accepted. As introduced, the bills called for the governing boards of both VTSF and TICRC to be primarily appointed by either the Speaker of the House or the Senate Privileges and Elections Committee. The amendments increased the governor’s role to appointing nineteen out of twenty-three members of the two governing boards.³³⁸ In addition, the governor’s amendments also made VTSF’s and TICRC’s funds non-reverting (they would not revert to the general fund if they were not expended) in an attempt to discourage future governors and legislatures from using the funds for other purposes.³³⁸ The governor’s recommendations were incorporated into the bills, passed again and were signed into law in April 1999.

Board members are appointed for four-year terms. (Table 53) shows the members in 2010.) The Board was charged with establishing the criteria for the distribution of money from the VTS Fund, specifically “for use in discouragement, elimination, or prevention of the use of tobacco products by minors.”³³⁶ Furthermore, distribution of money from the Fund was predicated on the adoption of a policy by the recipient organization or entity to restrict the use of tobacco by minors. The Board was also charged with assuring that the recipient organization or entity has policies that comport with the Board’s established guidelines.

VTSF is a political subdivision of the Commonwealth, not a state agency. At its inception, there was a significant amount of confusion among members of the Board as to the powers of the VTSF and its ability to distribute funds, as well as its relationship to the governor and legislature.^{339, 340} It was eventually determined that VTSF had the ability to distribute funds out of its operating fund, but that the governor and legislature through the budget process could control the amount of money available to VTSF.

The VTSF also took responsibility for conducting the Youth Tobacco Survey (YTS), which was administered by the Virginia Commonwealth University’s Survey and Evaluation Research Laboratory and the Community Health Research Initiative. The survey was conducted every other year, on odd numbered years to gauge several indicators of youth tobacco use and attitudes.

Table 53: VFHY 2010 Board of Trustees			
	Position	Representing	Appointed By
John O'Bannon III, MD	Chairman	House of Delegates, 73rd District	Speaker of the House
Edda Collins Coleman	Vice Chair	Attorney	Governor
Sanjeev Aggarwal, MD	Member	Georgetown University Hospital	Governor
Curtis Coleburn	Member	Dept. of Alcoholic Beverage Control	Governor
Kevin Cooper, MD	Member	VCU School of Medicine	Governor
Philip Dawson, MD	Member	West End Pediatrics	Governor
Rickie Fulcher	Member	Clark Gas and Oil	Governor
Don Gehring	Member	Virginia Commonwealth University	Governor
Emmett Hanger, Jr.	Member	Senate, 24th District	Senate Committee on Privileges and Elections
Stacey Hindeliter	Member	Lynchburg Family Practice	Governor
Logan Holland	Member	Youth Member	Governor
Corey Howell	Member	Youth Member	Governor
Patrick Hughes, Sr.	Member	Richmond Cold Storage	Governor
John James, Jr.	Member	WINA 1070 AM Newsradio	Governor
William Janis	Member	House of Delegates, 56th District	Speaker of the House
Patti Kiger, PhD.	Member	Eastern Virginia Medical School	Governor
Micheal Kontos, MD	Member	VCU Pauley Heart Center	Governor
James McDaniel, MD	Member	Shore Memorial Hospital	Governor
Keith Newby, Sr., MD	Member	Cardiology and Arrhythmia Consultants	Governor
Ralph Northam, MD	Member	Senate, 6th District	Senate Committee on Privileges and Elections
Karen Remley, MD	Member	Virginia Department of Health	Governor
Claudia Tellez	Member	Medical Society of Northern Virginia	Governor
Rosa Villoch-Santiago	Member	ACS, South Atlantic Division	Governor
Source: Virginia Tobacco Settlement Foundation ¹⁸²			

Clarence Carter, a former Commissioner of the Virginia Department of Social Services, was appointed as executive director of the VTSF in 2002, and Dr. Steven Danish, a professor of psychology and preventative medicine at Virginia Commonwealth University and director of Virginia Commonwealth University’s Life Skills Center, a group whose goal was to “develop, implement and evaluate life skill programs for children, adolescents and adults for the purpose of promoting health and enhancing personal development,” was appointed chairperson of VTSF.³⁴¹

VTSF Subject to Attacks

Attempt to Change Purposes of VTSF Funding

While the formation of VTSF had occurred during the Fall 1999, it took more than a year for the foundation to form a specific plan to combat youth smoking. By early 2001, VTSF had only spent about \$1 million of the approximately \$16 million allocated annually from the MSA for VTSF efforts,³⁴² although the governor's own figures put the amount at closer to \$200,000.³⁴⁰

In response to the fact that it was taking time to set the program up, in early 2001 Gov. Gilmore announced a proposal to reduce VTSF funds because he was "perplexed as to why the money that was previously allocated was not spent," according to a spokesperson for the governor.³⁴³ This left the VTSF with confusion about how the board should proceed, with the Gilmore-appointed chairperson, Clarence Carter, cautioning the board against "fighting the administration" and championing a resolution to the funding issue.³⁴⁰ Carter also refused to go along with the majority position of the VTSF Board to fight the governor's proposal, saying that as an appointee of the governor, he answered to Gilmore and not the foundation.³⁴⁰

In a 2009 interview, Danish felt that Gilmore was not specifically seeking to remove funding from VTSF to impede VTSF's mission, but rather that Gilmore was attempting to mitigate a budget crisis.³³⁹ However, Gilmore had close ties to the tobacco industry, having received a considerable amount of campaign contributions from the tobacco industry for his gubernatorial campaign.³⁰³ For example, in 1997 the Tobacco Institute conducted at least one major fundraiser for his campaign.³⁰⁴

The governor's proposed changes to the budget, embodied in HB 2432 and SB 1180, included language that VTSF funds "may be used for health care purposes," opening the fund to being tapped to cover health expenses not associated with tobacco use and potentially substantially reducing the amount of MSA money to fund tobacco control efforts.³⁴³ Two members of VTSF Board of Directors, Del. John O'Bannon (R – Henrico, Policy Score 3.8, Total Tobacco Industry Campaign Contributions: \$7,650) and Sen. Emmet Hanger (R – Augusta, Policy Score 3.5, Total Tobacco Industry Campaign Contributions: \$10,700) sponsored the bills to allow such diversion of funds. HB 2432 advanced into the Senate in February, where it was stricken from the calendar by a vote of 39-0 on the 24. After being introduced, SB 1180 was referred to the Senate Finance Committee on February 1, where it died without any further action. The Senate Finance Committee rejected the bill because it would have converted the securitized funds into general revenue, which the committee feared could lead to a deficit the next year.³⁴⁴

Supporters of the governor's proposal, like Del. Phillip Hamilton (R – Newport News, Policy Score 4.8, Total Tobacco Industry Campaign Contributions: \$12,996) viewed the proposal as a way to spend more money on healthcare without having to raise a new revenue stream. As noted above, much was made of the fact that VTSF had not spent their allotment yet. A spokesperson for the governor, Lila White, described the proposal as "an effort to spend the money in a productive way for medical purposes."³⁴²

ACS, ALA, and AHA rallied to VTFSF's defense with a newspaper and radio advertising campaign.³⁴² The campaign targeted HB 2432 and SB 1180, saying that they would dilute tobacco control efforts and divert funds to assist Gilmore politically in the wake of a budget crisis.^{339, 342} The media campaign was successful; it drew the ire of Gilmore, who characterized the campaign as "deceptive" and "offensive."³⁴⁰

In light of the governor's criticism that VTFSF had not spent their allotted funds, VTFSF's chairperson was put on the defensive. Danish argued that the members of the Board had been confused about whether VTFSF would operate as a state-controlled or independent entity and their ability to award funding. VTFSF had decided to thoroughly research all funding proposals before implementing them, causing the delay.³⁴⁰ Danish also acknowledged that "it's evident that we have not let the Commonwealth know that we are doing anything."³⁴⁰ It was eventually determined that VTFSF had the ability to distribute funds out of its operating fund, but that the governor and legislature through the budget process could control the amount of money that VTFSF has access to.³³⁹

Attempts to Securitize VTFSF and TICRC Funds

The governor's criticism occurred contemporaneously with the introduction of several bills in the legislature in an attempt to securitize MSA funds, ultimately diverting money away from VTFSF and TICRC. Securitization is a process in which a state sells its right to future MSA payments in exchange for a lump sum up front amount. Often, the state will create a corporate entity charged with issuing bonds backed by the future funds, using the revenue stream to pay interest and principle on the issued bonds. Despite the attractions of securitization to cash-strapped state governments, securitization generally returns only 30 to 40 cents on the dollar. In the context of securitizing public health funding streams, this compromises long-term public health benefits (and, for that matter, taxpayer revenues) in favor of short-term gains.³⁴⁵

During the 2001 Legislative Session, several bills were introduced to permit or require securitization of some or all of the MSA revenues, and to change the existing allocation of MSA revenues. All of the bills failed (Table 54).

VTFSF Begins Youth Media Campaign

After the securitization crisis in 2001 was averted, VTFSF turned its focus to crafting its media campaign. After being thrust in the spotlight by the governor's criticism, the foundation sought to strike a balance between effective youth prevention campaigns and "respecting" the tobacco heritage in Virginia. In a 2009 interview, Danish considered this focus to be more about allowing VTFSF to be welcomed into tobacco farming communities rather than a desire to avoid confronting the tobacco industry.³³⁹ Danish argued that acknowledging tobacco's importance in Virginia would "open the door" into those communities.³³⁹

News articles from the development period of this campaign in 2001 show attempts by VTFSF Board to distance themselves from the "accusatory" messages such as those found in the "Truth" campaigns.³⁴⁶ The "Truth" campaign was a highly visible youth-focused advertising campaign in Florida that started in 1998 (and was picked up and expanded by the American

Legacy Foundation, now known as Legacy), and used strong anti-tobacco industry messaging focusing on explicitly attacking industry allies to discredit them. “Truth” had proved to be an effective campaign for reducing youth smoking.^{87, 347-351}

Bill Number	Author(s)	Key Provisions	Disposition
SB 841	Hawkins (R- Campbell)	Create Tobacco Settlement Financing Corp. to sell bonds secured by MSA revenue	Killed in Senate Finance Committee 1-15
HB 1726	Rust (R-Fairfax)	Create Higher Education and Economic Trust Fund to receive 40% of MSA revenue; create Virginia Tobacco Indemnification and Community Revitalization Endowment to receive 50% of MSA revenue, with spending capped at all income and 5% of principal; create Virginia Tobacco Settlement Foundation Endowment to receive 10% of MSA revenue, with spending capped at all income and 5% of principal; equal percentages to each Endowment from sale of bonds secured by MSA revenue.	Technical amendments by House Finance Committee rejected
HB 1726 Floor Substitute	Rust (R- Fairfax), Bennett (D-Charlotte)	Struck endowment language other than Virginia Tobacco Indemnification and Community Revitalization Endowment and allowed spending of all income and the entire principal as requested by TICRC.	Passed House 53-46, died in Senate Finance Committee
HB 1727	Rust (R- Fairfax)	Create Tobacco Settlement Financing Corp to sell bonds secured by part or all of MSA revenue	Technical amendments by House Finance Committee rejected
HB 1727 Floor Substitute	Rust (R- Fairfax), Bennett (D-Charlotte)	Amended to limit security for bonds to 50% of MSA revenue	Passed House 53-46; died in Senate Finance Committee
HB 2808	Bennett (D-Charlotte)	Create Virginia Tobacco Indemnification and Community Revitalization Endowment to receive all proceeds of the required sale of bonds secured by 50% of MSA revenue, with spending capped at all income and 5% of principal; create Tobacco Settlement Financing Corp. to sell bonds secured by MSA revenue.	Tabled in House Finance Committee 14-9
HB 2851	Kilgore (R- Scott County)	Create Virginia Tobacco Indemnification and Community Revitalization Endowment to receive all proceeds of the required sale of bonds secured by 50% of MSA revenue, with spending capped at all income and 5% of principal; create Tobacco Settlement Financing Corp. to sell bonds secured by MSA revenue.	Tabled in House Finance Committee 23-0
HB 2872	Byron (R-Campbell), Armstrong (D-Martinsville), Bennett (D-Charlotte), Clement (D-Danville), Dudley (R-Rocky Mount), and Kilgore (R-Scott County)	Create Virginia Tobacco Indemnification and Community Revitalization Endowment to receive all proceeds of the required sale of bonds secured by 50% of MSA revenue, with spending capped at all income and 5% of principal; create Tobacco Settlement Financing Corp. to sell bonds secured by MSA revenue.	Amended by House Finance Committee 12-9
HB 2872 Finance Committee Substitute	House Finance Committee	Allowed spending of all income and the entire principal as requested by TICRC.	Ruled out of order
HB 2872 Floor Substitute	Byron (R-Campbell)	Allowed spending of all income and up to 15% of the principal as requested by TICRC.	Passed House 58-40; died in Senate Finance Committee

After a stiff competition, a 3-year, \$28 million contract was unanimously awarded to the Richmond advertising firm Work, Inc.³⁴⁶ The VTSF’s youth-oriented media campaign (discussed in detail below) instead focused on the aspects of smoking that were “uncool,” embodied by the name of the main youth media campaign developed by Work, Inc. called “Y,” which was shorthand for “can anybody tell us why smoking isn’t stupid?”³⁵²

In September 2001, the first year that VTSF awarded contracts, nearly \$300,000 was preliminarily awarded to the Virginia Commonwealth University (VCU) to study smoking prevention programs for one year, to determine their efficacy and to evaluate their use in Virginia.³⁵³ In a meeting of the VTSF Board of Directors to discuss the approval of the award, several VTSF Board members spoke out against a perceived conflict of interest.³⁵³ VCU’s Life Skills Center (LSC) was headed by Danish, who was, as previously noted, also the chair of VTSF.³⁵³ Some members of VTSF Board publically questioned whether this was a conflict of

interest because some of the money would support the salaries of LSC employees and about \$45,000 would go to Danish's own salary, representing about 20% of his total VCU pay.³⁵³ Danish would also serve as the principal investigator of the study that VTFSF funded. Despite these concerns, the Board approved the plan at the same meeting by a vote of 9-1 with two abstentions.³⁵³

Just before leaving office, Gov. Gilmore appointed a new executive director to the VTFSF. Clarence Carter had resigned several months before to take a job at the U.S. Department of Health and Human Services, and so the governor appointed Martha "Marty" Kilgore as the new executive director. Kilgore was the wife of the Attorney General-elect Jerry Kilgore (R, Total Tobacco Industry Campaign Contributions: \$221,220).³⁵⁴

Gov. Mark R. Warner (D, Total Tobacco Industry Campaign Contributions: \$113,984) succeeded Gilmore, taking office in January, 2002. By March of that year, VTFSF was back in the spotlight because of another attempt to reduce the foundation's funds. Virginia faced a budget shortfall of \$1.5 billion and the Gilmore had proposed before leaving office to reduce VTFSF funding to help fill the gap. Warner had not reintroduced the funding for VTFSF into his revised budget, and in his House and Senate versions of the budget both proposed diverting \$15.5 million from VTFSF's FY2003 budget.^{355, 356}

Despite appeals from health groups and attempts to amend the budget by several lawmakers on VTFSF's board, such as Sen. Emmett Hanger Jr., (R-Augusta, Policy Score 3.5). This attempt was unsuccessful, and in September, 2002 VTFSF was forced to scale back its programming to reflect the diversion of funds. The cuts were applied across the VTFSF's programming spectrum.³⁵⁶ Warner's budget proposals passed, and thus VTFSF did not receive the \$15.5 million. The FY2003 budget for VTFSF had envisioned expending \$22.2 million from its total fund balance of \$28.2 million. Due to Warner's reduction in funding, VTFSF expended \$17.9 million in FY 2003, and the operating fund was reduced to \$10.8 million.^{352, 357}

Despite this setback, by November 2002 VTFSF had rolled out the beginnings of their programming, including their website, ydouthink.com. (VTFSF programming is discussed below.)

Programs and Activities

Youth Tobacco Survey

In June 2006, the *Richmond Times-Dispatch* reported that Virginia had not participated in the US CDC's Youth Risk Behavior Survey since 1994, and that several health groups and the director of the Office of Family Health Services in the Virginia Department of Health wanted to resume participation in order to track several indicators of youth health, including smoking prevalence.³⁵⁸ Starting in 2001, VTFSF commissioned a biennial Virginia Youth Tobacco Survey of public school students in grades 6-12. The areas the survey questioned the students about included tobacco use, availability, secondhand smoke exposure, tobacco prevention education, tobacco advertisements, and media depictions of tobacco use.⁶ The results of the YTS surveys are discussed in the introduction to this report.

Grant-Funded Programs

VTSF funded many community groups to conduct community educational programs, with the goal of changing youth attitudes and behaviors about tobacco use.⁶ For example, in FY 2008, VTSF directly served 63,000 youth throughout Virginia through 93 grant programs at a total cost of \$4.2 million.

Grant recipients included nonprofit organizations, schools and other community groups.³⁵⁹ These grant recipients utilized programming that was pre-approved by VTSF called “compendium” programs (Table 55). VTSF supported these programs as “evidence-based ... [and] recognized by national, state and nonprofit organizations as model, promising, or effective tobacco-use prevention programs.”³⁵⁹ VTSF provides extensive training for grantee classroom facilitators, teaching instructors how to more effectively reach young people through VTSF compendium programs.³⁵⁹ A complete list of all grantees is available in the VTSF’s FY2008 Annual Report.³⁵⁹

All Stars	Not On Tobacco
Al Pal's	Positive Action
Creating Lasting Families	Project Alert
Ending Nicotine Dependence	Project EX
Helping Teens Stop Using Tobacco	Project Toward No Drug Use
Intervening with Teen Tobacco Users	Project Toward No Tobacco Use
Know Your Body	Skills for Adolescence
Life Skills Training	Too Good for Drugs

Life Skills Training

One of the VTSF grantees was the Virginia Commonwealth University’s Life Skills Center, whose goal was to “develop, implement and evaluate life skill programs for children, adolescents and adults for the purpose of promoting health and enhancing personal development”.³⁴¹ The center was headed by Dr. Steven Danish, who became the chairperson of VTSF on its inception in 1999.³⁴² As of FY2008, Danish’s Life Skills Training was a VTSF Compendium Program. Danish’s Life Skills Center is not related³³⁹ to the similarly named “life skills training” program of Dr. Gilbert Botvin, Director of Cornell University’s Institute for Preventative Research that has quietly worked with and been promoted by the tobacco industry.³⁶⁰

Marketing and Multimedia Campaigns

Youth Marketing Campaign

VTSF’s youth marketing campaign was called “Y” and launched in 2002. It was also known as “youththink.” This campaign was designed to reduce youth tobacco use by empowering youth and especially “tweens” (youth between the ages of 10 and 14 years old) to choose healthy lifestyles. The theme of the “Y” campaign was the catchphrase “can anybody tell us why smoking isn’t stupid?” The main components of the “Y” campaign were a website, a street marketing campaign, social networking, magazine outreach, youth-oriented concerts, and a TV and radio advertising campaign.

The TV ad campaign launched in April 2002 with 11 different advertisements, and the radio campaign launched in the same year with 8 ads. VTSF reported that in FY2002 and

FY2003, the TV ad campaign had reached 1 million youth and the radio campaign had reached 450,000 youth. In 2003, an additional 6 TV and 5 radio ads were introduced. By FY2004, VTSF had released another 11 TV advertisements, and reached over a million youth. The radio campaign in 2004 also reached another 450,000 youth. In FY2005, VTSF released another 4 TV and 5 radio advertisements. In 2006, VTSF released three new TV ads. The TV advertisements used strong images or “gross-out” tactics to draw the attention of youth, such as “Hairy Lip,” a 2002 TV advertisement that claimed that “girls who smoke are seven times more likely to get excess facial hair.” Another such ad was “Phlegm,” released in 2002, that claimed that “teens who smoke produce twice as much phlegm as teens that don’t.” Several of the spots brought VTSF national attention, including the commercial “Belly Dance,” a 2006 TV advertisement featuring overweight boys dancing with no shirts on to demonstrate that “teen smokers are more likely to gain body fat,” which was noted as a “TV Spot of the Week” by Advertising Age.⁶ The CDC also highlighted three other commercials, “Makeover,” “Off to School,” and “Frog,” in their Evaluation Meeting’s AdFest 2006.³⁵⁹

The street marketing aspect of the “Y” campaign, “Y Street” or “Y St.,” was launched in 2004 and designed to address the declining youth participation between outreach events that other tobacco-prevention programs had experienced. “Y Street” utilized “youth peer interaction” to reach teens in everyday situations, while integrating social marketing techniques to help maintain youth involvement with VTSF programming.³⁵⁹ This programming involved live interaction, such as hand-to-hand distribution of VTSF materials like stickers or buttons, between trained Y Street youth volunteers and targeted youth. Y Street also had a standalone website that by 2008 began to incorporate anti-industry messaging. This messaging associated the tobacco industry with a deadly product, full of toxic chemicals, specifically marketed towards women, minorities, and teens, for example, by pointing out that Joe Camel was a marketing tool aimed at adolescents. Figure 19 below is an example from the “Y Street” website from 2009 of a graphic that shows anti-industry messaging. In the first eighteen months of “Y Street,” VTSF recorded 1,667 volunteer instances that lead to more than 25,000 youth-to-youth interactions, resulting in about 1,700 youth considered to be volunteering to promote the “Y Street” message of encouraging healthy lifestyles that do not include tobacco use.³⁵⁹ In 2005, Y St. recruited 500 new members. In FY2008, Y St. completed 171 youth-to-youth and training projects totaling nearly 1,000 volunteer hours.³⁵⁹

The GlamRock campaign, was a sub-program of “Y Street” initiated in 2008. While the MSA generally prohibited the tobacco companies from taking “any action, direct or indirectly, to target youth . . . in the advertising, promotion, or marketing of tobacco products,” there were no specific guidelines issued to apply this prohibition to magazine advertisements.^{361, 362} Indeed, youth targeting through cigarette ads in magazines increased after the MSA was promulgated.^{361, 362} GlamRock was aimed at magazines that advertise to youth under 18 and was an attempt to convince the magazines to stop accepting tobacco advertising. During FY2008, VTSF gathered 23,000 magazine subscription cards with personalized messages from youth that protested youth magazine marketing, which were then mailed directly to magazines such as Rolling Stone and Glamour.³⁵⁹

The Virginia Youth Culture Initiative (VYCI) was a cultural intervention introduced in 2007 and aimed specifically at urban youth who were at risk of physical injury and long-term

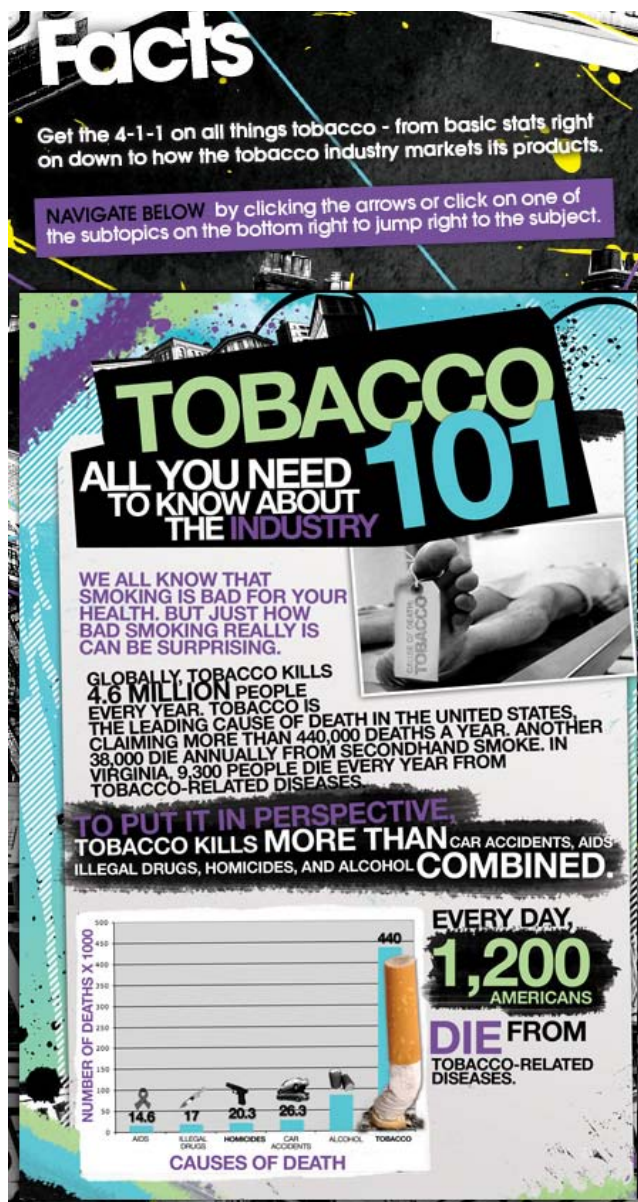


Figure 19: Y Street Anti-Industry Messaging from Y Street Website³⁶²

ydouthink.com website, where youth could post their reactions to the events and to Y campaign messaging. Over 20,000 youth participated in Y Tour activities in 2003.

Also in 2002, Work, Inc. created the “rantmobile,” a Mini Cooper automobile that was outfitted with a back-seat media booth that allowed youth to record and upload messages to VTSF youth-oriented websites about why smoking is unhealthy or uncool.³⁶⁵ The “rantmobile” was operated by a street marketing group of contracted marketing professionals in their 20s, and was reported by the press to be a popular youth attraction.³⁶⁵ The “rantmobile” was used through 2005, and generated a total of approximately 550,000 youth interactions through 1,253 visits (Table 56).

health impacts due to a combination of tobacco use and violence. VYCI focused on a narrower segment of Virginia youth than Y Street, and the programmatic elements of VYCI were unique to that program. VYCI launched in November 2009 in the Hampton Roads area with two outreach programs. The first was known as “2Up2Down” (representing a sign formed with one’s hands that resemble “VA,” the abbreviation for Virginia), and utilized “Social Branding” strategies developed by Rescue SCG to partner with community leaders to fuse local hip-hop culture with the elimination of risky behaviors.⁶ The second was “Step Royale,” a competitive step dance league that encouraged physical activity and an opportunity for youth to achieve social status within hip-hop culture without engaging in risky activity.³⁶³

Youth Events

VTSF began conducting “events” targeting youth in 2002 as part of the launch of the “Y” campaign. That year, VTSF engaged Work, Inc., a Virginia advertising agency, to create a three-year, \$9 million outreach program to teens. The “Y Tour” concert series culminated in 2003 with a high school band competition in which the winners would open at three regional concerts including national recording artists Ashanti, Hoobastank, and Fat Joe.³⁶⁴ The events were designed to be paired with the

Year	Visits	Youth Interactions
2003	150	100000
2004	444	200000
2005	659	250000

Source: Virginia Tobacco Settlement Foundation

In 2004, VTSF conducted a Y campaign event called “Slam ‘N’ Jam,” which brought national recording artists Aaron Carter, Monica, and Mario to perform at a series of events throughout Virginia. “Slam ‘N’ Jam” also included free youth activities such as a 3-on-3 basketball tournament, and visits by the “rantmobile.” Four such events were held in 2004, and the event was not repeated.

Online Multimedia

The VTSF’s main youth-prevention website, www.ydouthink.com, won several awards for excellence. In 2002, the year it was launched, it was awarded the Bronze Lion in the International Advertising Festival in Cannes, France. The focus of the site was on youth entertainment and fashion, with messages about tobacco use – particularly messages intended to show that youth smoking was disgusting or unattractive.³⁵⁹ The website also offered video streams of the popular TV advertisements. The website won further awards in 2007, including the W3 award for web creativity for charitable/nonprofit organizations, which was sanctioned by the International Academy of Visual Arts.³⁶⁶

The ydouthink.com site increased in popularity from its launch through 2005, and continued to attract an audience of over 200,000 Virginia visitors through 2009 (note that figures for 2006-2009 are approximate totals, Table 57).³⁵⁹

Year	Total Clicks	Total Impressions	Total VA Visitors	Growth*
2003	22043	63655742	52565	66%
2004	604675	160000000	75809	172%
2005	904200	170000000	109727	103%
2006†	1000000	200000000	150000	Unreported
2007†	1000000	200000000	150000	Unreported
2008†	1000000	250000000	200000	Unreported
2009†	1000000	250000000	200000	Unreported

*: Quarterly Growth of Total Visitors From Previous Fiscal Year
†: As provided by VTSF, figures are approximate
Source: Virginia Tobacco Settlement Foundation¹⁸²

Ydouthink.com was joined in the spring of 2007 by another VTSF website, veeay.com (pronounced like the abbreviation of Virginia, “VA”). This site is oriented towards social networking, much like the well-known sites facebook.com and myspace.com. Veeay.com is aimed specifically at youth ages 10 to 15, and is an invitation-only site. Membership as of June 30, 2007, was more than 1,500

students. Veeay.com was created specifically to create a “captive audience” for VTSF messages, and functionally is a social networking site with a secondary purpose of disseminating VTSF tobacco prevention messages.⁶

A new youth campaign was launched in late 2008 through its own website, www.sykeenergy.com. The campaign utilized a fictional energy drink, “Syke Energy,” as a stand-in for cigarettes, intended to “ignite a passionate discontent with tobacco’s presence and influence among socially successful teens in Virginia.”³⁵⁹ At the time of this writing there was no information about the reach or effectiveness of the “Syke Energy” campaign.³⁵⁹

Evaluation

Between 2001 and 2009, Virginia had conducted the Youth Tobacco Survey (YTS), which showed a pattern of decreased tobacco use among youth in Virginia. The percentage of “ever use” of any tobacco product by all students had fallen from 56% in 2001 to 39% in 2007, a 30.4% decrease. For cigarette use, the percentage of “ever use” students had fallen for both middle and high school students (from 23% of middle school and 49% of high school students in 2005 to 18% and 41% respectively in 2007 (Figure 5).⁶

In addition to reduced youth smoking prevalence, VTSF’s grant-funded Community Health Research Initiative (CHRI), a project of Virginia Commonwealth University, conducted a statewide evaluation during the 2004-2005 and 2005-2006 grant cycles. CHRI surveyed youth ages in two groups (2nd through 5th grade, and 6th through 12th grade) participating in VTSF using pre-test and post-test evaluations. The evaluation measured: current tobacco use; intention to smoke; perceived benefits of remaining tobacco-free; knowledge about the harmful effects of tobacco; and self-efficacy (Table 58).

Table 58: Results of CHRI evaluations, 2004-2006

Group	Outcomes	
	2004-2005	2005-2006
2nd - 5th Grade	1. an increase in knowledge about the harmful effects of tobacco	1. an increase in knowledge about the harmful effects of tobacco
	2. stronger rejection toward smoking	2. stronger rejection toward smoking
	3. stronger resistance to peer pressure	

Group	Outcomes	
	2004-2005	2005-2006
6th - 12th Grade	1. a decrease in current tobacco use	1. a decrease in intentions to use tobacco in the long term
	2. a decrease in intentions to use tobacco	2. an increase in the perceived benefits of remaining tobacco free
	3. an increase in the perceived benefits of remaining tobacco free	3. an increase in self-efficacy
	4. an increase in knowledge about the harmful effects of tobacco	
	5. an increase in self-efficacy	

Source: Virginia Tobacco Settlement Foundation³⁶⁷

VTSF also conducted youth research and evaluation of the Y program every six months after the Y program began in 2002. In 2006, VTSF engaged the Southeastern Institute of Research (SIR) to conduct these evaluations. SIR was awarded \$175,000 in 2008 to conduct evaluations. As of 2010, the most recent SIR report was conducted in fall 2008, which reported that the “ydo youthink” campaign showed high awareness among the target audience, with 75% of youth respondents reporting that they were reached by VTSF messaging. This was consistent with prior awareness levels among targeted youth audiences over the previous six years, which ranged between 74% and 79% of the target audience.^{359, 368} Awareness was gauged with the question, “Have you recently seen or heard any information about cigarette smoking and tobacco

use with the headline or caption ‘Can Anybody Tell Us Why Smoking Isn’t Stupid’ or ‘YDOOUTHINK?’”³⁶⁸

SIR also reported on perception of the Y campaign in the 2008 report. The survey was given twice a year to youth between 2003 and 2008, and respondents the survey were asked about their “general impressions” of the YDOOUTHINK campaign, and given 4 options: dislike the campaign somewhat, dislike the campaign a lot, like the campaign somewhat, like the campaign a lot. Respondents were overwhelmingly positive about the Y campaign over all years, with an average of 83% of respondents saying that they either liked the campaign somewhat or a lot.

VTSF conducted research into youth subcultures as part of ongoing research into smoking attitudes and trends among middle and high school students in Virginia. The research was conducted by Rescue Social Change Group (RSCG), a company that utilized a social change theory called “Social Branding” to help clients tailor social change messaging to particular youth subculture audiences. The study was entitled “Functional Analysis for Cultural Interventions On Virginia Teen Smoking” and was conducted from February to May in 2008.³⁵⁹ The study found that youth subcultures characterized by higher levels of social anxiety had a greater chance of becoming a smoker. It also found that youth smoking prevalence was among lowest more mainstream youth audiences, which represent approximately 20% of all youth but only 3% of youth smokers.³⁵⁹ This conclusion lead RSCG to recommend that in FY2008, VTSF should utilize messaging tailored to youth subcultures furthest away from the mainstream, who suffer disproportionate smoking rates, to further reduce youth smoking prevalence.³⁵⁹

No data concerning the impact or effectiveness of VTSF programming was available at the time of this report, making it difficult to gauge the actual results of VTSF’s youth programming.

Youth Access Enforcement Activity

VTSF’s youth enforcement programs centered on youth access compliance checks of retailers. VTSF provided funding for the state’s Department of Alcoholic Beverage Control (ABC) to conduct these compliance checks.

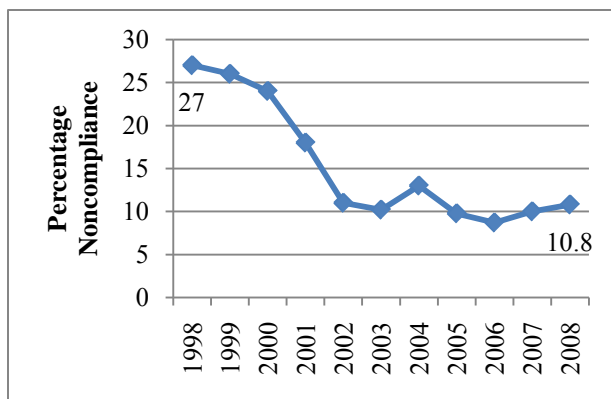


Figure 20: Rates of Retailer Youth Sales Noncompliance

Approximately 360 such checks are conducted per month on a random basis, with the results of the checks reported back to the VTSF. Compliance checks were conducted by ABC special agents, utilizing underage buyers. If an underage buyer successfully purchased tobacco from a retailer, the witnessing special agent could issue a summons to the retailer. Underage buyers are given immunity from Virginia’s laws prohibiting sales to a minor, and are paid part-time as state employees.³⁶⁹

VTSF reported a reduction in the noncompliance rate: from 27% noncompliance in 1998 to 10.8% in 2008 (Figure 20).

Virginia Research Consortium

VTSF funded many research initiatives. For FY2008, VTSF funded seven different initiatives (Table 59).

University	Study	Principal Investigator	Grant
Virginia Commonwealth University	Virginia Youth Tobacco Project Research Coalition Core	Robert Balster, PhD., J. Randy Koch, PhD.	\$271,108
Virginia Commonwealth University	Assessing the Efficacy of a School-Based Health Promotion Intervention on Tobacco Use and Fruit and Vegetable Consumption among Rural Youth	Steven Danish, PhD., Earl Dowdy, PhD.	\$233,045
Virginia Commonwealth University	Pathways to Smoking Among African-American Adolescents: Family, Contextual, and Cultural Factors	Faye Belgrave, Ashair Nasim	\$241,100
Virginia Commonwealth University	Establishing the Biological and Genetic Basis for Youth Smoking	Imad Damaj	\$229,011
George Mason University	Neurodevelopmental Effects of Adolescent Nicotine	Bob Smith	\$247,075
College of William and Mary	Long-Term Impact of Adolescent Nicotine on Cognitive Function	Robert Barnet, Joshua Burk, Pamela Hunt	\$99,572
Virginia Tech	The Development and Implementation of a Tobacco Use Prevention Model for Youth With Psychiatric Disorders	Peggy Meszaros	\$181,331

Source: Virginia Tobacco Settlement Foundation³⁵⁹

SB 1112: VTSF Changes to Virginia Foundation for Healthy Youth

In 2009, SB 1112, introduced by Sen. Ralph Northam (D – Norfolk, Policy Score 9.5, Total Tobacco Industry Campaign Contributions: \$1,000), sought to change the name and mission of VTSF. The bill passed and was signed by Gov. Kaine in March 2009. SB 1112 changed the name of VTSF to the Virginia Foundation for Healthy Youth (VFHY) and allowed some of the Virginia Tobacco Settlement Fund monies to be used to prevent childhood obesity. No changes were made to the governance of the organization. This action had the effect splitting the VFHY into two divisions: the VTSF division, which maintained its original function, and the Virginia Youth Obesity Prevention division (VYOP), which would “assist in financing efforts to reduce childhood obesity through such means as educational and awareness programs, implementing evidence-based practices, and assisting schools and communities with policies and programs.”³⁷⁰

Both divisions were to be funded out of the same pool of MSA money, the Virginia Tobacco Settlement Fund (that is, the 10% of the MSA funds originally dedicated solely to the VTSF), potentially reducing the available funding for tobacco control activities. The funds were to be used “primarily” for tobacco prevention among youth, but it was up to VFHY’s discretion how much would be dedicated to VTSF and how much to VYOP. In addition, funds used for the VFHY that were not derived from the MSA Fund and instead were derived from other sources, such as grants and private funding, and would be used for obesity at the VFHY’s discretion. Therefore, there was a chance that VTSF funding could be significantly reduced due to the funding distribution structure, down to as little as 51% of their original Tobacco Settlement Fund

allotment and 0% of non-MSA private and public funding sources, with the rest being distributed to the VYOP.

SB 1112 was supported by the Secretary Health and Human Resources, Marilyn B. Tavenner, and by its sponsors, Northam and Del. John O'Bannon III (R – Henrico, Policy Score 3.8, Total Tobacco Industry Campaign Contributions: \$7,650), who were both members of the VTSF board of trustees as well as both being physicians.³⁷¹ Tavenner made statements to the press indicating that childhood obesity was an issue that she wanted to take seriously in order to stem a potential type 2 diabetes epidemic.³⁷¹ Northam and others argued that the change would not interfere with the VTSF's original and primary purpose of youth smoking prevention, but would add obesity to the mission of the organization. Marty Kilgore, the executive director of VTSF (and also VFHY), said stated to the press, "We don't want to water down in any way our tobacco-use prevention initiative. This is just going to be an extension of what we do."³⁷¹

The tobacco control advocates' reactions to SB 1112 were largely negative. Amy Barkley of the Campaign for Tobacco-Free Kids (TFK) stated in a 2009 interview that while youth programs are not usually effective for achieving tobacco control goals, VTSF had been "really effective ... their smoking rates have come down."²⁷² However, problems with the new arrangement abounded. VTSF was already underfunded and had limited staffing, and now the organization would be forced by the legislature to take on an additional policy issue, without securing new funding or new staff for VFHY.²⁷² We were unable to identify any specific actions of the health groups to actually oppose the legislation.

Additionally, the national advocacy groups and the three voluntary health organizations found it difficult to protest the move, as obesity was part of their health policy focus as well, and they were reluctant to be seen as opposing obesity control measures when they were trying to ensure adequate funding for the tobacco control part of their mission.²⁷² VFHF did not take a position on SB 1112. The ALA opposed the measure while AHA and ACS supported it, so the VFHF leadership decided to keep the coalition out of the issue.

The ALA took the position that, if SB 1112 passed, it hoped that VYOP would only use funds that were newly raised from independent, non-MSA public and private sources for any obesity program. David DeBiasi, in his capacity as director of advocacy for the ALA, said to the press, "We don't want to see any tobacco-prevention dollars diverted from their intended use."³⁷¹ ALA and other health groups opposing the measure pushed for a cap of \$100,000 of MSA-derived funds intended for obesity programs, but were unsuccessful in amending the legislation to incorporate the cap.³⁷¹

SB 1112 passed and was signed by Governor Kaine in March 2009.

At the time of this writing, it was unclear what the actual impact of SB 1112 would be on the VTSF's youth tobacco control mission.

Virginia Tobacco Indemnification and Community Revitalization Commission

The Tobacco Indemnification and Community Revitalization Commission (TICRC, or “Ticker”) was also formed by the passage of H 2635 in 1999. The purpose of TICRC was to determine appropriate recipients of moneys from their Fund, and distribute the money to them. These are “Phase I” payments, which are distinct from “Phase II” payments which are administered and distributed by the Virginia Tobacco Trust Fund. Appropriate purposes were to be determined by TICRC, but were to include distribution

to provide payment to tobacco farmers as compensation for the adverse economic effects resulting from loss of investment in specialized tobacco equipment and barns and lost tobacco production opportunities associated with a decline in quota ... [and to] revitalize tobacco dependent communities.³³⁶

TICRC, in distributing moneys, followed guidelines and formulas set out in H 2635. The major recipients are tobacco farmers and tobacco dependent communities. “Tobacco dependent community” is not defined specifically in H 2635, but a tobacco farmer may be a person who actively farms or is a quota holder who is not an active tobacco farmer.

The distribution of money to tobacco farmers was intended to compensate them for the “decline or elimination of tobacco quota based on averaging the basic burley and flue-cured quota as allocated by the USDA for the crop years 1995 through 1998.”³³⁶ The compensation was also offset by any funds received by the farmers from national community trust funds (Phase II payments). The compensation is calculated according to the “total lost asset value in quota incurred annually by such tobacco farmers.”³³⁶ Producers of tobacco (distinct from tobacco farmers) are also compensated based on their “economic loss resulting from any annual quota reduction.”³³⁶ TICRC is given latitude to determine the criteria necessary to accomplish this goal.

The other beneficiaries of TICRC are the tobacco dependent communities. TICRC is charged with promoting “economic growth and development in tobacco dependent communities in an equitable manner throughout the southside and southwest regions of the Commonwealth, in order to assist such communities in reducing their dependency on tobacco and tobacco-related business.”

Conclusions

While VTSM was fairly successful within its stated mission, reducing youth smoking prevalence, increasing awareness of tobacco harms among youth, and promoting attitudes that tobacco use was “uncool,” VTSM’s existence had some negative consequences for other tobacco control efforts. First, VTSM monopolized MSA funds earmarked for tobacco control efforts, preventing this funding from being used to effectively push for broad tobacco control policy objectives. Secondly, by focusing on youth tobacco control efforts, VTSM fostered a sense that the government should focus on youth prevention rather than programs that sought to reduce all tobacco use.

In a very general sense, this echoes tobacco industry messaging that tobacco is an “adult activity,” which appeals to potential youth smokers by fostering a sense of adulthood. In addition to overshadowing adult tobacco control activities, VTSF overshadowed other tobacco control efforts in Virginia by being the state’s favored tobacco control institution. It gave the legislature and governor an excuse to ignore funding TUCP or even VFHF, because VTSF was already in existence. Similarly, by focusing on a youth intervention and policy model, VTSF was required to ignore broad policy-based statewide tobacco control efforts despite (or because of) their demonstrable success in reducing tobacco use.

As VTSF has adopted stronger anti-industry messaging, their contribution to tobacco control in Virginia has the potential to grow. Continuing to expose tobacco industry efforts to recruit young smokers, and deceptive tobacco industry tactics, are effective tobacco control techniques. This precludes the possibility that the obesity focus of the new VFHY will dilute youth tobacco control efforts or siphons off funding, a potential scenario that at the time of this writing is unclear.

CONCLUSIONS AND LESSONS LEARNED

Tobacco control efforts in Virginia have been difficult from the beginning due to the well-funded and politically powerful tobacco industry’s lobbying efforts in a tobacco-growing state where Philip Morris is headquartered. Powerful legislators have consistently supported the tobacco industry. Despite this situation, Virginians have demonstrated through consistent polling for more than 20 years that they support strong and comprehensive clean indoor air legislation and higher cigarette excise taxes. This public support for tobacco control has grown with demographic changes in the state, especially the growth of the Washington DC suburban areas in Northern Virginia. These new residents to Virginia are generally not concerned with preserving Virginia’s “tobacco heritage.” Virginia is also becoming less rural and more urban overall, tending to increase the support for tobacco control measures. Over time, these demographic shifts, coupled with growing support for tobacco control among established Virginia residents, have put pressure on legislators who oppose tobacco control.

Ironically, the public health advocates who have repeatedly produced evidence of broad public support have generally not been able to translate that support into advocacy successes. Instead, they have allowed the tobacco industry to dominate Virginia’s tobacco control debate, and have been willing to compromise for more than 20 years, resulting in many strong proposals for tobacco control dying or becoming weak, industry-favorable laws. Such compromises have resulted in Virginia being mired in the past while other states, including tobacco-growing Southern states with similarly strong tobacco industry lobbying efforts, have moved forward to enact stronger clean indoor air laws or larger cigarette excise tax increases. Despite the good intentions of advocates, “half a loaf” has proven to be considerably worse than “no loaf at all,” and Virginia’s tobacco control advocates must accept the fact that opposing weak measures while holding out for strong, comprehensive ones could have prevented the sort of stagnation that has afflicted Virginia.

Virginia has had some notable successes and near successes in recent years. In 2004, the Virginians for a Healthy Future (VFHF) coalition used favorable polling data to show that Virginians supported a sizeable cigarette tax increase. The campaign included TV, radio, and

print advertising. The coalition also met with legislators to educate them on the issue, recruited a strong legislative ally (Sen. Mary Margaret Whipple), and mobilized grassroots elements of many VFHF member organizations. The result was a 30 cent tax increase that generated \$310 million in revenue to be dedicated to offsetting healthcare costs, and saving approximately 12,000 Virginians from tobacco-related deaths. The broad scope of VFHF's campaign strategy for the cigarette tax increase could be replicated to lead to successes on other tobacco control issues.

Advocates in Virginia should rethink their lobbying strategy, which is predominantly focused on the state legislature. The strength of the tobacco industry in the statehouse is significant, as it is in many states throughout the nation. However, advocates can defeat the industry by prioritizing local action, and strengthening and then using their grassroots capability when a fight in the state legislature cannot be avoided. The example of VFHF's campaign to influence the Speaker of the House, William Howell, in his home district of Fredericksburg in 2009 is illustrative. This campaign was very successful in bringing constituent pressure to bear on the Speaker through phone banking and a paid media campaign. These efforts not only attracted the Speaker's notice but caused him to change his position dramatically on the issue of restaurant smoking. The ultimate result (the weak 2009 restaurant smoking legislation) was unfavorable primarily because the pressure was not applied broadly enough to more key legislators. The degree to which the limited campaign against Howell impacted Virginia speaks to the potential for success if such district campaigns are expanded to target more key politicians. The voluntary health organizations need to provide the resources necessary for Virginia advocates to conduct additional targeted campaigns.

Virginia's advocates also need to do a better job of maintaining cohesion in the face of a strong and unified tobacco lobby. In 1990, during consideration of the bills that would become the Virginia Indoor Clean Air Act (VICAA), GASP supported a comprehensive measure without preemption, while the Tri-Agency Council (composed of the voluntary health organizations) backed a weaker, preemptive bill. The divisions among the advocates were exploited by the tobacco industry, whose solidarity and influence allowed them to effectively dictate the terms of what would eventually become the VICAA. Likewise, in 2009, the statewide tobacco control coalition, VFHF, disintegrated over the issue of supporting Governor Kaine's weak restaurant smoking restriction proposal. The coalition's inability to hold its members to their deal-breakers agreement, which problematically was never signed by coalition members, made it easier to pass a weak bill. Advocates should use this opportunity to rebuild the coalition using a strong deal-breakers agreement as the foundation.

Virginia had a brief but promising history of local tobacco control efforts prior to the enactment of the VICAA in 1990, which preempted further local clean indoor air ordinances. Prior to 1990, 16 localities had enacted some sort of local smoking restriction ordinance, and more were considering them. When Norfolk considered enacting its own restaurant smoking restriction ordinance in 2007 under the theory that its inherent police powers trumped preemption and allowed the city to prohibit smoking in restaurants from the dangers of secondhand smoke, VFHF focused on fighting the tobacco industry in the state legislature where the industry was strongest because VFHF did not take the preemption issue to litigation. Given the limitations of the 2009 state clean indoor air law, Virginia advocates need to carefully examine Norfolk's now-abandoned proposal, and consider using such a challenge to overcome

preemption and allow localities to protect their citizens. Fostering the aspirations of cities such as Norfolk (including support in litigation) that wish for stronger smoking restrictions could give Virginia's tobacco control efforts important support outside of Richmond.

Local coalitions, like the ones that exist but are underutilized in Virginia, have been successfully used to promote organized statewide tobacco control policy change in other states. In Maine, the state health department established the Healthy Maine Partnership, which funded communities to implement statewide tobacco control policies on a local level.³⁴⁵ This allowed for an active grassroots organization that could be mobilized, for example, to oppose threats to tobacco control funding posed in the state legislature, or to carry statewide media campaigns to local audiences. This grassroots advocacy helped Maine to maintain its high levels of tobacco control funding despite considerable threats.³⁴⁵ Likewise, the South Carolina Tobacco Collaborative (SCTC) established a network of local tobacco control coalitions to enact statewide policy change goals at a local level. SCTC was able to use the local coalition base to enact a number of local clean indoor air ordinances and build a significant capacity for statewide tobacco control planning and strategy.² Virginia advocates should closely examine these models, with an eye towards utilizing the preexisting network of local tobacco control coalitions, funded and organized by the Virginia Health Department's Tobacco Use Control Program, for grassroots advocacy.

Tobacco growing has declined and the elimination of the tobacco quota system has made tobacco less profitable for farmers and made tobacco a relatively unimportant crop in the state. Although Philip Morris is headquartered in Richmond, tobacco manufacturing is a very small contributor to the economy of Virginia. Virginia advocates initiated the program that evolved into the Southern Communities Tobacco Project, and established ties with tobacco farmers, which led to negotiations concerning how MSA proceeds would be distributed and a continuing dialogue that addresses the common ground that may exist between tobacco farmers and tobacco control advocates. Virginia advocates have an opportunity to further develop their relationships with tobacco farming interests, potentially finding common ground in opposing the tobacco industry as happened in South Carolina. In South Carolina, the tobacco quota buyout opened a significant rift between tobacco growers and manufacturers that was successfully exploited by tobacco control advocates, leading to support among tobacco farming interests for a state cigarette excise tax increase in 2008 and shifting legislators representing tobacco-growing communities towards a more favorable attitude to tobacco control measures.² This situation has not come about in Virginia, despite the declining importance of tobacco as a crop. Because similar conditions prevail in Virginia as in South Carolina, advocates should exploit the divisions between growers and manufacturers in a similar way, which would have the added benefit of deconstructing the myth of tobacco's unassailable power over Virginia politics. Virginia should follow the example of South Carolina and take advantage of the increasingly unfavorable attitudes of farmers towards tobacco manufacturers.

Virginia advocates should also cultivate strong ties to the governor's office. In 2009, advocates trusted Governor Kaine to consult them on tobacco control matters, but ultimately Kaine cut them out of the process entirely. Advocates need to ensure that the governor's office is continually lobbied and educated about the issues, rather than assuming that he or she will support their positions. VFHF proved in 2008 that working closely with Governor Kaine's office on comprehensive restaurant smoking restrictions could advance strong tobacco control

legislation further than it would have otherwise gone. In addition, VFHF's Fredericksburg campaign has shown that even hostile legislators can change their position with regards to tobacco control legislation with sufficient pressure. Advocates should continue to work closely with, and if necessary apply grassroots pressure to, the governor's office regardless of his or her stance on tobacco control issues.

While the Virginia Tobacco Settlement Foundation (VTSF) has won awards for its youth marketing activities and has finally adopted media campaigns that contain anti-industry messaging, VTSF-conducted Youth Tobacco Survey data shows that trends in youth smoking behavior in Virginia are not significantly different from national trends. VTSF needs to incorporate the lessons learned from successful programs elsewhere, such as Legacy's "truth" campaign. As of 2009, VTSF became Virginia Foundation for Healthy Youth, and its mission has been expanded to include childhood obesity without any provisions for additional funding. Advocates should be vigilant that the obesity focus does not result in a denuding of resources available for effective tobacco control, including funding tobacco control entities that seek to reduce tobacco use in all groups, not just youth.

The Tobacco Indemnification and Community Revitalization Commission (TICRC), the other MSA-funded organization in Virginia, is also a poor use of such funds. With the tobacco quota buyout and the establishment of "Phase II" payments to tobacco growers and tobacco growing communities, TICRC should not utilize 40% of all MSA revenue. Even a portion of TICRC's funds could be used to significantly improve Virginia's spending on effective tobacco control measures. Virginia would benefit from MSA funds (or other state money) being utilized for effective tobacco control policy efforts.

Despite the challenging environment facing Virginia advocates in the near term, there are opportunities for successful tobacco control measures. Virginians overwhelmingly favor strong smoking restrictions and higher cigarette taxes, and these attitudes will continue as Virginia attracts new residents and as the tobacco farmers and manufacturers continue to contribute less to Virginia's economy. Advocates have already demonstrated that they understand and are capable of implementing effective tobacco control tactics, such as the successful district campaign in Fredericksburg, but need to avoid the tendency to compromise too soon that has served public health poorly. With more resources and an effectively utilized grassroots base, there is no reason that Virginia should not be able to follow the example of other states in the region to implement effective tobacco control strategies..

Advocates in Virginia have an opportunity to utilize the growing support for strong tobacco control measures, if they can commit the necessary political and financial resources to the fight.

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APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total				
ABBITT JR, WATKINS M	I	H	59	1999	CONCERNED FRIENDS	\$200	1999 Total	\$2,245				
					PHILIP MORRIS	\$1,250						
				2001	RJ REYNOLDS TOBACCO	\$795	2001 Total	\$1,780				
					ALTRIA	\$900						
				2003	CONCERNED FRIENDS	\$250	2003 Total	\$1,500				
					RJ REYNOLDS TOBACCO	\$630						
				2005	ALTRIA	\$1,250	2005 Total	\$1,750				
					RJ REYNOLDS TOBACCO	\$250						
				2007	ALTRIA	\$500	2007 Total	\$4,150				
					RJ REYNOLDS TOBACCO	\$250						
					S & M BRANDS	\$1,000						
					ALTRIA	\$1,500						
					BAILEYS S & M BRANDS	\$2,000						
					REYNOLDS AMERICAN	\$500	Total 99-07	\$11,425				
	SWISHER	\$150										
ALBO, DAVID B	R	H	42	1999	PHILIP MORRIS	\$1,250	1999 Total	\$1,500				
					RJ REYNOLDS TOBACCO	\$250						
				2001	ALTRIA	\$400	2001 Total	\$650				
					RJ REYNOLDS TOBACCO	\$250						
				2003	ALTRIA	\$1,750	2003 Total	\$1,750				
				2005	ALTRIA	\$6,250	2005 Total	\$10,000				
					LORILLARD TOBACCO	\$1,000						
				2007	RJ REYNOLDS TOBACCO	\$1,250	2007 Total	\$3,750				
					S & M BRANDS	\$1,500						
					ALTRIA	\$2,000	Total 99-07	\$17,650				
					BAILEYS S & M BRANDS	\$750						
					RJ REYNOLDS TOBACCO	\$1,000						
				ALEXANDER, KENNETH	D	H	89	2005	ALTRIA	\$250	2005 Total	\$750
									S & M BRANDS	\$500		
2007	ALTRIA	\$500	2007 Total					\$750				
	BAILEYS S & M BRANDS	\$250										
			Total 99-07	\$1,500								
AMUNDSON, ELIZABETH	D	H	44	2001	ALTRIA	\$250	2001 Total	\$250				
				2003	ALTRIA	\$1,000	2003 Total	\$1,250				
					RJ REYNOLDS TOBACCO	\$250						
				2005	ALTRIA	\$1,000	2005 Total	\$1,750				
					S & M BRANDS	\$750						
				2007	ALTRIA	\$1,000	2007 Total	\$2,250				
					BAILEYS S & M BRANDS	\$250						
					REYNOLDS AMERICAN	\$500						
					RJ REYNOLDS TOBACCO	\$500						
							Total 99-07	\$5,550				
ARMSTRONG, WARD L	D	H	10	1999	CONCERNED FRIENDS	\$200	1999 Total	\$700				
					PHILIP MORRIS	\$500						
				2001	ALTRIA	\$900	2001 Total	\$1,250				
					CONCERNED FRIENDS	\$500						
				2003	RJ REYNOLDS TOBACCO	\$750	2003 Total	\$2,150				
					ALTRIA	\$1,000						
				2005	CONCERNED FRIENDS	\$250	2005 Total	\$6,000				
					ALTRIA	\$3,500						
				2007	CONCERNED FRIENDS	\$250	2007 Total	\$6,150				
					RJ REYNOLDS TOBACCO	\$1,750						
					S & M BRANDS	\$500						
					ALTRIA	\$4,500						
					REYNOLDS AMERICAN	\$1,000						
					RJ REYNOLDS TOBACCO	\$500	Total 99-07	\$16,250				
					SWISHER	\$150						

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ASHWORTH, BILLY	R	H	6	2001	PHILIP MORRIS	\$150	2001 Total	\$150
							Total 99-07	\$150
ATHEY JR, C L (CLAY)	R	H	18	2003	ALTRIA	\$1,500	2003 Total	\$1,500
				2005	ALTRIA	\$1,000		
					RJ REYNOLDS TOBACCO	\$250		
					S & M BRANDS	\$500	2005 Total	\$1,750
				2007	ALTRIA	\$1,000		
					BAILEYS S & M BRANDS	\$250	2007 Total	\$1,250
							Total 99-07	\$4,500
BACOTE, MAMYE E	D	H	95	2005	ALTRIA	\$750		
					S & M BRANDS	\$500	2005 Total	\$1,250
				2007	ALTRIA	\$500		
					BAILEYS S & M BRANDS	\$250	2007 Total	\$750
							Total 99-07	\$2,000
BARIL, STEPHEN E	R	AG		2003	PHILIP MORRIS	\$750		
					UNIVERSAL LEAF	\$3,200		
					US SMOKELESS	\$250	2003 Total	\$4,200
				2005	MEDALLION CO	\$2,500		
					PHILIP MORRIS	\$725		
					PIEDMONT BIG SALE	\$50		
					SWEDISH MATCH	\$500		
					TOBACCO CO	\$50		
					UNIVERSAL LEAF	\$25,551		
					US SMOKELESS	\$15,580	2005 Total	\$44,956
							Total 99-07	\$49,156
BARKER, GEORGE L	D	S	39	2007	BAILEYS S & M BRANDS	\$1,000	2007 Total	\$1,000
							Total 99-07	\$1,000
BARRY, WARREN E	R	S	37	1999	PHILIP MORRIS	\$1,000.00	1999 Total	\$1,000
							Total 99-07	\$1,000
BASKERVILLE, VIOLA	D	H	71	1999	PHILIP MORRIS	\$750	1999 Total	\$750
				2001	ALTRIA	\$500		
					TOBACCO ROW	\$100	2001 Total	\$600
				2003	ALTRIA	\$500		
					TOBACCO ROW	\$500	2003 Total	\$1,000
							Total 99-07	\$2,350
BELL II, J BRANDON	R	S	22	2003	ALTRIA	\$750		
					CONCERNED FRIENDS	\$500	2003 Total	\$1,250
				2005	ALTRIA	\$1,000	2005 Total	\$1,000
				2007	ALTRIA	\$500		
					BAILEYS S & M BRANDS	\$500	2007 Total	\$1,000
							Total 99-07	\$3,250
BELL III, ROBERT B	R	H	58	2003	ALTRIA	\$1,500	2003 Total	\$1,500
				2005	ALTRIA	\$1,000		
					RJ REYNOLDS TOBACCO	\$250		
					S & M BRANDS	\$500	2005 Total	\$1,750
				2007	ALTRIA	\$1,000		
					BAILEYS S & M BRANDS	\$250	2007 Total	\$1,250
							Total 99-07	\$4,500
BENNETT JR, W W (TED)	D	H	60	2001	ALTRIA	\$500	2001 Total	\$500
				1999	CONCERNED FRIENDS	\$300		
					PHILIP MORRIS	\$750	1999 Total	\$1,050
							Total 99-07	\$1,550
BLACK, RICHARD H (DICK)	R	H	32	1999	PHILIP MORRIS	\$750		
					RJ REYNOLDS TOBACCO	\$1,000	1999 Total	\$1,750
				2001	ALTRIA	\$1,377	2001 Total	\$1,377
				2003	ALTRIA	\$1,000		
					SMOKELESS TOBACCO	\$250	2003 Total	\$1,250
				2005	ALTRIA	\$1,000	2005 Total	\$1,000
							Total 99-07	\$5,377

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BLAND JR, FENTON L	D	H	63	2003	ALTRIA	\$1,000	2003 Total	\$1,000
							Total 99-07	\$1,000
BLEVINS, HARRY B	R	S	14	1999	PHILIP MORRIS	\$500	1999 Total	\$500
				2001	ALTRIA	\$750	2001 Total	\$750
				2003	ALTRIA	\$1,000	2003 Total	\$1,000
				2005	ALTRIA	\$750		
					RJ REYNOLDS TOBACCO	\$250	2005 Total	\$1,000
				2007	ALTRIA	\$500		
					BAILEYS S & M BRANDS	\$750	2007 Total	\$1,250
							Total 99-07	\$4,500
BOLLING, WILLIAM T (BILL)	R	LT		1999	PHILIP MORRIS	\$1,500		
					UNIVERSAL LEAF	\$250	1999 Total	\$1,750
				2001	ALTRIA	\$1,300	2001 Total	\$1,300
				2003	ALTRIA	\$1,250	2003 Total	\$1,250
				2005	ALTRIA	\$26,000		
					PHILIP MORRIS	\$1,450		
					RJ REYNOLDS TOBACCO	\$1,500		
					SWEDISH MATCH	\$1,950		
					SWISHER	\$250		
					UNIVERSAL LEAF	\$250		
					US SMOKELESS	\$8,600	2005 Total	\$40,000
							Total 99-07	\$44,300
BOLVIN, THOMAS M	R	H	43	1999	PHILIP MORRIS	\$500	1999 Total	\$500
				2001	ALTRIA	\$900		
					RJ REYNOLDS TOBACCO	\$250	2001 Total	\$1,150
				2003	ALTRIA	\$1,000	2003 Total	\$1,000
							Total 99-07	\$2,650
BOWLING, DANNY C (DAN)	D	H	3	2007	ALTRIA	\$750		
					BAILEYS S & M BRANDS	\$750	2007 Total	\$1,500
							Total 99-07	\$1,500
BRINK, ROBERT H	D	H	48	2005	ALTRIA	\$750		
					S & M BRANDS	\$500	2005 Total	\$1,250
				2007	ALTRIA	\$500		
					BAILEYS S & M BRANDS	\$250	2007 Total	\$750
							Total 99-07	\$2,000
BRYANT JR, L PRESTON	R	H	23	2001	ALTRIA	\$900		
					CONCERNED FRIENDS	\$250	2001 Total	\$1,150
				2003	ALTRIA	\$1,000		
					CONCERNED FRIENDS	\$250	2003 Total	\$1,250
				2005	ALTRIA	\$500		
					CONCERNED FRIENDS	(\$100)		
					S & M BRANDS	\$750		
					US SMOKELESS	\$500	2005 Total	\$1,650
							Total 99-07	\$4,050
BULOVA, DAVID L	D	H	37	2005	ALTRIA	\$500	2005 Total	\$500
				2007	ALTRIA	\$250		
					BAILEYS S & M BRANDS	\$750	2007 Total	\$1,000
							Total 99-07	\$1,500
BYRNE, LESLIE L	D	LT		1999	PHILIP MORRIS	\$1,000	1999 Total	\$1,000
				2005	PHILIP MORRIS	\$500	2005 Total	\$500
							Total 99-07	\$1,500
BYRON, KATHY J	R	H	22	1999	PHILIP MORRIS	\$1,500	1999 Total	\$1,500
				2001	ALTRIA	\$900		
					BRYANT III, CLARENCE D	\$200		
					CONCERNED FRIENDS	\$250	2001 Total	\$1,350
				2003	ALTRIA	\$1,000		
					CONCERNED FRIENDS	\$250		
					US SMOKELESS	\$500	2003 Total	\$1,750
				2005	ALTRIA	\$1,000		
					LORILLARD TOBACCO	\$500		
					S & M BRANDS	\$500	2005 Total	\$2,000

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				2007	ALTRIA BAILEYS S & M BRANDS SWEDISH MATCH US SMOKELESS	\$1,000 \$250 \$500 \$2,000	2007 Total Total 99-07	\$3,750 \$10,350
CALLAHAN JR, VINCENT F	R	H	34	1999	PHILIP MORRIS UNIVERSAL LEAF	\$1,250 \$250	1999 Total	\$1,500
				2001	ALTRIA RJ REYNOLDS TOBACCO	\$900 \$500	2001 Total	\$1,400
				2003	ALTRIA	\$1,750	2003 Total	\$1,750
				2005	ALTRIA S & M BRANDS	\$2,000 \$500	2005 Total Total 99-07	\$2,500 \$7,150
CANTOR, ERIC I	R	H	73	1999	BROWN & WILLIAMSON PHILIP MORRIS	\$200 \$1,000	1999 Total	\$1,700
				2001	UNIVERSAL LEAF US SMOKELESS	\$500 \$300	2001 Total Total 99-07	\$300 \$2,000
CAPUTO, C CHUCK	D	H	67	2007	ALTRIA BAILEYS S & M BRANDS REYNOLDS AMERICAN RJ REYNOLDS TOBACCO SWEDISH MATCH US SMOKELESS	\$500 \$1,000 \$250 \$250 \$250 \$1,000	2007 Total Total 99-07	\$3,250 \$3,250
CARRICO, C W (BILL)	R	H	5	2003	ALTRIA RJ REYNOLDS TOBACCO	\$1,500 \$250	2003 Total	\$1,750
				2005	ALTRIA S & M BRANDS	\$750 \$500	2005 Total	\$1,250
				2007	ALTRIA BAILEYS S & M BRANDS RJ REYNOLDS TOBACCO	\$500 \$500 \$250	2007 Total Total 99-07	\$1,250 \$4,250
CHICHESTER, JOHN H	R	S	28	1999	BROWN & WILLIAMSON PHILIP MORRIS	\$730 \$2,500	1999 Total	\$3,230
				2001	ALTRIA BROWN & WILLIAMSON	\$1,500 \$457	2001 Total	\$1,957
				2003	ALTRIA RJ REYNOLDS TOBACCO US SMOKELESS	\$2,000 \$500 \$1,000	2003 Total	\$3,500
				2005	ALTRIA US SMOKELESS	\$2,000 \$3,000	2005 Total Total 99-07	\$5,000 \$13,687
CHRISLEY, BARBARA M	R	H	7	1999	PHILIP MORRIS	\$6,000	1999 Total Total 99-07	\$6,000 \$6,000
CHRISTOPHER, SUPRIYA	D	H	84	2005	PHILIP MORRIS	\$250	2005 Total Total 99-07	\$250 \$250
CLEMENT, WHITT W	D	AG		1999	CONCERNED FRIENDS PHILIP MORRIS	\$300 \$1,250	1999 Total	\$1,800
				2001	PRODUCERS TOBACCO ALTRIA BROWN & WILLIAMSON CONCERNED FRIENDS DIMON INC MAYHEW, BUDDY PIEDMONT BIG SALE PIEDMONT WAREHOUSE PRODUCERS TOBACCO RJ REYNOLDS TOBACCO UNIVERSAL LEAF US SMOKELESS	\$250 \$500 \$750 \$500 \$21,500 \$200 \$1,025 \$250 \$500 \$1,250 \$50 \$11,500	2001 Total	\$38,025

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total	
							Total 99-07	\$39,825	
CLINE, BEN L	R	H	24	2003	ALTRIA	\$500	2003 Total	\$1,500	
					CONCERNED FRIENDS	\$250			
					DAVIS JR, JOHN T	\$250			
				2005	RJ REYNOLDS TOBACCO	\$250	2005 Total	\$1,250	
					SMOKELESS TOBACCO	\$250			
					ALTRIA	\$250			
				2007	CONCERNED FRIENDS	\$250	2007 Total	\$1,500	
					S & M BRANDS	\$750			
					ALTRIA	\$1,000			
						Total 99-07	\$4,250		
COLE, MARK L	R	H	88	2003	ALTRIA	\$2,000	2003 Total	\$2,750	
					US SMOKELESS	\$750			
					ALTRIA	\$1,000			
				2005	LORILLARD TOBACCO	\$500	2005 Total	\$1,750	
					RJ REYNOLDS TOBACCO	\$250			
					ALTRIA	\$1,000			
				2007	REYNOLDS AMERICAN	\$500	2007 Total	\$2,900	
					SWEDISH MATCH	\$500			
					SWISHER	\$150			
						Total 99-07	\$7,400		
COLGAN SR, CHARLES J	D	S	29	1999	PHILIP MORRIS	\$1,000	1999 Total	\$1,000	
					2001	ALTRIA	\$500	2001 Total	\$500
						ALTRIA	\$500		
				2003	RJ REYNOLDS TOBACCO	\$500	2003 Total	\$1,500	
					US SMOKELESS	\$500			
					ALTRIA	\$500			
				2005	RJ REYNOLDS TOBACCO	\$500	2005 Total	\$1,000	
					ALTRIA	\$2,000			
					BAILEYS S & M BRANDS	\$1,000			
				2007	REYNOLDS AMERICAN	\$500	2007 Total	\$6,250	
					SWEDISH MATCH	\$250			
					US SMOKELESS	\$2,500			
						Total 99-07	\$10,250		
CONNAUGHTON, SEAN T	R	LT		2005	UNIVERSAL LEAF	\$6,000	2005 Total	\$13,500	
					US SMOKELESS	\$7,500			
						Total 99-07	\$13,500		
CONRAD, JOHN	I	H	68	2001	US SMOKELESS	\$1,000	2001 Total	\$1,000	
						Total 99-07	\$1,000		
COSGROVE JR, JOHN A	R	H	78	2003	ALTRIA	\$1,000	2003 Total	\$1,000	
					RJ REYNOLDS TOBACCO	\$250	2005 Total	\$250	
				2007	ALTRIA	\$1,500	2007 Total	\$1,500	
						Total 99-07	\$2,750		
COUNCILL JR, J PAUL	D	H	75	2001	ALTRIA	\$750	2001 Total	\$750	
					ALTRIA	\$500	2003 Total	\$500	
				2003			Total 99-07	\$1,250	
COX, M KIRKLAND (KIRK)	R	H	66	1999	PHILIP MORRIS	\$908	1999 Total	\$1,158	
					UNIVERSAL LEAF	\$250			
					ALTRIA	\$2,000			
				2001	RJ REYNOLDS TOBACCO	\$250	2001 Total	\$2,250	
					ALTRIA	\$1,250			
				2003	US SMOKELESS	\$250	2003 Total	\$1,500	
					ALTRIA	\$2,500			
				2005	CONWOOD CO	\$250	2005 Total	\$5,000	
					RJ REYNOLDS TOBACCO	\$500			
					SWISHER	\$250			
				2007	US SMOKELESS	\$1,500	2007 Total	\$5,000	
					ALTRIA	\$2,000			
BAILEYS S & M BRANDS	\$500								

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total
					REYNOLDS AMERICAN	\$500	2007 Total Total 99-07	\$3,650 \$13,558
					RJ REYNOLDS TOBACCO	\$500		
					SWISHER	\$150		
CRADDOCK, CHRIS S	R	H	67	2005	ALTRIA	\$500	2005 Total Total 99-07	\$1,250 \$1,250
					S & M BRANDS	\$750		
CRANWELL, C RICHARD (DICK)	D	H	11	1999	LORILLARD TOBACCO	\$1,500	1999 Total 2001 Total Total 99-07	\$6,500 \$2,500 \$9,000
				2001	RJ REYNOLDS TOBACCO	\$5,000		
					ALTRIA	\$2,500		
CROCKETT-STARK, ANNE B	R	H	6	2007	ALTRIA	\$250	2007 Total Total 99-07	\$1,250 \$1,250
					BAILEYS S & M BRANDS	\$1,000		
CROSHAW, GLENN R	D	H	81	1999	PHILIP MORRIS	\$1,000	1999 Total Total 99-07	\$1,750 \$1,750
					RJ REYNOLDS TOBACCO	\$250		
					SWEDISH MATCH	\$500		
CUCCINELLI II, KENNETH T	R	S	37	2003	ALTRIA	\$500	2003 Total	\$950
					RJ REYNOLDS TOBACCO	\$450		
				2005	ALTRIA	\$750	2005 Total	\$900
					PHILIP MORRIS	\$150		
				2007	ALTRIA	\$1,250	2007 Total Total 99-07	\$3,500 \$5,350
					BAILEYS S & M BRANDS	\$1,000		
					REYNOLDS AMERICAN	\$500		
	RJ REYNOLDS TOBACCO	\$750						
DANCE, ROSALYN R	D	H	63	2001	ALTRIA	\$250	2001 Total	\$250
				2005	S & M BRANDS	\$1,000	2005 Total	\$1,000
				2007	ALTRIA	\$1,000	2007 Total Total 99-07	\$1,250 \$2,500
					BAILEYS S & M BRANDS	\$250		
DAVIS, JEANNEMARIE	R	S	34	2003	ALTRIA	\$1,750	2003 Total	\$1,750
				2005	ALTRIA	\$1,000	2005 Total	\$1,000
				2007	ALTRIA	\$500	2007 Total Total 99-07	\$1,500 \$4,250
					BAILEYS S & M BRANDS	\$1,000		
DAY, BARNIE K	D	H	10	1999	CONCERNED FRIENDS	\$200	1999 Total	\$1,950
					PHILIP MORRIS	\$1,750		
				2001	ALTRIA	\$2,000	2001 Total Total 99-07	\$2,250 \$4,200
					RJ REYNOLDS TOBACCO	\$250		
DEBOER, JAY WAYNE	D	H	63	1999	PHILIP MORRIS	\$1,250	1999 Total	\$1,750
					RJ REYNOLDS TOBACCO	\$500	2001 Total	\$500
				2001	ALTRIA	\$500	Total 99-07	\$2,250
DEEDS, R CREIGH	D	S	25	1999	PHILIP MORRIS	\$1,250	1999 Total	\$1,750
					RJ REYNOLDS TOBACCO	\$500		
				2001	ALTRIA	\$650	2001 Total	\$650
				2003	ALTRIA	\$750	2003 Total	\$750
				2005	ALTRIA	\$6,500	2005 Total	\$28,750
					CONCERNED FRIENDS	\$500		
					PHILIP MORRIS	\$750		
				2007	S & M BRANDS	\$21,000	2007 Total Total 99-07	\$3,250 \$35,150
					ALTRIA	\$2,000		
					BAILEYS S & M BRANDS	\$1,000		
RJ REYNOLDS TOBACCO	\$250							
DEFUR, PETER L	D	H	56	2005	UNIVERSAL LEAF	\$500	2005 Total Total 99-07	\$500 \$500

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total
DIAMONSTEIN, ALAN A	D	H	94	1999	PHILIP MORRIS	\$1,250	1999 Total 2001 Total Total 99-07	\$2,250 \$500 \$2,750
					SMOKELESS TOBACCO	\$500		
					SWEDISH MATCH	\$500		
				2001	RJ REYNOLDS TOBACCO	\$500		
DICKINSON, V EARL	D	H	56	2001	ALTRIA	\$500	2001 Total Total 99-07	\$750 \$750
					UNIVERSAL LEAF	\$250		
DILLARD II, JAMES H (JIM)	R	H	41	1999	PHILIP MORRIS	\$1,500	1999 Total 2001 Total 2003 Total Total 99-07	\$2,500 \$900 \$900 \$4,300
					RJ REYNOLDS TOBACCO	\$1,000		
				2001	ALTRIA	\$900		
				2003	ALTRIA	\$900		
DIX JR, THOMAS B	R	H	100	2003	ALTRIA	\$500	2003 Total Total 99-07	\$500 \$500
DRAKE, THELMA D	R	H	87	2001	ALTRIA	\$1,750	2001 Total 2003 Total Total 99-07	\$2,250 \$2,750 \$5,000
					RJ REYNOLDS TOBACCO	\$500		
				2003	ALTRIA	\$1,750		
					RJ REYNOLDS TOBACCO	\$250		
					SMOKELESS TOBACCO	\$250		
					US SMOKELESS	\$500		
DUDLEY, ALLEN W	R	H	9	1999	CONCERNED FRIENDS	\$500	1999 Total 2001 Total 2003 Total 2005 Total Total 99-07	\$3,100 \$1,850 \$1,500 \$2,750 \$9,200
					PHILIP MORRIS	\$2,250		
					RJ REYNOLDS TOBACCO	\$250		
					VIRGINIA TOBACCO	\$100		
				2001	ALTRIA	\$1,150		
					BRYANT III, CLARENCE D	\$200		
					CONCERNED FRIENDS	\$250		
					RJ REYNOLDS TOBACCO	\$250		
				2003	ALTRIA	\$1,000		
					CONCERNED FRIENDS	\$250		
					RJ REYNOLDS TOBACCO	\$250		
				2005	ALTRIA	\$1,000		
					CONCERNED FRIENDS	\$500		
					LORILLARD TOBACCO	\$500		
	RJ REYNOLDS TOBACCO	\$250						
	S & M BRANDS	\$500						
EARLEY, MARK L	R	G		1999	RJ REYNOLDS TOBACCO	\$500	1999 Total 2001 Total Total 99-07	\$500 \$114,842 \$115,342
				2001	ALTRIA	\$50,000		
					BROWN & WILLIAMSON	\$5,000		
					BRYANT III, CLARENCE D	\$600		
					CONCERNED FRIENDS	\$1,500		
					DIMON INC	\$4,500		
					GOLDEN LEAF FARMS	\$25,000		
					LORILLARD TOBACCO	\$10,000		
					MOTLEYS TOBACCO	\$500		
					PHILIP MORRIS	\$3,242		
					TOBACCO TECH INC	\$250		
					UNIVERSAL LEAF	\$1,500		
					US SMOKELESS	\$12,750		
EBBIN, ADAM P	D	H	49	2005	ALTRIA	\$1,000	2005 Total 2007 Total Total 99-07	\$1,500 \$750 \$2,250
					S & M BRANDS	\$500		
				2007	ALTRIA	\$500		
					BAILEYS S & M BRANDS	\$250		
EDWARDS, JOHN S	D	S	21	1999	PHILIP MORRIS	\$1,250	1999 Total 2001 Total	\$1,250 \$1,500
				2001	ALTRIA	\$500		
					RJ REYNOLDS TOBACCO	\$1,000		

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total
				2003	ALTRIA	\$500	2003 Total	\$500
				2005	ALTRIA	\$2,000	2005 Total	\$2,000
				2007	ALTRIA	\$1,000	2007 Total	\$1,750
					BAILEYS S & M BRANDS	\$750	Total 99-07	\$7,000
ENGLIN, DAVID L	D	H	45	2005	S & M BRANDS	\$500	2005 Total	\$500
				2007	ALTRIA	\$500	2007 Total	\$1,250
					BAILEYS S & M BRANDS	\$750	Total 99-07	\$1,750
FORBES, J RANDY	R	LT		1999	OLD DOMINION	\$500	1999 Total	\$2,000
					PHILIP MORRIS	\$1,500	2001 Total	\$1,750
				2001	ALTRIA	\$1,500	Total 99-07	\$3,750
					RJ REYNOLDS TOBACCO	\$250		
FRALIN JR, WILLIAM H	R	H	17	1999	BROWN & WILLIAMSON	\$1,000	1999 Total	\$2,000
					LORILLARD TOBACCO	\$500	2003 Total	\$500
					SMOKELESS TOBACCO	\$500	2005 Total	\$1,250
				2003	ALTRIA	\$500	2007 Total	\$1,250
				2005	ALTRIA	\$750	Total 99-07	\$5,000
					S & M BRANDS	\$500		
				2007	ALTRIA	\$1,000		
					BAILEYS S & M BRANDS	\$250		
FREDERICK, JEFFERY M	R	H	52	2003	ALTRIA	\$500	2003 Total	\$500
				2005	ALTRIA	\$1,000	2005 Total	\$2,800
					LORILLARD TOBACCO	\$500		
					PHILIP MORRIS	\$50		
					RJ REYNOLDS TOBACCO	\$750		
					S & M BRANDS	\$500		
				2007	ALTRIA	\$1,000	2007 Total	\$3,750
					BAILEYS S & M BRANDS	\$1,000	Total 99-07	\$7,050
					LORILLARD TOBACCO	\$500		
					REYNOLDS AMERICAN	\$500		
					SWEDISH MATCH	\$250		
					US SMOKELESS	\$500		
GEAR, THOMAS D	R	H	91	2001	ALTRIA	\$250	2001 Total	\$250
				2003	ALTRIA	\$1,250	2003 Total	\$1,250
				2005	ALTRIA	\$1,000	2005 Total	\$2,000
					S & M BRANDS	\$1,000		
				2007	ALTRIA	\$1,938	2007 Total	\$4,938
					BAILEYS S & M BRANDS	\$250	Total 99-07	\$8,438
					CIGAR ASSOC OF	\$1,000		
					REYNOLDS AMERICAN	\$1,000		
					SWEDISH MATCH	\$250		
					US SMOKELESS	\$500		
GILBERT, C TODD	R	H	15	2005	ALTRIA	\$500	2005 Total	\$1,250
					S & M BRANDS	\$750		
				2007	ALTRIA	\$1,000	2007 Total	\$1,250
					BAILEYS S & M BRANDS	\$250	Total 99-07	\$2,500
GLAISE, JOYCE E	D	H	14	2001	CONCERNED FRIENDS	\$100	2001 Total	\$100
							Total 99-07	\$100

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total				
GRIFFITH, H MORGAN	R	H	8	1999	PHILIP MORRIS	\$1,250	1999 Total	\$1,250				
				2001	ALTRIA	\$1,000						
				2001	RJ REYNOLDS TOBACCO	\$500	2001 Total	\$1,750				
					US SMOKELESS	\$250						
				2003	ALTRIA	\$2,500	2003 Total	\$4,000				
					RJ REYNOLDS TOBACCO	\$1,000						
				2005	US SMOKELESS	\$500	2005 Total	\$6,250				
					ALTRIA	\$2,500						
				2007	RJ REYNOLDS TOBACCO	\$2,500	2007 Total	\$2,900				
					S & M BRANDS	\$750						
					US SMOKELESS	\$500						
					ALTRIA	\$1,000						
									BAILEYS S & M BRANDS	\$750	2007 Total	\$2,900
									CIGAR ASSOC OF SWISHER	\$150		
					Total 99-07		\$16,150					
HAGER, JOHN	R	G		1999	ALTRIA	\$13,215	1999 Total	\$53,898				
					ASTRA TOBACCO CORP	\$300						
					BROWN & WILLIAMSON	\$10,000						
					GF VAUGHAN TOBACCO	\$10,000						
					PHILIP MORRIS	\$150						
					RJ REYNOLDS TOBACCO	\$5,000						
					SMART MACHINE	\$1,000						
					SMOKELESS TOBACCO	\$200						
					UNIVERSAL LEAF	\$8,783						
					US TOBACCO	\$5,250						
				2001	ALTRIA	\$5,000						
					BROWN & WILLIAMSON	\$6,200						
					CIGAR ASSOC OF	\$3,500						
					DIMON INC	\$3,100						
					GOLDEN LEAF FARMS	\$250						
					PHILIP MORRIS	\$1,600						
					PIEDMONT BIG SALE	\$1,000						
					ROBERTS, PAGE S	\$100						
					STANDARD	\$750						
					STAR TOBACCO CO	\$200						
					TOBACCO ROW	\$1,000						
					TOBACCO TECH INC	\$500						
					TOBACCO TECHNOLOGY	\$200						
					UNIVERSAL LEAF	\$1,100						
				US SMOKELESS	\$12,250							
				US TOBACCO	\$1,000							
					2001 Total		\$37,750					
					Total 99-07		\$91,648					
HAGY, J ANDREW	UNK	H	56	2001	PHILIP MORRIS	\$250	2001 Total	\$250				
					Total 99-07		\$250					
HALL, FRANKLIN P	D	H	69	1999	PHILIP MORRIS	\$2,000	1999 Total	\$4,250				
					RJ REYNOLDS TOBACCO	\$1,000						
					TOBACCO INSTITUTE	\$250						
					UNIVERSAL LEAF	\$1,000						
				2001	ALTRIA	\$1,500	2001 Total	\$2,250				
					US SMOKELESS	\$750						
				2003	ALTRIA	\$2,500	2003 Total	\$4,000				
					RJ REYNOLDS TOBACCO	\$1,000						
				2005	US SMOKELESS	\$500	2005 Total	\$16,500				
					ALTRIA	\$10,000						
				2007	LORILLARD TOBACCO	\$500						
					RJ REYNOLDS TOBACCO	\$5,000						
					US SMOKELESS	\$1,000						
					ALTRIA	\$4,000						
					REYNOLDS AMERICAN	\$1,500						
					RJ REYNOLDS TOBACCO	\$1,000						

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total
					SWISHER	\$150		
					UNIVERSAL LEAF	\$1,500		
					US SMOKELESS	\$1,000	2007 Total	\$9,150
							Total 99-07	\$36,150
HAMILTON, PHILLIP A	R	H	93	1999	PHILIP MORRIS	\$1,263	1999 Total	\$2,078
				2001	RJ REYNOLDS TOBACCO	\$815		
					ALTRIA	\$2,173	2001 Total	\$3,074
				2003	RJ REYNOLDS TOBACCO	\$901		
					ALTRIA	\$807	2003 Total	\$1,271
				2005	RJ REYNOLDS TOBACCO	\$464		
					ALTRIA	\$500	2005 Total	\$3,241
				2007	RJ REYNOLDS TOBACCO	\$241		
					S & M BRANDS	\$2,500	2007 Total	\$3,332
					ALTRIA	\$500	Total 99-07	\$12,996
					BAILEYS S & M BRANDS	\$1,000		
					RJ REYNOLDS TOBACCO	\$832		
					US SMOKELESS	\$1,000		
HANGER JR, EMMETT W	R	S	24	1999	PHILIP MORRIS	\$1,250	1999 Total	\$1,250
				2001	ALTRIA	\$500	2001 Total	\$500
				2003	ALTRIA	\$1,000	2003 Total	\$2,000
					US SMOKELESS	\$1,000		
				2005	ALTRIA	\$750	2005 Total	\$1,750
					S & M BRANDS	\$1,000		
				2007	ALTRIA	\$1,250		
					BAILEYS S & M BRANDS	\$1,500		
					CONCERNED FRIENDS	\$250		
					REYNOLDS AMERICAN	\$500		
					SWISHER	\$200		
					US SMOKELESS	\$1,500	2007 Total	\$5,200
							Total 99-07	\$10,700
HARGROVE SR, FRANK D	R	H	55	2005	ALTRIA	\$250	2005 Total	\$1,000
					S & M BRANDS	\$750		
				2007	ALTRIA	\$1,000	2007 Total	\$1,250
					BAILEYS S & M BRANDS	\$250	Total 99-07	\$2,250
HARRIS, PAUL C	R	H	58	1999	PHILIP MORRIS	\$1,200	1999 Total	\$1,200
				2001	ALTRIA	\$500	2001 Total	\$500
							Total 99-07	\$1,700
HAWKINS, CHARLES R	R	S	19	1999	CONCERNED FRIENDS	\$1,000	1999 Total	\$3,500
					PHILIP MORRIS	\$2,500	2001 Total	\$1,000
				2001	ALTRIA	\$1,000		
				2003	ALTRIA	\$1,250		
					BIG SALE WAREHOUSE	\$500		
					BRYANT III, CLARENCE D	\$500		
					CONCERNED FRIENDS	\$1,500		
					DIMON INC	\$700		
					EMERSON JR, IRYE R	\$100		
					MAYHEW, BUDDY	\$500		
					PIEDMONT WAREHOUSE	\$100		
					SMOKELESS TOBACCO	\$300		
					US SMOKELESS	\$500	2003 Total	\$5,950
				2005	ALTRIA	\$1,000		
					RJ REYNOLDS TOBACCO	\$500	2005 Total	\$1,500
							Total 99-07	\$11,950
HERRING, MARK R	D	S	33	2007	BAILEYS S & M BRANDS	\$2,000	2007 Total	\$2,000
							Total 99-07	\$2,000
HOGAN, CLARKE N	R	H	60	2001	CONCERNED FRIENDS	\$250		
					CONNER, LUCY A	\$1,000		
					DAVIS, JOHN T JR	\$250		
					GOLDEN LEAF FARMS	\$500		

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total
				2003	STAR SCIENTIFIC INC	\$500	2001 Total	\$3,300
					STONEY RIDGE FARM	\$100		
					TRIBBLE, GEORGE B	\$500		
					WALLER BROTHERS	\$200		
					ALTRIA	\$1,500		
					CONCERNED FRIENDS	\$250		
					S & M BRANDS	\$3,000		
					SMOKELESS TOBACCO	\$250		
					SMOKIN HILL FARMS	\$150		
					VIRGINIA BRANDS LLC	\$500		
				2005	S & M BRANDS	\$2,500	2003 Total	\$5,650
					VIRGINIA BRANDS LLC	\$1,000	2005 Total	\$3,500
				2007	ALTRIA	\$1,000	2007 Total	\$3,500
					BAILEYS S & M BRANDS	\$2,500	Total 99-07	\$15,950
HOLLAND, RICHARD J	D	S	15	1999	CONCERNED FRIENDS	\$250	1999 Total	\$2,750
					PHILIP MORRIS	\$1,000		
					RJ REYNOLDS TOBACCO	\$1,000		
					TOBACCO WAREHOUSE	\$500		
							Total 99-07	\$2,750
HORNE, EARL O	D	H	61	1999	CIRCLE W FARMS INC	\$200	1999 Total	\$200
							Total 99-07	\$200
HOUCK, R EDWARD (EDD)	D	S	17	1999	PHILIP MORRIS	\$1,250	1999 Total	\$2,250
					RJ REYNOLDS TOBACCO	\$1,000		
				2001	ALTRIA	\$1,750	2001 Total	\$1,750
				2003	ALTRIA	\$1,000	2003 Total	\$1,750
					RJ REYNOLDS TOBACCO	\$500		
					US SMOKELESS	\$250		
				2005	ALTRIA	\$2,000	2005 Total	\$2,000
				2007	ALTRIA	\$1,250	2007 Total	\$4,750
					BAILEYS S & M BRANDS	\$750		
					CONCERNED FRIENDS	\$250		
					REYNOLDS AMERICAN	\$500		
					SWEDISH MATCH	\$500		
					US SMOKELESS	\$1,500		
							Total 99-07	\$12,500
HOWELL JR, ALGIE T	D	H	90	2005	ALTRIA	\$500	2005 Total	\$1,250
					S & M BRANDS	\$750		
				2007	ALTRIA	\$500	2007 Total	\$750
					BAILEYS S & M BRANDS	\$250		
							Total 99-07	\$2,000
HOWELL, JANET D	D	S	32	2007	BAILEYS S & M BRANDS	\$750	2007 Total	\$2,750
					SWEDISH MATCH	\$500		
					US SMOKELESS	\$1,500		
							Total 99-07	\$2,750
HOWELL, WILLIAM J	R	H	28	1999	PHILIP MORRIS	\$1,000	1999 Total	\$1,000
				2001	ALTRIA	\$900	2001 Total	\$1,400
					RJ REYNOLDS TOBACCO	\$500		
				2003	ALTRIA	\$500	2003 Total	\$1,500
					US SMOKELESS	\$1,000		
				2005	RJ REYNOLDS TOBACCO	\$1,000	2005 Total	\$3,500
					S & M BRANDS	\$2,500		
				2007	BAILEYS S & M BRANDS	\$5,000	2007 Total	\$5,000
							Total 99-07	\$12,400
HUGO, TIMOTHY D	R	H	40	2003	ALTRIA	\$1,000	2003 Total	\$1,000
				2005	ALTRIA	\$1,000	2005 Total	\$3,250
					LORILLARD TOBACCO	\$1,000		
					RJ REYNOLDS TOBACCO	\$250		
					S & M BRANDS	\$1,000		
					ALTRIA	\$1,000		
				2007	BAILEYS S & M BRANDS	\$1,000		

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total
					REYNOLDS AMERICAN US SMOKELESS	\$750 \$2,750	2007 Total Total 99-07	\$5,500 \$9,750
HULL, ROBERT D (BOB)	D	H	38	2005 2007	ALTRIA S & M BRANDS ALTRIA BAILEYS S & M BRANDS REYNOLDS AMERICAN RJ REYNOLDS TOBACCO US SMOKELESS	\$750 \$1,500 \$1,000 \$250 \$250 \$250 \$750	2005 Total 2007 Total Total 99-07	\$2,250 \$2,500 \$4,750
HURT, ROBERT	R	S	19	2001 2003 2005 2007	BRYANT III, CLARENCE D CONCERNED FRIENDS DALTON, PRINDLE C MOTLEYS TOBACCO ALTRIA BRYANT III, CLARENCE D DIMON INC EMERSON JR, IRYE R PIEDMONT BIG SALE RJ REYNOLDS TOBACCO US SMOKELESS ALTRIA CONCERNED FRIENDS S & M BRANDS US SMOKELESS ALTRIA BAILEYS S & M BRANDS CONCERNED FRIENDS	\$200 \$250 \$250 \$250 \$1,500 \$100 \$250 \$100 \$250 \$250 \$500 \$1,000 \$250 \$500 \$500 \$750 \$2,000 \$500	2001 Total 2003 Total 2005 Total 2007 Total Total 99-07	\$950 \$2,950 \$2,250 \$3,250 \$9,400
IAQUINTO, SAL R	R	H	84	2005 2007	ALTRIA RJ REYNOLDS TOBACCO ALTRIA	\$500 \$250 \$500	2005 Total 2007 Total Total 99-07	\$750 \$500 \$1,250
INGRAM, RILEY EDWARD	R	H	62	2001 2003 2005 2007	ALTRIA RJ REYNOLDS TOBACCO ALTRIA RJ REYNOLDS TOBACCO ALTRIA RJ REYNOLDS TOBACCO ALTRIA REYNOLDS AMERICAN RJ REYNOLDS TOBACCO	\$2,718 \$610 \$3,216 \$725 \$5,100 \$688 \$2,148 \$685 \$130	2001 Total 2003 Total 2005 Total 2007 Total Total 99-07	\$3,328 \$3,941 \$5,788 \$2,963 \$16,020
JACKSON JR, THOMAS M	D	H	10	1999 2001	PHILIP MORRIS ALTRIA RJ REYNOLDS TOBACCO	\$1,000 \$500 \$250	1999 Total 2001 Total Total 99-07	\$1,000 \$750 \$1,750
JANIS, W R (BILL)	R	H	56	2001 2003 2005 2007	ALTRIA ALTRIA SMOKELESS TOBACCO ALTRIA CHEROKEE TOBACCO LORILLARD TOBACCO PHILIP MORRIS RJ REYNOLDS TOBACCO S & M BRANDS SWISHER US SMOKELESS ALTRIA BAILEYS S & M BRANDS	\$250 \$1,250 \$150 \$1,500 \$1,000 \$500 \$250 \$500 \$1,000 \$150 \$250 \$1,250 \$1,000	2001 Total 2003 Total 2005 Total	\$250 \$1,400 \$5,150

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total
					REYNOLDS AMERICAN	\$250		
					SWEDISH MATCH	\$250		
					SWISHER	\$150		
					US SMOKELESS	\$250	2007 Total	\$3,150
							Total 99-07	\$9,950
JOANNOU, JOHNNY S	D	H	79	2001	RJ REYNOLDS TOBACCO	\$250	2001 Total	\$250
				2003	ALTRIA	\$500		
					RJ REYNOLDS TOBACCO	\$250		
					US SMOKELESS	\$500	2003 Total	\$1,250
				2005	RJ REYNOLDS TOBACCO	\$1,000		
					S & M BRANDS	\$500		
					SWISHER	\$150		
					US SMOKELESS	\$1,000	2005 Total	\$2,650
				2007	ALTRIA	\$500		
					BAILEYS S & M BRANDS	\$1,000		
					REYNOLDS AMERICAN	\$2,500		
					RJ REYNOLDS TOBACCO	\$250		
					SWISHER	\$150	2007 Total	\$4,400
							Total 99-07	\$8,550
JOHNSON JR, JOSEPH P	D	H	4	2001	ALTRIA	\$1,250	2001 Total	\$1,250
				2003	ALTRIA	\$750		
					CONCERNED FRIENDS	\$250	2003 Total	\$1,000
				2005	ALTRIA	\$500		
					S & M BRANDS	\$1,000	2005 Total	\$1,500
				2007	ALTRIA	\$500		
					US SMOKELESS	\$500	2007 Total	\$1,000
							Total 99-07	\$4,750
JONES, DWIGHT C	D	H	70	2001	ALTRIA	\$250	2001 Total	\$250
				2003	ALTRIA	\$750	2003 Total	\$750
				2005	ALTRIA	\$1,000		
					RJ REYNOLDS TOBACCO	\$250		
					S & M BRANDS	\$750	2005 Total	\$2,000
				2007	ALTRIA	\$1,500		
					BAILEYS S & M BRANDS	\$500	2007 Total	\$2,000
							Total 99-07	\$5,000
JONES, JERRAULD C	D	H	89	1999	PHILIP MORRIS	\$500	1999 Total	\$500
							Total 99-07	\$500
JONES, S CHRIS	R	H	76	2001	ALTRIA	\$250	2001 Total	\$500
					RJ REYNOLDS TOBACCO	\$250	2001 Total	\$500
				2003	ALTRIA	\$1,000	2003 Total	\$1,000
				2005	ALTRIA	\$1,000		
					S & M BRANDS	\$500	2005 Total	\$1,500
				2007	ALTRIA	\$500		
					BAILEYS S & M BRANDS	\$250	2007 Total	\$750
							Total 99-07	\$3,750
KAINE, TIMOTHY M	D	G		2001	ALTRIA	\$3,000		
					LORILLARD TOBACCO	\$2,500		
					PHILIP MORRIS	\$3,900		
					TOBACCO ROW	\$1,750		
					UNIVERSAL LEAF	\$1,000		
					US SMOKELESS	\$12,250	2001 Total	\$24,400
				2003	UNIVERSAL LEAF	\$2,500	2003 Total	\$2,500
				2005	ALTRIA	\$50,000		
					CONCERNED FRIENDS	\$1,000		
					PHILIP MORRIS	\$3,125		
					TOBACCO CO	\$4,000		
					UNIVERSAL LEAF	\$17,000		
					US SMOKELESS	\$30,000	2005 Total	\$105,125
							Total 99-07	\$132,025
KATZEN, JAY K	R	LT		1999	PHILIP MORRIS	\$500		
					RJ REYNOLDS TOBACCO	\$250	1999 Total	\$750

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total						
				2001	ALTRIA BROWN & WILLIAMSON CONCERNED FRIENDS PHILIP MORRIS SMOKELESS TOBACCO	\$4,000 \$500 \$1,000 \$100 \$500	2001 Total Total 99-07	\$6,100 \$6,850						
KEATING, GLADYS B	R	H	43	1999	PHILIP MORRIS	\$500	1999 Total Total 99-07	\$500 \$500						
KEEL, WILLIAM E	D	H	61	2001	STAR SCIENTIFIC INC	\$2,000	2001 Total Total 99-07	\$2,000 \$2,000						
KEISTER, W B (BENNY)	D	H	7	1999	PHILIP MORRIS SWEDISH MATCH	\$1,250 \$500	1999 Total	\$1,750						
				2001	ALTRIA RJ REYNOLDS TOBACCO	\$900 \$500	2001 Total	\$1,400						
	D	H	6	2003	ALTRIA RJ REYNOLDS TOBACCO	\$900 \$500	2003 Total	\$1,400						
				2005	S & M BRANDS	\$1,250	2005 Total	\$1,250						
				Total 99-07		\$4,050								
KILGORE, JERRY W	R	G		2001	ALTRIA BROWN & WILLIAMSON BRYANT III, CLARENCE D CONCERNED FRIENDS DIMON INC GOLDEN LEAF FARMS LORILLARD TOBACCO PHILIP MORRIS S & M BRANDS SMOKELESS TOBACCO US SMOKELESS	\$3,000 \$1,000 \$250 \$1,000 \$1,000 \$10,000 \$2,500 \$1,500 \$500 \$250 \$8,000	2001 Total	\$29,000						
					2003	ALTRIA	\$25,000	2003 Total	\$25,000					
						2005	ALTRIA CHEROKEE TOBACCO CONCERNED FRIENDS PHILIP MORRIS PIEDMONT BIG SALE S & M BRANDS STAR SCIENTIFIC INC SWEDISH MATCH UNIVERSAL LEAF US SMOKELESS	\$56,476 \$250 \$1,000 \$5,200 \$4,000 \$16,270 \$31,463 \$2,500 \$5,844 \$44,217	2005 Total	\$167,220				
					Total 99-07			\$221,220						
					KILGORE, TERRY G		R	H	1	1999	CONCERNED FRIENDS PHILIP MORRIS	\$200 \$750	1999 Total	\$950
										2001	ALTRIA CONCERNED FRIENDS	\$900 \$250	2001 Total	\$1,150
										2003	ALTRIA CONCERNED FRIENDS	\$1,000 \$250	2003 Total	\$3,250
											GOLDEN LEAF FARMS	\$2,000		
										2005	ALTRIA CONCERNED FRIENDS LORILLARD TOBACCO	\$1,500 \$250 \$500	2005 Total	\$3,250
											S & M BRANDS	\$1,000		
						2007				ALTRIA BAILEYS S & M BRANDS	\$1,000 \$500	2007 Total Total 99-07	\$1,500 \$10,100	
					LAMBERT III, BENJAMIN J	D	S	9	1999	PHILIP MORRIS	\$1,750	1999 Total	\$1,750	
									2001	ALTRIA	\$750	2001 Total	\$750	
									2003	ALTRIA TOBACCO CO	\$1,250 \$1,000	2003 Total	\$2,500	
										US SMOKELESS	\$250			
2005	ALTRIA	\$750												

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total
				2007	RJ REYNOLDS TOBACCO BAILEYS S & M BRANDS REYNOLDS AMERICAN US SMOKELESS	\$250 \$750 \$1,000 \$1,000	2005 Total 2007 Total Total 99-07	\$1,000 \$2,750 \$8,750
LANDES, R STEVEN	R	H	25	1999 2001 2003 2005 2007	PHILIP MORRIS ALTRIA ALTRIA ALTRIA RJ REYNOLDS TOBACCO S & M BRANDS ALTRIA BAILEYS S & M BRANDS	\$750 \$400 \$500 \$500 \$750 \$500 \$1,000 \$250	1999 Total 2001 Total 2003 Total 2005 Total 2007 Total Total 99-07	\$750 \$400 \$500 \$1,750 \$1,250 \$4,650
LAPETINA, TROY H	R	H	64	2003 2005	ALTRIA ALTRIA	\$500 \$500	2003 Total 2005 Total Total 99-07	\$500 \$500 \$1,000
LARRABEE, PHIL	R	H	91	1999 2001	PHILIP MORRIS ALTRIA RJ REYNOLDS TOBACCO	\$1,250 \$900 \$250	1999 Total 2001 Total Total 99-07	\$1,250 \$1,150 \$2,400
LEWIS JR, LYNWOOD W	D	H	100	2005 2007	ALTRIA RJ REYNOLDS TOBACCO S & M BRANDS ALTRIA BAILEYS S & M BRANDS REYNOLDS AMERICAN RJ REYNOLDS TOBACCO US SMOKELESS	\$1,250 \$500 \$500 \$1,000 \$250 \$500 \$250 \$1,000	2005 Total 2007 Total Total 99-07	\$2,250 \$3,000 \$5,250
LINGAMFELTER, L SCOTT	R	H	31	2003 2005 2007	ALTRIA RJ REYNOLDS TOBACCO SMOKELESS TOBACCO US SMOKELESS ALTRIA RJ REYNOLDS TOBACCO SWISHER ALTRIA REYNOLDS AMERICAN RJ REYNOLDS TOBACCO SWEDISH MATCH SWISHER US SMOKELESS	\$2,481 \$500 \$300 \$250 \$2,359 \$500 \$150 \$2,240 \$500 \$250 \$750 \$150 \$1,255	2003 Total 2005 Total 2007 Total Total 99-07	\$3,531 \$3,009 \$5,145 \$11,685
LOCKE, MAMIE E	D	S	2	2005 2007	ALTRIA ALTRIA BAILEYS S & M BRANDS	\$750 \$500 \$750	2005 Total 2007 Total Total 99-07	\$750 \$1,250 \$2,000
LOHR, MATTHEW J	R	H	26	2005 2007	ALTRIA S & M BRANDS ALTRIA BAILEYS S & M BRANDS	\$500 \$750 \$1,000 \$500	2005 Total 2007 Total Total 99-07	\$1,250 \$1,500 \$2,750
LOUDERBACK, ALLEN L	R	H	15	1999 2001 2003	PHILIP MORRIS ALTRIA ALTRIA RJ REYNOLDS TOBACCO US SMOKELESS	\$750 \$650 \$2,000 \$500 \$500	1999 Total 2001 Total 2003 Total Total 99-07	\$750 \$650 \$3,000 \$4,400
LOUPASSI, G M (MANOLI)	R	H	68	2007	ALTRIA BAILEYS S & M BRANDS	\$500 \$750	2007 Total	\$1,250

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total
							Total 99-07	\$1,250
LUCAS, L LOUISE	D	S	18	1999	PHILIP MORRIS	\$1,250	1999 Total	\$1,250
				2001	ALTRIA	\$500	2001 Total	\$500
				2003	ALTRIA	\$1,000	2003 Total	\$1,000
				2005	ALTRIA	\$500	2005 Total	\$500
				2007	ALTRIA	\$500		
					BAILEYS S & M BRANDS	\$750		
					RJ REYNOLDS TOBACCO	\$500	2007 Total	\$1,750
						Total 99-07	\$5,000	
MARRS, BRADLEY P	R	H	68	2001	CIGARLADY MAXIMON	\$250		
					PHILIP MORRIS	\$1,250		
					UNIVERSAL LEAF	\$200		
					US SMOKELESS	\$500	2001 Total	\$2,200
				2003	ALTRIA	\$1,500	2003 Total	\$1,500
					ALTRIA	\$1,000		
				2005	RJ REYNOLDS TOBACCO	\$1,250		
						2005 Total	\$3,000	
						Total 99-07	\$6,700	
MARSDEN, DAVE W	D	H	41	2005	ALTRIA	\$500	2005 Total	\$500
				2007	ALTRIA	\$1,000	2007 Total	\$1,000
							Total 99-07	\$1,500
MARSH III, HENRY L	D	S	16	1999	PHILIP MORRIS	\$2,765	1999 Total	\$2,765
				2001	ALTRIA	\$1,948		
					RJ REYNOLDS TOBACCO	\$250	2001 Total	\$2,198
				2003	ALTRIA	\$1,250	2003 Total	\$1,250
				2005	ALTRIA	\$1,000	2005 Total	\$1,000
				2007	ALTRIA	\$1,000		
					BAILEYS S & M BRANDS	\$750		
						2007 Total	\$2,000	
						Total 99-07	\$9,213	
MARSHALL III, DANNY W	R	H	14	2001	CONCERNED FRIENDS	\$250		
					DIMON INC	\$1,630		
					PIEDMONT BIG SALE	\$1,000		
					PIEDMONT WAREHOUSE	\$100	2001 Total	\$2,980
				2003	ALTRIA	\$1,500	2003 Total	\$1,500
					BIG SALE WAREHOUSE	\$3,000		
				2005	S & M BRANDS	\$500		
					SWEDISH MATCH	\$250		
				2007	US SMOKELESS	\$500	2005 Total	\$4,250
					ALTRIA	\$1,000		
	BAILEYS S & M BRANDS	\$1,500						
	CONCERNED FRIENDS	\$250						
	REYNOLDS AMERICAN	\$500	2007 Total	\$3,250				
			Total 99-07	\$11,980				
MARSHALL, ROBERT G (BOB)	R	H	13	2001	ALTRIA	\$1,150	2001 Total	\$1,150
				2003	ALTRIA	\$1,000	2003 Total	\$1,000
				2005	ALTRIA	\$1,000		
					RJ REYNOLDS TOBACCO	\$250	2005 Total	\$1,250
				2007	ALTRIA	\$1,000		
					RJ REYNOLDS TOBACCO	\$250	2007 Total	\$1,250
			Total 99-07	\$4,650				
MARTIN, STEPHEN H	R	S	11	1999	PHILIP MORRIS	\$4,250		
					RJ REYNOLDS TOBACCO	\$500		
					TOBACCO INSTITUTE	\$125		
					UNIVERSAL LEAF	\$1,000	1999 Total	\$5,875
				2001	ALTRIA	\$1,300		
					RJ REYNOLDS TOBACCO	\$500		
				2003	US SMOKELESS	\$1,000	2001 Total	\$2,800
					ALTRIA	\$1,250		
					RJ REYNOLDS TOBACCO	\$300		
						2003 Total	\$2,050	

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total		
				2005	ALTRIA	\$1,250	2005 Total	\$1,650		
					RJ REYNOLDS TOBACCO	\$250				
					SWISHER	\$150				
			2007	ALTRIA	\$2,750					
					BAILEYS S & M BRANDS	\$1,000				
					CONCERNED FRIENDS	\$250				
					REYNOLDS AMERICAN	\$500				
					RJ REYNOLDS TOBACCO	\$1,000	2007 Total	\$5,500		
							Total 99-07	\$17,875		
MARYE, MADISON E	D	S	39	1999	CARTER, CHARLES H	\$500	1999 Total	\$500		
							Total 99-07	\$500		
MASSIE III, JIMMIE P	R	H	72	2007	ALTRIA	\$2,000	2007 Total	\$3,750		
					BAILEYS S & M BRANDS	\$1,250				
					UNIVERSAL LEAF	\$500				
							Total 99-07	\$3,750		
MATHIESON, R W (BOBBY)	D	H	21	2007	BAILEYS S & M BRANDS	\$750	2007 Total	\$750		
							Total 99-07	\$750		
MAXWELL, W HENRY	D	S	2	1999	PHILIP MORRIS	\$750	1999 Total	\$750		
							Total 99-07	\$750		
MAY, JOE T	R	H	33	2001	ALTRIA	\$900	2001 Total	\$900		
				2003	ALTRIA	\$1,000	2003 Total	\$1,000		
				2005	ALTRIA	\$1,000	2005 Total	\$1,750		
					S & M BRANDS	\$750				
			2007	ALTRIA	\$1,000					
					BAILEYS S & M BRANDS	\$500	2007 Total	\$1,500		
							Total 99-07	\$5,150		
MCCLELLAN, JENNIFER L	D	H	71	2005	ALTRIA	\$500	2005 Total	\$700		
					PHILIP MORRIS	\$200				
				2007	ALTRIA	\$1,000	2007 Total	\$1,100		
					MILES, MEREDITH	\$100	Total 99-07	\$1,800		
MCCLURE, ROGER J	R	H	67	2001	ALTRIA	\$500	2001 Total	\$500		
							Total 99-07	\$500		
MCDONNELL, ROBERT F	R	AG		2001	ALTRIA	\$400	2001 Total	\$1,150		
					RJ REYNOLDS TOBACCO	\$750				
				2003	ALTRIA	\$1,750	2003 Total	\$3,050		
					ATLANTIC DOMINION	\$300				
					GOLDEN LEAF FARMS	\$500				
					US SMOKELESS	\$500				
				2005	ALTRIA	\$24,440				
					CONCERNED FRIENDS	\$500				
					LORILLARD TOBACCO	\$500				
					RJ REYNOLDS TOBACCO	\$1,000	2005 Total	\$63,042		
					S & M BRANDS	\$30,740				
					SWEDISH MATCH	\$1,162				
					UNIVERSAL LEAF	\$200				
					US SMOKELESS	\$4,500				
									Total 99-07	\$67,242
MCDUGLE, RYAN T	R	S	4	2003	ALTRIA	\$1,500			2003 Total	\$1,500
				2005	ALTRIA	\$1,000	2005 Total	\$2,900		
					LORILLARD TOBACCO	\$1,000				
					RJ REYNOLDS TOBACCO	\$500				
					SWISHER	\$150				
					US SMOKELESS	\$250				
				2007	ALTRIA	\$1,500				
					BAILEYS S & M BRANDS	\$750			2007 Total	\$3,250
					REYNOLDS AMERICAN	\$500				
					RJ REYNOLDS TOBACCO	\$500				
							Total 99-07	\$7,650		
MCDOWELL, ROBERT M	R	H	35	2003	ALTRIA	\$500	2003 Total	\$500		
							Total 99-07	\$500		

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Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total	
MCEACHIN, A DONALD	D	S	9	2001	ALTRIA	\$2,500	2001 Total	\$5,550	
					LORILLARD TOBACCO	\$2,500			
				2005	PHILIP MORRIS	\$250		2005 Total	\$1,500
					UNIVERSAL LEAF	\$300			
				2007	ALTRIA	\$500		2007 Total	\$2,500
					S & M BRANDS	\$1,000			
					ALTRIA	\$1,000			
					BAILEYS S & M BRANDS	\$1,000			
						\$500	Total 99-07	\$9,550	
MCGUIRE III, HUNTER H	D	H	56	2003	PHILIP MORRIS	\$400	2003 Total	\$2,150	
					TOBACCO ROW	\$250			
					UNIVERSAL LEAF	\$1,000			
					US SMOKELESS	\$500			
							Total 99-07	\$2,150	
MCQUIGG, MICHELE B	R	H	51	2001	ALTRIA	\$750	2001 Total	\$1,000	
					RJ REYNOLDS TOBACCO	\$250			
				2003	ALTRIA	\$1,000	2003 Total	\$1,000	
					2005	ALTRIA			\$750
							Total 99-07	\$3,750	
MELVIN, KENNETH R	D	H	80	1999	PHILIP MORRIS	\$1,113	1999 Total	\$1,113	
					2001	ALTRIA			\$1,013
				2003	ALTRIA	\$500	2003 Total	\$750	
					US SMOKELESS	\$250			
				2005	ALTRIA	\$750	2005 Total	\$2,250	
					LORILLARD TOBACCO	\$500			
				2007	S & M BRANDS	\$1,000	2007 Total	\$3,000	
					ALTRIA	\$1,250			
					BAILEYS S & M BRANDS	\$500			
					RJ REYNOLDS TOBACCO	\$500			
						\$750	Total 99-07	\$8,126	
MERRICKS, DONALD W	R	H	16	2007	ALTRIA	\$500	2007 Total	\$2,500	
					BAILEYS S & M BRANDS	\$1,000			
					CONCERNED FRIENDS	\$500			
					UNIVERSAL LEAF	\$500			
							Total 99-07	\$2,500	
MILES III, W SHELTON	I	H	22	2001	CONCERNED FRIENDS	\$250	2001 Total	\$1,250	
					DAVIS, JOHN T JR	\$1,000			
							Total 99-07	\$1,250	
MILES SR, FLOYD H	D	H	74	2001	ALTRIA	\$500	2001 Total	\$750	
					PHILIP MORRIS	\$250			
				2003	ALTRIA	\$1,000	2003 Total	\$1,000	
					2005	ALTRIA			\$2,749
				2007	PHILIP MORRIS	\$500	2005 Total	\$3,999	
					S & M BRANDS	\$750			
					BAILEYS S & M BRANDS	\$1,000			
						\$1,000	2007 Total	\$1,000	
							Total 99-07	\$6,749	
MILLER, JACKSON HUNTER	R	H	50	2007	ALTRIA	\$609	2007 Total	\$1,609	
					BAILEYS S & M BRANDS	\$1,000			
							Total 99-07	\$1,609	
MILLER, JOHN C	D	S	1	2007	BAILEYS S & M BRANDS	\$1,000	2007 Total	\$1,000	
							Total 99-07	\$1,000	
MILLER, KEVIN G	R	S	26	1999	PHILIP MORRIS	\$1,250	1999 Total	\$1,250	
				2001	ALTRIA	\$500	2001 Total	\$500	
				2003	ALTRIA	\$500	2003 Total	\$500	
							Total 99-07	\$2,250	
MILLER, PAULA J	D	H	87	2005	ALTRIA	\$500	2005 Total	\$1,000	
				RJ REYNOLDS TOBACCO	\$500				
				2007	ALTRIA	\$500			

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total
					BAILEYS S & M BRANDS	\$750	2007 Total	\$1,250
							Total 99-07	\$2,250
MILLER, YVONNE B	D	S	5	2007	ALTRIA	\$250	2007 Total	\$1,000
					BAILEYS S & M BRANDS	\$750	Total 99-07	\$1,000
MIMS, WILLIAM C (BILL)	R	S	33	2003	ALTRIA	\$500	2003 Total	\$500
				2005	ALTRIA	\$500	2005 Total	\$2,000
					S & M BRANDS	\$1,500	Total 99-07	\$2,500
MORAN, BRIAN J	D	H	46	2001	ALTRIA	\$250	2001 Total	\$250
				2003	ALTRIA	\$750	2003 Total	\$750
				2005	ALTRIA	\$5,000	2005 Total	\$6,000
					LORILLARD TOBACCO	\$500		
					S & M BRANDS	\$500		
				2007	ALTRIA	\$3,000	2007 Total	\$4,000
					BAILEYS S & M BRANDS	\$500	Total 99-07	\$11,000
					REYNOLDS AMERICAN	\$500		
MORGAN, HARVEY B	R	H	98	2003	ALTRIA	\$250	2003 Total	\$250
				2005	ALTRIA	\$500	2005 Total	\$1,000
					S & M BRANDS	\$500		
				2007	ALTRIA	\$500	2007 Total	\$750
					BAILEYS S & M BRANDS	\$250	Total 99-07	\$2,000
MORRISSEY, JOSEPH D	D	H	74	2007	ALTRIA	\$500	2007 Total	\$500
							Total 99-07	\$500
MOSQUEDA, ELSIE M	D	H	45	2005	ALTRIA	\$500	2005 Total	\$500
							Total 99-07	\$500
NEWMAN, STEPHEN D	R	S	23	1999	CONCERNED FRIENDS	\$250	1999 Total	\$2,500
					PHILIP MORRIS	\$2,000		
				2001	RJ REYNOLDS TOBACCO	\$250	2001 Total	\$750
					ALTRIA	\$500		
				2003	RJ REYNOLDS TOBACCO	\$250	2003 Total	\$3,250
					ALTRIA	\$2,000		
					CONCERNED FRIENDS	\$500		
				2005	RJ REYNOLDS TOBACCO	\$750	2005 Total	\$1,500
					ALTRIA	\$750		
					CONCERNED FRIENDS	\$500		
				2007	RJ REYNOLDS TOBACCO	\$250	2007 Total	\$3,250
					ALTRIA	\$1,250	Total 99-07	\$11,250
					BAILEYS S & M BRANDS	\$750		
					RJ REYNOLDS TOBACCO	\$1,250		
NICHOLS, PAUL F	D	H	51	2007	BAILEYS S & M BRANDS	\$750	2007 Total	\$750
							Total 99-07	\$750
NICHOLSON III, JOHN B	I	H	75	2003	PHILIP MORRIS	\$200	2003 Total	\$200
							Total 99-07	\$200
NIXON JR, SAMUEL A	R	H	27	2001	ALTRIA	\$900	2001 Total	\$1,150
					RJ REYNOLDS TOBACCO	\$250		
				2003	ALTRIA	\$1,250	2003 Total	\$1,750
					US SMOKELESS	\$500		
				2005	ALTRIA	\$3,000	2005 Total	\$4,250
					LORILLARD TOBACCO	\$500		
					RJ REYNOLDS TOBACCO	\$750		
				2007	ALTRIA	\$1,750	2007 Total	\$4,900
					RJ REYNOLDS TOBACCO	\$500	Total 99-07	\$12,050
					SWEDISH MATCH	\$500		
					SWISHER	\$150		
					US SMOKELESS	\$2,000		

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total
NORMENT JR, THOMAS K	R	S	3	1999	BROWN & WILLIAMSON	\$300	1999 Total	\$3,800
					PHILIP MORRIS	\$3,500		
				2001	ALTRIA	\$3,000	2001 Total	\$3,250
					RJ REYNOLDS TOBACCO	\$250		
				2003	ALTRIA	\$1,000	2003 Total	\$7,500
					CONCERNED FRIENDS	\$500		
					RJ REYNOLDS TOBACCO	\$500		
					US SMOKELESS	\$5,500		
				2005	ALTRIA	\$2,700	2005 Total	\$3,500
					RJ REYNOLDS TOBACCO	\$300		
					US SMOKELESS	\$500	2007 Total	\$5,987
				2007	ALTRIA	\$2,624		
					RJ REYNOLDS TOBACCO	\$1,214		
					SWISHER	\$500		
	UNIVERSAL LEAF	\$150						
	US SMOKELESS	\$1,500	Total 99-07	\$24,037				
NORTHAM, RALPH S	D	S	6	2007	BAILEYS S & M BRANDS	\$1,000	2007 Total	\$1,000
							Total 99-07	\$1,000
NUTTER, DAVID A	R	H	7	2003	ALTRIA	\$1,500	2003 Total	\$1,500
				2005	ALTRIA	\$1,000	2005 Total	\$1,500
					S & M BRANDS	\$500		
				2007	ALTRIA	\$1,000	2007 Total	\$1,500
					BAILEYS S & M BRANDS	\$500		
			Total 99-07	\$4,500				
OBANNON III, JOHN M	R	H	73	2001	ALTRIA	\$900	2001 Total	\$900
				2003	ALTRIA	\$1,000	2003 Total	\$2,500
					MEDALLION CO	\$1,000		
					US SMOKELESS	\$500		
				2005	ALTRIA	\$1,500	2005 Total	\$1,500
				2007	ALTRIA	\$1,250	2007 Total	\$2,750
					RJ REYNOLDS TOBACCO	\$250		
					SWEDISH MATCH	\$250		
	US SMOKELESS	\$1,000						
			Total 99-07	\$7,650				
OBENSHAIN, MARK D	R	S	26	2003	ALTRIA	\$500	2003 Total	\$1,500
					US SMOKELESS	\$1,000		
				2005	ALTRIA	\$1,000	2005 Total	\$1,000
				2007	ALTRIA	\$1,250	2007 Total	\$2,500
					BAILEYS S & M BRANDS	\$750		
	RJ REYNOLDS TOBACCO	\$500	Total 99-07	\$5,000				
OBRIEN JR, JAMES K (JAY)	R	S	39	2001	ALTRIA	\$900	2001 Total	\$900
				2003	ALTRIA	\$1,000	2003 Total	\$1,000
				2005	ALTRIA	\$1,000	2005 Total	\$1,000
				2007	ALTRIA	\$1,500	2007 Total	\$2,750
					BAILEYS S & M BRANDS	\$1,000		
					CONCERNED FRIENDS	\$250		
			Total 99-07	\$5,650				
ODER, G GLENN	R	H	94	2001	ALTRIA	\$500	2001 Total	\$500
				2003	ALTRIA	\$1,500	2003 Total	\$1,500
				2005	ALTRIA	\$1,000	2005 Total	\$1,500
					S & M BRANDS	\$500		
				2007	ALTRIA	\$1,000	2007 Total	\$1,500
					BAILEYS S & M BRANDS	\$250		
					RJ REYNOLDS TOBACCO	\$250		
			Total 99-07	\$5,000				
ORROCK, ROBERT D (BOBBY)	R	H	54	2001	ALTRIA	\$900	2001 Total	\$900
				2003	ALTRIA	\$1,500	2003 Total	\$1,750
					US SMOKELESS	\$250		
				2005	ALTRIA	\$1,000		

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total
				2007	RJ REYNOLDS TOBACCO S & M BRANDS ALTRIA BAILEYS S & M BRANDS RJ REYNOLDS TOBACCO SWEDISH MATCH US SMOKELESS	\$500 \$1,000 \$1,000 \$250 \$500 \$250 \$1,500	2005 Total 2007 Total Total 99-07	\$2,500 \$3,500 \$8,650
PARRISH, HARRY J	R	H	50	2001 2003 2005	ALTRIA ALTRIA US SMOKELESS ALTRIA S & M BRANDS UNIVERSAL LEAF	\$900 \$1,500 \$500 \$1,000 \$1,500 \$500	2001 Total 2003 Total 2005 Total Total 99-07	\$900 \$2,000 \$3,000 \$5,900
PEACE, CHRISTOPHER K	R	H	97	2007	ALTRIA BAILEYS S & M BRANDS	\$1,000 \$250	2007 Total Total 99-07	\$1,250 \$1,250
PETERSEN, J CHAPMAN	D	H	37	2003 2007	ALTRIA BAILEYS S & M BRANDS	\$500 \$1,000	2003 Total 2007 Total Total 99-07	\$500 \$1,000 \$1,500
PHILLIPS, CLARENCE E (BUD)	D	H	2	2001 2003 2005 2007	ALTRIA ALTRIA ALTRIA RJ REYNOLDS TOBACCO S & M BRANDS ALTRIA BAILEYS S & M BRANDS	\$900 \$1,000 \$1,000 \$250 \$750 \$1,000 \$500	2001 Total 2003 Total 2005 Total 2007 Total Total 99-07	\$900 \$1,000 \$2,000 \$1,500 \$5,400
PLUM, KENNETH R (KEN)	D	H		2005 2007	S & M BRANDS BAILEYS S & M BRANDS	\$500 \$250	2005 Total 2007 Total Total 99-07	\$500 \$250 \$750
POGGE, BRENDA L	R	H	96	2007	BAILEYS S & M BRANDS	\$750	2007 Total Total 99-07	\$750 \$750
POINDEXTER, CHARLES D	R	H	9	2007	ALTRIA BAILEYS S & M BRANDS CONCERNED FRIENDS	\$1,000 \$750 \$250	2007 Total Total 99-07	\$2,000 \$2,000
POISSON, DAVID E	D	H	32	2007	ALTRIA BAILEYS S & M BRANDS	\$1,000 \$1,500	2007 Total Total 99-07	\$2,500 \$2,500
POLLARD JR, ALBERT C	D	H	99	2003	ALTRIA	\$1,250	2003 Total Total 99-07	\$1,250 \$1,250
POTTS JR, H RUSS (RUSS)	R	S	27	1999 2003	PHILIP MORRIS ALTRIA CONCERNED FRIENDS RJ REYNOLDS TOBACCO US SMOKELESS	\$827 \$1,000 \$500 \$1,000 \$500	1999 Total 2003 Total Total 99-07	\$827 \$3,000 \$3,827
PUCKETT, PHILLIP P	D	S	38	1999 2001 2003 2005 2007	BUNDY, THOMAS PHILIP MORRIS ALTRIA RJ REYNOLDS TOBACCO ALTRIA CONCERNED FRIENDS ALTRIA DIMON INC RJ REYNOLDS TOBACCO S & M BRANDS SOUTHWEST VA ALTRIA	\$250 \$1,250 \$750 \$250 \$500 \$500 \$500 \$500 \$500 \$22,783 \$200 \$1,000	1999 Total 2001 Total 2003 Total 2005 Total	\$1,500 \$1,000 \$1,000 \$24,483

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total
					BAILEYS S & M BRANDS	\$3,500		
					RJ REYNOLDS TOBACCO	\$500	2007 Total	\$5,000
							Total 99-07	\$32,983
PULLER, LINDA T (TODDY)	D	S	36	1999	PHILIP MORRIS	\$1,000	1999 Total	\$1,000
				2001	ALTRIA	\$250	2001 Total	\$250
				2003	RJ REYNOLDS TOBACCO	\$500	2003 Total	\$500
				2005	ALTRIA	\$750	2005 Total	\$750
				2007	ALTRIA	\$500		
					BAILEYS S & M BRANDS	\$750	2007 Total	\$1,750
					REYNOLDS AMERICAN	\$500	Total 99-07	\$4,250
PURKEY, HARRY R (BOB)	R	H	82	2001	ALTRIA	\$900	2001 Total	\$900
				2003	ALTRIA	\$1,000		
					US SMOKELESS	\$500	2003 Total	\$1,500
				2005	ALTRIA	\$1,500		
					RJ REYNOLDS TOBACCO	\$250		
					S & M BRANDS	\$1,000	2005 Total	\$3,750
					US SMOKELESS	\$1,000		
				2007	ALTRIA	\$1,000		
					BAILEYS S & M BRANDS	\$500	2007 Total	\$4,150
					RJ REYNOLDS TOBACCO	\$500	Total 99-07	\$10,300
					SWISHER	\$150		
					US SMOKELESS	\$2,000		
PUTNEY, LACEY E	I	H	19	1999	CONCERNED FRIENDS	\$200	1999 Total	\$1,950
					PHILIP MORRIS	\$1,750		
				2001	ALTRIA	\$900	2001 Total	\$1,150
					CONCERNED FRIENDS	\$250		
				2003	ALTRIA	\$1,000	2003 Total	\$1,250
					CONCERNED FRIENDS	\$250		
				2005	ALTRIA	\$1,000	2005 Total	\$1,750
					RJ REYNOLDS TOBACCO	\$250		
					S & M BRANDS	\$500	2007 Total	\$1,750
				2007	ALTRIA	\$1,250	Total 99-07	\$7,850
					BAILEYS S & M BRANDS	\$500		
QUAYLE, FREDERICK M	R	S	13	1999	CONCERNED FRIENDS	\$250	1999 Total	\$2,000
					PHILIP MORRIS	\$1,250		
					RJ REYNOLDS TOBACCO	\$500	2001 Total	\$500
				2001	ALTRIA	\$500		
				2003	ALTRIA	\$500	2003 Total	\$1,000
					US SMOKELESS	\$500		
				2005	ALTRIA	\$750	2005 Total	\$1,208
					RJ REYNOLDS TOBACCO	\$458		
				2007	ALTRIA	\$500	2007 Total	\$5,200
					BAILEYS S & M BRANDS	\$1,750	Total 99-07	\$9,908
					SWEDISH MATCH	\$250		
					SWISHER	\$200		
					US SMOKELESS	\$2,500		
RAPP, MELANIE L	R	H	96	2001	ALTRIA	\$900	2001 Total	\$1,150
					RJ REYNOLDS TOBACCO	\$250	2003 Total	\$1,000
				2003	ALTRIA	\$1,000		
				2005	ALTRIA	\$1,000	2005 Total	\$1,500
					S & M BRANDS	\$500	Total 99-07	\$3,650
REESE, GARY A	R	H	67	2003	ALTRIA	\$500	2003 Total	\$500
				2005	S & M BRANDS	\$1,200	2005 Total	\$1,200
							Total 99-07	\$1,700
REID, JOHN S (JACK)	R	H	72	1999	PHILIP MORRIS	\$1,500	1999 Total	\$1,500
				2001	ALTRIA	\$1,750		

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total
				2003	RJ REYNOLDS TOBACCO	\$500	2001 Total	\$2,500
				2005	US SMOKELESS	\$250		2003 Total
					ALTRIA	\$1,500		
					ALTRIA	\$500		
					LORILLARD TOBACCO	\$1,000		
					RJ REYNOLDS TOBACCO	\$500	2005 Total	\$2,000
							Total 99-07	\$7,500
RERRAS, D NICK	R	S	6	2001	ALTRIA	\$800	2001 Total	\$800
				2003	ALTRIA	\$1,000		
				2005	ATLANTIC DOMINION	\$250	2003 Total	\$1,250
					ALTRIA	\$1,000		
				2007	SWISHER	\$150	2005 Total	\$1,150
					ALTRIA	\$1,250		
					BAILEYS S & M BRANDS	\$1,000		
					CONCERNED FRIENDS	\$250		
					REYNOLDS AMERICAN	\$1,000	2007 Total	\$3,500
							Total 99-07	\$6,700
REYNOLDS, W ROSCOE	D	S	20	2001	ALTRIA	\$500	2001 Total	\$750
				2003	CONCERNED FRIENDS	\$250		
					ALTRIA	\$1,000		
					CONCERNED FRIENDS	\$500		
				2005	RJ REYNOLDS TOBACCO	\$500	2003 Total	\$2,000
					ALTRIA	\$1,000		
				2007	RJ REYNOLDS TOBACCO	\$250	2005 Total	\$1,250
					ALTRIA	\$2,000		
					BAILEYS S & M BRANDS	\$2,000		
					CONCERNED FRIENDS	\$500		
					REYNOLDS AMERICAN	\$1,000		
					RJ REYNOLDS TOBACCO	\$500	2007 Total	\$6,000
							Total 99-07	\$10,000
RHODES, ANNE G (PANNY)	R	H	68	1999	PHILIP MORRIS	\$1,250	1999 Total	\$1,250
				2001	ALTRIA	\$500	2001 Total	\$500
							Total 99-07	\$1,750
ROBINSON JR, WILLIAM P	D	H	90	2001	ALTRIA	\$900	2001 Total	\$1,400
					RJ REYNOLDS TOBACCO	\$500		
ROLLISON III, J A (JACK)	R	H	52	2001	ALTRIA	\$1,900	2001 Total	\$2,400
				2003	RJ REYNOLDS TOBACCO	\$500		
					ALTRIA	\$500	Total 99-07	\$2,900
RUFF JR, FRANK M	R	S	15	1999	PHILIP MORRIS	\$1,500	1999 Total	\$1,825
				2001	RJ REYNOLDS TOBACCO	\$250		
					ROBERTS, PAGE S	\$75		
					ALTRIA	\$750		
					HUDSON, CATHERINE E	\$100		
					PARKLAND FARM	\$100		
					PHILIP MORRIS	\$100		
					ROBERTS, PAGE S	\$100		
					STAR SCIENTIFIC INC	\$1,000		
				2003	WARD JR, THOMAS M	\$125	2001 Total	\$2,275
					ALTRIA	\$1,000		
					CONCERNED FRIENDS	\$500		
					HAMLET, HAYWOOD J	\$125		
					HUDSON, CATHERINE E	\$425		
					MANNING, JOHN L	\$50		
					PARKLAND FARM	\$125		
					PHILIP MORRIS	\$250		
					ROBERTS, PAGE S	\$45		
					S & M BRANDS	\$2,125		
					WARD JR, THOMAS M	\$175		
					WARREN, WILLIAM M	\$125	2003 Total	\$4,945

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total
				2005	RJ REYNOLDS TOBACCO	\$500	2005 Total	\$625
					ROBERTS, PAGE S	\$125		
				2007	ALTRIA	\$1,000	2007 Total	\$3,750
					BAILEYS S & M BRANDS	\$1,500		
					CONCERNED FRIENDS	\$500		
					REYNOLDS AMERICAN	\$500		
							Total 99-07	\$13,420
RUST JR, JOHN H	R	H	37	2001	ALTRIA	\$1,900	2001 Total	\$3,400
					RJ REYNOLDS TOBACCO	\$1,000		
				2003	US SMOKELESS	\$500	2003 Total	\$750
					ALTRIA	\$750	Total 99-07	\$4,150
RUST, THOMAS DAVIS	R	H	86	2003	ALTRIA	\$1,500	2003 Total	\$1,500
				2005	ALTRIA	\$1,000	2005 Total	\$1,500
					S & M BRANDS	\$500		
				2007	ALTRIA	\$500	2007 Total	\$1,250
					BAILEYS S & M BRANDS	\$750	Total 99-07	\$4,250
SASLAW, RICHARD L (DICK)	D	S	35	2005	ALTRIA	\$500	2005 Total	\$1,000
					US SMOKELESS	\$500		
				2007	ALTRIA	\$1,000	2007 Total	\$6,500
					BAILEYS S & M BRANDS	\$3,000		
					SWEDISH MATCH	\$500		
					US SMOKELESS	\$2,000		
						Total 99-07	\$7,500	
SAXMAN, CHRISTOPHER B	R	H	20	2003	ALTRIA	\$1,000	2003 Total	\$1,000
				2005	ALTRIA	\$1,000	2005 Total	\$2,750
					LORILLARD TOBACCO	\$1,000		
					RJ REYNOLDS TOBACCO	\$250		
					S & M BRANDS	\$500	2007 Total	\$1,500
				2007	ALTRIA	\$1,250		
					BAILEYS S & M BRANDS	\$250	Total 99-07	\$5,250
SCHROCK, EDWARD L	R	S	7	1999	PHILIP MORRIS	\$750	1999 Total	\$750
							Total 99-07	\$750
SCOTT, EDWARD T	R	H	30	2003	ALTRIA	\$500	2003 Total	\$500
				2005	ALTRIA	\$1,250	2005 Total	\$2,000
					S & M BRANDS	\$750		
				2007	ALTRIA	\$1,250	2007 Total	\$1,500
					BAILEYS S & M BRANDS	\$250		
						Total 99-07	\$4,000	
SCOTT, JAMES M (JIM)	D	H	53	2005	ALTRIA	\$250	2005 Total	\$750
					S & M BRANDS	\$500	2007 Total	\$250
				2007	BAILEYS S & M BRANDS	\$250		
SEARS, WINSOME	R	H	90	2003	ALTRIA	\$1,000	2003 Total	\$1,000
							Total 99-07	\$1,000
SHANNON, STEPHEN C	D	H	35	2005	ALTRIA	\$750	2005 Total	\$4,250
					LORILLARD TOBACCO	\$500		
					RJ REYNOLDS TOBACCO	\$500		
					S & M BRANDS	\$2,500		
					ALTRIA	\$1,250		
				2007	BAILEYS S & M BRANDS	\$750	2007 Total	\$3,650
					RJ REYNOLDS TOBACCO	\$500		
					SWEDISH MATCH	\$500		
					SWISHER	\$150		
					US SMOKELESS	\$500		
					Total 99-07	\$7,900		
SHERIDAN JR, AM (MEL)	R	S	17	1999	UNIVERSAL LEAF	\$250	1999 Total	\$250
							Total 99-07	\$250

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Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total
SHERWOOD, BEVERLY J	R	H	29	2001	ALTRIA	\$900	2001 Total	\$900
				2003	ALTRIA	\$1,000	2003 Total	\$1,000
				2005	ALTRIA	\$1,000	2005 Total	\$1,000
				2007	ALTRIA	\$1,000	2007 Total	\$1,000
							Total 99-07	\$3,900
SHULER, JAMES M	D	H	12	2001	ALTRIA	\$1,150	2001 Total	\$1,650
					RJ REYNOLDS TOBACCO	\$500		
				2003	ALTRIA	\$1,500	2003 Total	\$2,250
					RJ REYNOLDS TOBACCO	\$750		
				2005	ALTRIA	\$2,781	2005 Total	\$3,081
					RJ REYNOLDS TOBACCO	\$300		
				2007	ALTRIA	\$2,000	2007 Total	\$2,650
	REYNOLDS AMERICAN	\$250						
	RJ REYNOLDS TOBACCO	\$250						
							Total 99-07	\$9,631
SICKLES, MARK D	D	H	43	2005	ALTRIA	\$1,000	2005 Total	\$1,750
					S & M BRANDS	\$750		
				2007	ALTRIA	\$500	2007 Total	\$750
	BAILEYS S & M BRANDS	\$250						
							Total 99-07	\$2,500
SMITH, RALPH K	R	S	22	2007	ALTRIA	\$500	2007 Total	\$1,500
					BAILEYS S & M BRANDS	\$1,000		
							Total 99-07	\$1,500
SPRUILL SR, LIONELL	D	H	77	2001	ALTRIA	\$1,150	2001 Total	\$1,150
				2003	ALTRIA	\$900	2003 Total	\$900
				2005	ALTRIA	\$1,426	2005 Total	\$1,926
					S & M BRANDS	\$500		
				2007	ALTRIA	\$1,043	2007 Total	\$1,543
	BAILEYS S & M BRANDS	\$500						
							Total 99-07	\$5,519
STALL, PATRICIA B (TRICIA)	R	S	1	2007	ALTRIA	\$500	2007 Total	\$1,250
					BAILEYS S & M BRANDS	\$750		
							Total 99-07	\$1,250
STOLLE, CHRIS P	R	H	83	2007	ALTRIA	\$500	2007 Total	\$1,250
					BAILEYS S & M BRANDS	\$750		
							Total 99-07	\$1,250
STOLLE, KENNETH W	R	S	8	1999	PHILIP MORRIS	\$1,750	1999 Total	\$1,750
				2001	ALTRIA	\$1,000	2001 Total	\$1,250
					RJ REYNOLDS TOBACCO	\$250		
				2003	ALTRIA	\$1,000		
					ATLANTIC DOMINION	\$264	2003 Total	\$1,764
					US SMOKELESS	\$500		
				2005	ALTRIA	\$2,603	2005 Total	\$2,753
					SWISHER	\$150		
				2007	ALTRIA	\$1,500		
					RJ REYNOLDS TOBACCO	\$1,725	2007 Total	\$4,925
	SWISHER	\$200						
	US SMOKELESS	\$1,500						
							Total 99-07	\$12,442
STOSCH, WALTER A	R	S	12	1999	PHILIP MORRIS	\$2,679	1999 Total	\$4,872
					RJ REYNOLDS TOBACCO	\$193		
					UNIVERSAL LEAF	\$2,000		
				2001	ALTRIA	\$1,000	2001 Total	\$1,000
				2003	ALTRIA	\$6,350	2003 Total	\$17,850
					LORILLARD TOBACCO	\$500		
					RJ REYNOLDS TOBACCO	\$500		
					US SMOKELESS	\$10,500		
				2005	ALTRIA	\$8,705	2005 Total	\$23,105
					RJ REYNOLDS TOBACCO	\$1,400		
	US SMOKELESS	\$13,000						

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total
				2007	ALTRIA BENNER, KEVIN BERAN, DAVID CONCERNED FRIENDS JOHNSON, CRAIG KEANE, DENISE LONG, HENRY LUND, NANCY NELSON, JOHN REYNOLDS AMERICAN RJ REYNOLDS TOBACCO SWEDISH MATCH SWISHER SYMANCZYK, MIKE UNIVERSAL LEAF US SMOKELESS WALLS, TINA WILLIARD, HOWARD	\$16,545 \$500 \$1,000 \$500 \$1,000 \$500 \$1,000 \$500 \$1,000 \$1,000 \$500 \$500 \$200 \$1,000 \$6,000 \$10,000 \$500 \$1,000	2007 Total Total 99-07	\$43,245 \$90,072
STUART, RICHARD H	R	S	28	2007	ALTRIA BAILEYS S & M BRANDS	\$500 \$1,000	2007 Total Total 99-07	\$1,500 \$1,500
STUMP, JACKIE T	D	H	3	2001 2003 2005	ALTRIA ALTRIA ALTRIA S & M BRANDS	\$750 \$1,000 \$1,000 \$750	2001 Total 2003 Total 2005 Total Total 99-07	\$750 \$1,000 \$1,750 \$3,500
SUIT, TERRIE L	R	H	81	2001 2003 2005 2007	ALTRIA ALTRIA S & M BRANDS BAILEYS S & M BRANDS	\$900 \$1,000 \$500 \$500	2001 Total 2003 Total 2005 Total 2007 Total Total 99-07	\$900 \$1,000 \$500 \$500 \$1,900
TATA, ROBERT (BOB)	R	H	85	2001 2003 2005 2007	ALTRIA RJ REYNOLDS TOBACCO ALTRIA RJ REYNOLDS TOBACCO ALTRIA S & M BRANDS ALTRIA BAILEYS S & M BRANDS	\$900 \$250 \$1,000 \$250 \$1,000 \$500 \$2,337 \$250	2001 Total 2003 Total 2005 Total 2007 Total Total 99-07	\$1,150 \$1,250 \$1,500 \$2,587 \$6,487
TATE JR, JOHN H	D	H	5	2001	ALTRIA RJ REYNOLDS TOBACCO	\$2,170 \$1,292	2001 Total Total 99-07	\$3,462 \$3,462
THOMAS, A VICTOR	D	H	17	2001 2003	ALTRIA ALTRIA	\$750 \$500	2001 Total 2003 Total Total 99-07	\$750 \$500 \$1,250
TICER, PATRICIA S (PATSY)	D	S	30	2005 2007	ALTRIA ALTRIA BAILEYS S & M BRANDS	\$250 \$500 \$750	2005 Total 2007 Total Total 99-07	\$250 \$1,250 \$1,500
TOSCANO, DAVID J	D	H	57	2007	ALTRIA	\$250	2007 Total Total 99-07	\$250 \$250
TRUMBO, MALFOURD W (BO)	R	S	22	1999 2003	ALTRIA ALTRIA	\$1,500 \$500	1999 Total 2003 Total Total 99-07	\$1,500 \$500 \$2,000
TYLER, ROSLYN C	D	H	75	2005 2007	ALTRIA S & M BRANDS ALTRIA	\$500 \$750 \$1,000	2005 Total 2007 Total Total 99-07	\$1,250 \$1,000 \$2,250

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total																																																																																																																																																																																																																																																		
VALENTINE, SHANNON R	D	H	23	2007	ALTRIA	\$750	2007 Total Total 99-07	\$1,000 \$1,000																																																																																																																																																																																																																																																		
					BAILEYS S & M BRANDS	\$250			VOGEL, JILL HOLTZMAN	R	S	27	2007	ALTRIA	\$500	2007 Total Total 99-07	\$1,500 \$1,500	BAILEYS S & M BRANDS	\$1,000	WADDELL, KATHERINE B	I	H	68	2005	UNIVERSAL LEAF	\$2,000	2005 Total	\$2,750		US SMOKELESS	\$750	2007	ALTRIA	\$500	2007 Total Total 99-07	\$1,500 \$4,250		BAILEYS S & M BRANDS	\$1,000	WAGNER, FRANK W	R	S	7	2001	ALTRIA	\$750	2001 Total	\$750	2003	ALTRIA	\$1,500		ATLANTIC DOMINION	\$500	2003 Total	\$4,170		RJ REYNOLDS TOBACCO	\$1,670		SMOKELESS TOBACCO	\$250		SWEDISH MATCH	\$250	2005	ALTRIA	\$2,230	2005 Total	\$4,618		RJ REYNOLDS TOBACCO	\$1,738		SWEDISH MATCH	\$350		SWISHER	\$300	2007	ALTRIA	\$1,500	2007 Total Total 99-07	\$3,447 \$12,985		BAILEYS S & M BRANDS	\$750		RJ REYNOLDS TOBACCO	\$997		SWISHER	\$200	WALKER, STANLEY C	D	S	6	1999	PHILIP MORRIS	\$1,000	1999 Total Total 99-07	\$1,500 \$1,500	RJ REYNOLDS TOBACCO	\$500	WAMPLER JR, WILLIAM C	R	S	40	1999	ALTRIA	\$1,000	1999 Total	\$2,042	RJ REYNOLDS TOBACCO	\$792	US TOBACCO	\$250			2001	ALTRIA	\$500	2001 Total	\$500	2005	ALTRIA	\$6,000	2005 Total	\$6,000	2007	ALTRIA	\$2,500	2007 Total Total 99-07	\$4,000 \$12,542	SWEDISH MATCH	\$500		US SMOKELESS	\$1,000			WARD, JEION A	D	H	92	2005	ALTRIA	\$1,000	2005 Total	\$1,500		S & M BRANDS	\$500	2007	ALTRIA	\$500	2007 Total Total 99-07	\$750 \$2,250		BAILEYS S & M BRANDS	\$250	WARDRUP JR, LEO C	R	H	83	1999	ALTRIA	\$2,000	1999 Total	\$3,500	PHILIP MORRIS	\$500	RJ REYNOLDS TOBACCO	\$750	US TOBACCO	\$250	2001	ALTRIA	\$2,500	2001 Total	\$3,000	2003	ALTRIA	\$1,750	2003 Total	\$2,250		US SMOKELESS	\$500	2005	ALTRIA	\$2,000	2005 Total Total 99-07	\$3,750 \$12,500		RJ REYNOLDS TOBACCO	\$250		S & M BRANDS	\$1,000		US SMOKELESS	\$500	WARE JR, R LEE	R	H	65	1999	PHILIP MORRIS	\$500	1999 Total	\$750		SMOKELESS TOBACCO	\$250	2001 Total	\$500	2001	ALTRIA	\$500	2003 Total	\$1,750	2003	ALTRIA	\$1,000		US SMOKELESS	\$750																						
VOGEL, JILL HOLTZMAN	R	S	27	2007	ALTRIA	\$500	2007 Total Total 99-07	\$1,500 \$1,500																																																																																																																																																																																																																																																		
					BAILEYS S & M BRANDS	\$1,000			WADDELL, KATHERINE B	I	H	68	2005	UNIVERSAL LEAF	\$2,000	2005 Total	\$2,750		US SMOKELESS					\$750	2007	ALTRIA	\$500	2007 Total Total 99-07	\$1,500 \$4,250		BAILEYS S & M BRANDS	\$1,000	WAGNER, FRANK W	R	S	7	2001	ALTRIA	\$750					2001 Total	\$750	2003	ALTRIA	\$1,500		ATLANTIC DOMINION	\$500	2003 Total	\$4,170				RJ REYNOLDS TOBACCO	\$1,670		SMOKELESS TOBACCO	\$250		SWEDISH MATCH	\$250	2005	ALTRIA	\$2,230	2005 Total			\$4,618		RJ REYNOLDS TOBACCO	\$1,738		SWEDISH MATCH	\$350		SWISHER	\$300	2007	ALTRIA			\$1,500	2007 Total Total 99-07	\$3,447 \$12,985		BAILEYS S & M BRANDS	\$750		RJ REYNOLDS TOBACCO	\$997		SWISHER	\$200	WALKER, STANLEY C	D	S	6	1999	PHILIP MORRIS	\$1,000	1999 Total Total 99-07						\$1,500 \$1,500	RJ REYNOLDS TOBACCO			\$500	WAMPLER JR, WILLIAM C	R	S	40	1999	ALTRIA	\$1,000	1999 Total	\$2,042	RJ REYNOLDS TOBACCO	\$792	US TOBACCO	\$250			2001	ALTRIA	\$500	2001 Total	\$500	2005	ALTRIA	\$6,000	2005 Total	\$6,000	2007	ALTRIA					\$2,500	2007 Total Total 99-07	\$4,000 \$12,542	SWEDISH MATCH	\$500		US SMOKELESS	\$1,000			WARD, JEION A	D	H	92	2005	ALTRIA						\$1,000	2005 Total			\$1,500		S & M BRANDS	\$500	2007	ALTRIA	\$500	2007 Total Total 99-07	\$750 \$2,250		BAILEYS S & M BRANDS	\$250	WARDRUP JR, LEO C	R	H	83	1999	ALTRIA	\$2,000	1999 Total	\$3,500	PHILIP MORRIS			\$500	RJ REYNOLDS TOBACCO	\$750	US TOBACCO	\$250	2001	ALTRIA	\$2,500	2001 Total					\$3,000	2003	ALTRIA	\$1,750	2003 Total	\$2,250		US SMOKELESS	\$500	2005	ALTRIA	\$2,000	2005 Total Total 99-07	\$3,750 \$12,500		RJ REYNOLDS TOBACCO	\$250		S & M BRANDS	\$1,000		US SMOKELESS	\$500	WARE JR, R LEE	R	H	65	1999	PHILIP MORRIS	\$500	1999 Total	\$750		SMOKELESS TOBACCO	\$250	2001 Total	\$500	2001	ALTRIA	\$500	2003 Total	\$1,750	2003
WADDELL, KATHERINE B	I	H	68	2005	UNIVERSAL LEAF	\$2,000	2005 Total	\$2,750																																																																																																																																																																																																																																																		
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					BAILEYS S & M BRANDS	\$1,000			WAGNER, FRANK W	R	S	7	2001	ALTRIA	\$750	2001 Total	\$750	2003	ALTRIA	\$1,500		ATLANTIC DOMINION	\$500	2003 Total	\$4,170		RJ REYNOLDS TOBACCO	\$1,670		SMOKELESS TOBACCO	\$250						SWEDISH MATCH	\$250	2005					ALTRIA	\$2,230	2005 Total	\$4,618		RJ REYNOLDS TOBACCO	\$1,738		SWEDISH MATCH	\$350		SWISHER	\$300	2007	ALTRIA	\$1,500	2007 Total Total 99-07	\$3,447 \$12,985		BAILEYS S & M BRANDS	\$750		RJ REYNOLDS TOBACCO	\$997		SWISHER	\$200	WALKER, STANLEY C	D	S	6	1999	PHILIP MORRIS	\$1,000	1999 Total Total 99-07	\$1,500 \$1,500	RJ REYNOLDS TOBACCO	\$500	WAMPLER JR, WILLIAM C	R	S	40	1999	ALTRIA	\$1,000	1999 Total	\$2,042	RJ REYNOLDS TOBACCO	\$792	US TOBACCO	\$250			2001	ALTRIA	\$500	2001 Total	\$500	2005	ALTRIA	\$6,000					2005 Total	\$6,000	2007	ALTRIA	\$2,500	2007 Total Total 99-07					\$4,000 \$12,542	SWEDISH MATCH	\$500		US SMOKELESS	\$1,000			WARD, JEION A	D	H	92	2005	ALTRIA	\$1,000	2005 Total	\$1,500		S & M BRANDS	\$500	2007	ALTRIA	\$500	2007 Total Total 99-07	\$750 \$2,250		BAILEYS S & M BRANDS	\$250	WARDRUP JR, LEO C	R	H	83	1999	ALTRIA	\$2,000	1999 Total	\$3,500	PHILIP MORRIS	\$500	RJ REYNOLDS TOBACCO	\$750	US TOBACCO	\$250					2001	ALTRIA	\$2,500	2001 Total	\$3,000	2003	ALTRIA	\$1,750	2003 Total	\$2,250		US SMOKELESS	\$500	2005	ALTRIA	\$2,000	2005 Total Total 99-07					\$3,750 \$12,500		RJ REYNOLDS TOBACCO	\$250		S & M BRANDS	\$1,000		US SMOKELESS	\$500	WARE JR, R LEE	R	H	65	1999	PHILIP MORRIS	\$500	1999 Total	\$750		SMOKELESS TOBACCO	\$250	2001 Total	\$500	2001	ALTRIA	\$500	2003 Total	\$1,750	2003	ALTRIA	\$1,000		US SMOKELESS	\$750																													
WAGNER, FRANK W	R	S	7	2001	ALTRIA	\$750	2001 Total	\$750																																																																																																																																																																																																																																																		
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WALKER, STANLEY C	D	S	6	1999	PHILIP MORRIS	\$1,000	1999 Total Total 99-07	\$1,500 \$1,500																																																																																																																																																																																																																																																		
					RJ REYNOLDS TOBACCO	\$500			WAMPLER JR, WILLIAM C	R	S	40	1999	ALTRIA	\$1,000	1999 Total	\$2,042	RJ REYNOLDS TOBACCO	\$792	US TOBACCO	\$250			2001	ALTRIA	\$500	2001 Total	\$500	2005	ALTRIA	\$6,000	2005 Total	\$6,000	2007	ALTRIA	\$2,500	2007 Total Total 99-07	\$4,000 \$12,542	SWEDISH MATCH	\$500		US SMOKELESS	\$1,000			WARD, JEION A	D	H	92	2005	ALTRIA	\$1,000	2005 Total	\$1,500		S & M BRANDS	\$500	2007	ALTRIA	\$500	2007 Total Total 99-07	\$750 \$2,250		BAILEYS S & M BRANDS	\$250	WARDRUP JR, LEO C	R	H	83	1999	ALTRIA	\$2,000	1999 Total	\$3,500	PHILIP MORRIS	\$500	RJ REYNOLDS TOBACCO	\$750	US TOBACCO	\$250	2001	ALTRIA	\$2,500	2001 Total	\$3,000	2003	ALTRIA	\$1,750	2003 Total	\$2,250		US SMOKELESS	\$500	2005	ALTRIA	\$2,000	2005 Total Total 99-07	\$3,750 \$12,500		RJ REYNOLDS TOBACCO	\$250		S & M BRANDS	\$1,000		US SMOKELESS	\$500	WARE JR, R LEE	R	H	65	1999	PHILIP MORRIS	\$500	1999 Total	\$750		SMOKELESS TOBACCO	\$250	2001 Total	\$500	2001	ALTRIA	\$500	2003 Total	\$1,750	2003	ALTRIA	\$1,000		US SMOKELESS	\$750																																																																																																																						
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APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total
				2005	ALTRIA	\$1,000	2005 Total	\$2,500
					LORILLARD TOBACCO	\$500		
					S & M BRANDS	\$500		
					SWEDISH MATCH	\$500		
				2007	ALTRIA	\$1,000	2007 Total	\$4,650
					BAILEYS S & M BRANDS	\$250		
					REYNOLDS AMERICAN	\$250		
					RJ REYNOLDS TOBACCO	\$500		
					SWEDISH MATCH	\$500		
					SWISHER	\$150		
					US SMOKELESS	\$2,000		
							Total 99-07	\$10,150
WARE, ONZLEE	D	H	11	2005	ALTRIA	\$1,000	2005 Total	\$2,500
					LORILLARD TOBACCO	\$500		
					RJ REYNOLDS TOBACCO	\$500		
					S & M BRANDS	\$500		
				2007	ALTRIA	\$1,000	2007 Total	\$1,000
							Total 99-07	\$3,500
WARNER, MARK R	D	G		2001	ALTRIA	\$77,584	2001 Total	\$113,984
					BRANDON, S J JR	\$350		
					CONCERNED FRIENDS	\$1,500		
					LORILLARD TOBACCO	\$10,000		
					MAYHEW, BUDDY	\$500		
					PHILIP MORRIS	\$8,650		
					TOBACCO CO	\$5,000		
					TOBACCO WAREHOUSE	\$250		
					US SMOKELESS	\$10,150		
WATKINS, JOHN C	R	S	10	1999	PHILIP MORRIS	\$2,086	1999 Total	\$4,336
					SMOKELESS TOBACCO	\$1,000		
					UNIVERSAL LEAF	\$1,250		
				2001	ALTRIA	\$800	2001 Total	\$2,100
					SMOKELESS TOBACCO	\$1,300	2003 Total	\$1,500
				2003	ALTRIA	\$1,500		
				2005	ALTRIA	\$3,083	2005 Total	\$3,833
					RJ REYNOLDS TOBACCO	\$250		
					US SMOKELESS	\$500		
					ALTRIA	\$2,349		
				2007	BAILEYS S & M BRANDS	\$750	2007 Total	\$5,549
					GAVIN, JOHN	\$250		
					RJ REYNOLDS TOBACCO	\$500		
					SWEDISH MATCH	\$250		
					SWISHER	\$450		
					US SMOKELESS	\$1,000		
WATTS, VIVIAN E	D	H	39	1999	ALTRIA	\$500	1999 Total	\$500
				2001	ALTRIA	\$500	2001 Total	\$500
				2003	ALTRIA	\$500	2003 Total	\$750
					SMOKELESS TOBACCO	\$250		
				2005	ALTRIA	\$500	2005 Total	\$2,500
					S & M BRANDS	\$2,000		
				2007	ALTRIA	\$500	2007 Total	\$3,150
					BAILEYS S & M BRANDS	\$1,000		
					SWEDISH MATCH	\$500		
					US SMOKELESS	\$1,150		
							Total 99-07	\$7,400
WEATHERHOLTZ, GLENN M	R	H	26	2001	ALTRIA	\$900	2001 Total	\$900
				2003	ALTRIA	\$1,000	2003 Total	\$1,250
					RJ REYNOLDS TOBACCO	\$250		
							Total 99-07	\$2,150

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total			
WELCH III, JOHN J	R	H	21	2001	ALTRIA	\$400	2001 Total	\$400			
				2003	ALTRIA	\$1,750					
				2005	RJ REYNOLDS TOBACCO	\$250	2003 Total	\$2,500			
					US SMOKELESS	\$500					
				2007	ALTRIA	\$2,500	2005 Total	\$4,400			
					LORILLARD TOBACCO	\$500					
					RJ REYNOLDS TOBACCO	\$250					
					S & M BRANDS	\$1,000					
					SWISHER	\$150					
					ALTRIA	\$500					
					BAILEYS S & M BRANDS	\$1,000					
				REYNOLDS AMERICAN	\$500						
				RJ REYNOLDS TOBACCO	\$250	2007 Total	\$3,500				
US SMOKELESS	\$1,250										
Total 99-07							\$10,800				
WHIPPLE, MARY MARGARET	D	S	31	2005	ALTRIA	\$250	2005 Total	\$250			
				2007	BAILEYS S & M BRANDS	\$750	2007 Total	\$750			
				Total 99-07							\$1,000
WILKINS JR, S VANCE	R	H	24	1999	ALTRIA	\$1,500	1999 Total	\$1,500			
				2001	ALTRIA	\$5,412					
				2001	BROWN & WILLIAMSON	\$2,000	2001 Total	\$22,362			
					CONCERNED FRIENDS	\$250					
					LORILLARD TOBACCO	\$5,000					
					RJ REYNOLDS TOBACCO	\$6,700					
					SMOKELESS TOBACCO	\$2,000					
					US SMOKELESS	\$1,000					
					Total 99-07						
				WILLIAMS, MARTIN E	R	S	1	2005	ALTRIA	\$1,000	2005 Total
	RJ REYNOLDS TOBACCO	\$750									
Total 99-07							\$1,750				
WILLIAMS, MARTY E	R	S	1	1999	PHILIP MORRIS	\$3,000	1999 Total	\$3,250			
					RJ REYNOLDS TOBACCO	\$250					
				2001	ALTRIA	\$1,000	2001 Total	\$1,500			
					RJ REYNOLDS TOBACCO	\$500					
				2003	ALTRIA	\$1,000	2003 Total	\$1,500			
					RJ REYNOLDS TOBACCO	\$500					
				2007	ALTRIA	\$500	2007 Total	\$2,750			
					BAILEYS S & M BRANDS	\$750					
					RJ REYNOLDS TOBACCO	\$1,500					
				Total 99-07							\$9,000
WITTMAN, ROBERT J	R	H	99	2005	ALTRIA	\$500	2005 Total	\$1,500			
					S & M BRANDS	\$1,000					
				2007	ALTRIA	\$500	2007 Total	\$750			
					BAILEYS S & M BRANDS	\$250					
Total 99-07							\$2,250				
WRIGHT JR, THOMAS C	R	H	61	1999	GOLDEN LEAF FARMS	\$500	1999 Total	\$1,000			
					S & M BRANDS	\$500					
				2001	ALTRIA	\$400	2001 Total	\$6,250			
					GOLDEN LEAF FARMS	\$1,500					
				2003	HUDSON, R HART	\$500					
					MANNING, JOHN L	\$100					
					RJ REYNOLDS TOBACCO	\$250					
					STAR SCIENTIFIC INC	\$3,500					
					ALTRIA	\$1,250					
					GOLDEN LEAF FARMS	\$13,000					
					HUDSON, R HART	\$550					
					INABEC-HAIL-COTTON	\$250					
					JF LEAF LTD	\$500					
					MANNING, JOHN L	\$100					
				S & M BRANDS	\$250						
				STAR SCIENTIFIC INC	\$1,500						

APPENDIX 1: Tobacco Industry Campaign Contributions by Recipient

Name	Party	Office	District	Year	Contributor	Amount	Campaign Cycle Total	Grand Total
				2005	WARD JR, THOMAS M	\$100	2003 Total	\$17,500
				2007	S & M BRANDS	\$5,000	2005 Total	\$5,000
					ALTRIA	\$1,000		
					BAILEYS S & M BRANDS	\$250	2007 Total	\$1,250
							Total 99-07	\$31,000

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount		Total by Year
ALTRIA	1999	HAGER, JOHN	R	G	S	\$13,215	1999 Total	\$19,715
		TRUMBO, MALFOURD W (BO)	R	S	22	\$1,500		
	WAMPLER JR, WILLIAM C	R	S	40	\$1,000			
	WARDRUP JR, LEO C	R	H	83	\$2,000			
	WATTS, VIVIAN E	D	H	39	\$500			
	WILKINS JR, S VANCE	R	H	24	\$1,500			
	2001	ABBITT JR, WATKINS M	D	H	59	\$900	2001 Total	\$248,945
		ALBO, DAVID B	R	H	42	\$400		
		AMUNDSON, ELIZABETH	D	H	44	\$250		
		ARMSTRONG, WARD L	D	H	10	\$900		
		BASKERVILLE, VIOLA OSBORNE	D	H	71	\$500		
		BENNETT JR, W W (TED)	D	H	60	\$500		
		BLACK, RICHARD H (DICK)	R	H	32	\$1,377		
		BLEVINS, HARRY B	R	S	14	\$750		
		BOLLING, WILLIAM T (BILL)	R	S	4	\$1,300		
		BOLVIN, THOMAS M	R	H	43	\$900		
		BRYANT JR, L PRESTON	R	H	23	\$900		
		BYRON, KATHY J	R	H	22	\$900		
		CALLAHAN JR, VINCENT F	R	H	34	\$900		
		CHICHESTER, JOHN H	R	S	28	\$1,500		
		CLEMENT, WHITT W	D	H	14	\$500		
		COLGAN SR, CHARLES J	D	S	29	\$500		
		COUNCILL JR, J PAUL	D	H	75	\$750		
		COX, M KIRKLAND (KIRK)	R	H	66	\$2,000		
		CRANWELL, C RICHARD (DICK)	D	H	11	\$2,500		
		DANCE, ROSALYN R	I	H	63	\$250		
		DAY, BARNIE K	D	H	10	\$2,000		
		DEBOER, JAY WAYNE	D	H	63	\$500		
		DEEDS, R CREIGH	D	H	12	\$650		
		DICKINSON, V EARL	D	H	56	\$500		
		DILLARD II, JAMES H (JIM)	R	H	41	\$900		
		DRAKE, THELMA D	R	H	87	\$1,750		
		DUDLEY, ALLEN W	R	H	9	\$1,150		
		EARLEY, MARK L	R	G	W	\$50,000		
		EDWARDS, JOHN S	D	S	21	\$500		
		FORBES, J RANDY	R	S	14	\$1,500		
		GEAR, THOMAS D	R	H	91	\$250		
		GRIFFITH, H MORGAN	R	H	8	\$1,000		
		HAGER, JOHN	R	G	W	\$5,000		
		HALL, FRANKLIN P	D	H	69	\$1,500		
		HAMILTON, PHILLIP A	R	H	93	\$2,173		
		HANGER JR, EMMETT W	R	S	24	\$500		
		HARRIS, PAUL C	R	H	58	\$500		
		HAWKINS, CHARLES R	R	S	19	\$1,000		
		HOUCK, R EDWARD (EDD)	D	S	17	\$1,750		
		HOWELL, WILLIAM J	R	H	28	\$900		
		INGRAM, RILEY EDWARD	R	H	62	\$2,718		
		JACKSON JR, THOMAS M	D	H	10	\$500		
		JANIS, W R (BILL)	R	H	56	\$250		
		JOHNSON JR, JOSEPH P	D	H	4	\$1,250		
		JONES, DWIGHT C	D	H	70	\$250		
		JONES, S CHRIS	R	H	76	\$250		
		KAINE, TIMOTHY M	D	G	W	\$3,000		
		KATZEN, JAY K	R	G	W	\$4,000		
		KEISTER, W B (BENNY)	D	H	6	\$900		
		KILGORE, JERRY W	R	AG	W	\$3,000		
		KILGORE, TERRY G	R	H	1	\$900		
		LAMBERT III, BENJAMIN J	D	S	9	\$750		
		LANDES, R STEVEN	R	H	25	\$400		
		LARRABEE, PHIL	R	H	91	\$900		
		LOUDERBACK, ALLEN L	R	H	15	\$650		

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount	Total by Year	
		LUCAS, L LOUISE	D	S	18	\$500		
		MARSH III, HENRY L	D	S	16	\$1,948		
		MARSHALL, ROBERT G (BOB)	R	H	13	\$1,150		
		MARTIN, STEPHEN H	R	S	11	\$1,300		
		MAY, JOE T	R	H	33	\$900		
		MCCLURE, ROGER J	R	H	67	\$500		
		MCDONNELL, ROBERT F (BOB)	R	H	84	\$400		
		MCEACHIN, A DONALD	D	AG	W	\$2,500		
		MCQUIGG, MICHELE B	R	H	51	\$750		
		MELVIN, KENNETH R	D	H	80	\$1,013		
		MILES SR, FLOYD H	D	H	74	\$500		
		MILLER, KEVIN G	R	S	26	\$500		
		MORAN, BRIAN J	D	H	46	\$250		
		NEWMAN, STEPHEN D	R	S	23	\$500		
		NIXON JR, SAMUEL A	R	H	27	\$900		
		NORMENT JR, THOMAS K	R	S	3	\$3,000		
		OBANNON III, JOHN M	R	H	73	\$900		
		OBRIEN JR, JAMES K (JAY)	R	H	40	\$900		
		ODER, G GLENN	R	H	94	\$500		
		ORROCK, ROBERT D (BOBBY)	R	H	54	\$900		
		PARRISH, HARRY J	R	H	50	\$900		
		PHILLIPS, CLARENCE E (BUD)	D	H	2	\$900		
		PUCKETT, PHILLIP P	D	S	38	\$750		
		PULLER, LINDA T (TODDY)	D	S	36	\$250		
		PURKEY, HARRY R (BOB)	R	H	82	\$900		
		PUTNEY, LACEY E	I	H	19	\$900		
		QUAYLE, FREDERICK M	R	S	13	\$500		
		RAPP, MELANIE L	R	H	96	\$900		
		REID, JOHN S (JACK)	R	H	72	\$1,750		
		RERRAS, D NICK	R	S	6	\$800		
		REYNOLDS, W ROSCOE	D	S	20	\$500		
		RHODES, ANNE G (PANNY)	R	H	68	\$500		
		ROBINSON JR, WILLIAM P	D	H	90	\$900		
		ROLLISON III, J A (JACK)	R	H	52	\$1,900		
		RUFF JR, FRANK M	R	S	15	\$750		
		RUST JR, JOHN H	R	H	37	\$1,900		
		SHERWOOD, BEVERLY J	R	H	29	\$900		
		SHULER, JAMES M	D	H	7	\$1,150		
		SPRUILL SR, LIONELL	D	H	77	\$1,150		
		STOLLE, KENNETH W	R	S	8	\$1,000		
		STOSCH, WALTER A	R	S	12	\$1,000		
		STUMP, JACKIE T	D	H	3	\$750		
		SUIT, TERRIE L	R	H	81	\$900		
		TATA, ROBERT (BOB)	R	H	85	\$900		
		TATE JR, JOHN H	D	H	5	\$2,170		
		THOMAS, A VICTOR	D	H	17	\$750		
		WAGNER, FRANK W	R	S	7	\$750		
		WAMPLER JR, WILLIAM C	R	S	40	\$500		
		WARDROP JR, LEO C	R	H	83	\$2,500		
		WARE JR, R LEE	R	H	65	\$500		
		WARNER, MARK R	D	G	W	\$77,584		
		WATKINS, JOHN C	R	S	10	\$800		
		WATTS, VIVIAN E	D	H	39	\$500		
		WEATHERHOLTZ, GLENN M	R	H	26	\$900		
		WELCH III, JOHN J	R	H	21	\$400		
		WILKINS JR, S VANCE	R	H	24	\$5,412		
		WILLIAMS, MARTY E	R	S	1	\$1,000		
		WRIGHT JR, THOMAS C	R	H	61	\$400		
	2003	ABBITT JR, WATKINS M	I	H	59	\$1,250	2003 Total	\$165,554

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount	Total by Year
		ALBO, DAVID B	R	H	42	\$1,750	
		AMUNDSON, KRISTEN J	D	H	44	\$1,000	
		ARMSTRONG, WARD L	D	H	10	\$1,000	
		ATHEY JR, C L (CLAY)	R	H	18	\$1,500	
		BASKERVILLE, VIOLA OSBORNE	D	H	71	\$500	
		BELL II, J BRANDON	R	S	22	\$750	
		BELL III, ROBERT B	R	H	58	\$1,500	
		BLACK, RICHARD H (DICK)	R	H	32	\$1,000	
		BLAND JR, FENTON L	D	H	63	\$1,000	
		BLEVINS, HARRY B	R	S	14	\$1,000	
		BOLLING, WILLIAM T (BILL)	R	S	4	\$1,250	
		BOLVIN, THOMAS M	R	H	43	\$1,000	
		BRYANT JR, L PRESTON	R	H	23	\$1,000	
		BYRON, KATHY J	R	H	22	\$1,000	
		CALLAHAN JR, VINCENT F	R	H	34	\$1,750	
		CARRICO, C W (BILL)	R	H	5	\$1,500	
		CHICHESTER, JOHN H	R	S	28	\$2,000	
		CLINE, BEN L	R	H	24	\$500	
		COLE, MARK L	R	H	88	\$2,000	
		COLGAN SR, CHARLES J	D	S	29	\$500	
		COSGROVE JR, JOHN A	R	H	78	\$1,000	
		COUNCILL JR, J PAUL	D	H	75	\$500	
		COX, M KIRKLAND (KIRK)	R	H	66	\$1,250	
		CUCCINELLI II, KENNETH T	R	S	37	\$500	
		DEVOLITES	R	S	34	\$1,750	
		DEEDS, R CREIGH	D	S	25	\$750	
		DILLARD II, JAMES H (JIM)	R	H	41	\$900	
		DIX JR, THOMAS B	R	H	0	\$500	
		DRAKE, THELMA D	R	H	87	\$1,750	
		DUDLEY, ALLEN W	R	H	9	\$1,000	
		EDWARDS, JOHN S	D	S	21	\$500	
		FRALIN JR, WILLIAM H	R	H	17	\$500	
		FREDERICK, JEFFERY M	R	H	52	\$500	
		GEAR, THOMAS D	R	H	91	\$1,250	
		GRIFFITH, H MORGAN	R	H	8	\$2,500	
		HALL, FRANKLIN P	D	H	69	\$2,500	
		HAMILTON, PHILLIP A	R	H	93	\$807	
		HANGER JR, EMMETT W	R	S	24	\$1,000	
		HAWKINS, CHARLES R	R	S	19	\$1,250	
		HOGAN, CLARKE N	R	H	60	\$1,500	
		HOUCK, R EDWARD (EDD)	D	S	17	\$1,000	
		HOWELL, WILLIAM J	R	H	28	\$500	
		HUGO, TIMOTHY D	R	H	40	\$1,000	
		HURT, ROBERT	R	H	16	\$1,500	
		INGRAM, RILEY EDWARD	R	H	62	\$3,216	
		JANIS, W R (BILL)	R	H	56	\$1,250	
		JOANNOU, JOHNNY S	D	H	79	\$500	
		JOHNSON JR, JOSEPH P	D	H	4	\$750	
		JONES, DWIGHT C	D	H	70	\$750	
		JONES, S CHRIS	R	H	76	\$1,000	
		KEISTER, W B (BENNY)	D	H	6	\$900	
		KILGORE, JERRY W	R	AG	W	\$25,000	
		KILGORE, TERRY G	R	H	1	\$1,000	
		LAMBERT III, BENJAMIN J	D	S	9	\$1,250	
		LANDES, R STEVEN	R	H	25	\$500	
		LAPETINA, TROY H	R	H	64	\$500	
		LINGAMFELTER, L SCOTT	R	H	31	\$2,481	
		LOUDERBACK, ALLEN L	R	H	15	\$2,000	
		LUCAS, L LOUISE	D	S	18	\$1,000	

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount	Total by Year
		MARRS, BRADLEY P	R	H	68	\$1,500	
		MARSH III, HENRY L	D	S	16	\$1,250	
		MARSHALL III, DANNY W	R	H	14	\$1,500	
		MARSHALL, ROBERT G (BOB)	R	H	13	\$1,000	
		MARTIN, STEPHEN H	R	S	11	\$1,250	
		MAY, JOE T	R	H	33	\$1,000	
		MCDONNELL, ROBERT F (BOB)	R	H	84	\$1,750	
		MCDUGLE, RYAN T	R	H	97	\$1,500	
		MCDOWELL, ROBERT M	R	H	35	\$500	
		MCQUIGG, MICHELE B	R	H	51	\$1,000	
		MELVIN, KENNETH R	D	H	80	\$500	
		MILES SR, FLOYD H	D	H	74	\$1,000	
		MILLER, KEVIN G	R	S	26	\$500	
		MIMS, WILLIAM C (BILL)	R	S	33	\$500	
		MORAN, BRIAN J	D	H	46	\$750	
		MORGAN, HARVEY B	R	H	98	\$250	
		NEWMAN, STEPHEN D	R	S	23	\$2,000	
		NIXON JR, SAMUEL A	R	H	27	\$1,250	
		NORMENT JR, THOMAS K	R	S	3	\$1,000	
		NUTTER, DAVID A	R	H	7	\$1,500	
		OBANNON III, JOHN M	R	H	73	\$1,000	
		OBENSHAIN, MARK D	R	S	26	\$500	
		OBRIEN JR, JAMES K (JAY)	R	H	40	\$1,000	
		ODER, G GLENN	R	H	94	\$1,500	
		ORROCK, ROBERT D (BOBBY)	R	H	54	\$1,500	
		PARRISH, HARRY J	R	H	50	\$1,500	
		PETERSEN, J CHAPMAN	D	H	37	\$500	
		PHILLIPS, CLARENCE E (BUD)	D	H	2	\$1,000	
		POLLARD JR, ALBERT C	D	H	99	\$1,250	
		POTTS JR, H RUSS (RUSS)	R	S	27	\$1,000	
		PUCKETT, PHILLIP P	D	S	38	\$500	
		PURKEY, HARRY R (BOB)	R	H	82	\$1,000	
		PUTNEY, LACEY E	I	H	19	\$1,000	
		QUAYLE, FREDERICK M	R	S	13	\$500	
		RAPP, MELANIE L	R	H	96	\$1,000	
		REESE, GARY A	R	H	67	\$500	
		REID, JOHN S (JACK)	R	H	72	\$1,500	
		RERRAS, D NICK	R	S	6	\$1,000	
		REYNOLDS, W ROSCOE	D	S	20	\$1,000	
		ROLLISON III, J A (JACK)	R	H	52	\$500	
		RUFF JR, FRANK M	R	S	15	\$1,000	
		RUST JR, JOHN H	R	H	37	\$750	
		RUST, THOMAS DAVIS	R	H	86	\$1,500	
		SAXMAN, CHRISTOPHER B	R	H	20	\$1,000	
		SCOTT, EDWARD T	R	H	30	\$500	
		SEARS, WINSOME	R	H	90	\$1,000	
		SHERWOOD, BEVERLY J	R	H	29	\$1,000	
		SHULER, JAMES M	D	H	12	\$1,500	
		SPRUILL SR, LIONELL	D	H	77	\$900	
		STOLLE, KENNETH W	R	S	8	\$1,000	
		STOSCH, WALTER A	R	S	12	\$6,350	
		STUMP, JACKIE T	D	H	3	\$1,000	
		SUIT, TERRIE L	R	H	81	\$1,000	
		TATA, ROBERT (BOB)	R	H	85	\$1,000	
		THOMAS, A VICTOR	D	H	17	\$500	
		TRUMBO, MALFOURD W	R	S	22	\$500	
		WAGNER, FRANK W	R	S	7	\$1,500	
		WARDROP JR, LEO C	R	H	83	\$1,750	
		WARE JR, R LEE	R	H	65	\$1,000	

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount		Total by Year
		WATKINS, JOHN C	R	S	10	\$1,500		
		WATTS, VIVIAN E	D	H	39	\$500		
		WEATHERHOLTZ, GLENN M	R	H	26	\$1,000		
		WELCH III, JOHN J	R	H	21	\$1,750		
		WILLIAMS, MARTY E	R	S	1	\$1,000		
		WRIGHT JR, THOMAS C	R	H	61	\$1,250		
	2005	ABBITT JR, WATKINS M	I	H	59	\$500	2005 Total	\$328,152
		ALBO, DAVID B	R	H	42	\$6,250		
		ALEXANDER, KENNETH C	D	H	89	\$250		
		AMUNDSON, KRISTEN J	D	H	44	\$1,000		
		ARMSTRONG, WARD L	D	H	10	\$3,500		
		ATHEY JR, C L (CLAY)	R	H	18	\$1,000		
		BACOTE, MAMYE E	D	H	95	\$750		
		BELL II, J BRANDON	R	S	22	\$1,000		
		BELL III, ROBERT B	R	H	58	\$1,000		
		BLACK, RICHARD H (DICK)	R	H	32	\$1,000		
		BLEVINS, HARRY B	R	S	14	\$750		
		BOLLING, WILLIAM T (BILL)	R	S	4	\$26,000		
		BRINK, ROBERT H	D	H	48	\$750		
		BRYANT JR, L PRESTON	R	H	23	\$500		
		BULOVA, DAVID L	D	H	37	\$500		
		BYRON, KATHY J	R	H	22	\$1,000		
		CALLAHAN JR, VINCENT F	R	H	34	\$2,000		
		CARRICO, C W (BILL)	R	H	5	\$750		
		CHICHESTER, JOHN H	R	S	28	\$2,000		
		CLINE, BEN L	R	H	24	\$250		
		COLE, MARK L	R	H	88	\$1,000		
		COLGAN SR, CHARLES J	D	S	29	\$500		
		COX, M KIRKLAND (KIRK)	R	H	66	\$2,500		
		CRADDOCK, CHRIS S	R	H	67	\$500		
		CUCCINELLI II, KENNETH T	R	S	37	\$750		
		DEVOLITES	R	S	34	\$1,000		
		DEEDS, R CREIGH	D	S	25	\$6,500		
		DUDLEY, ALLEN W	R	H	9	\$1,000		
		EBBIN, ADAM P	D	H	49	\$1,000		
		EDWARDS, JOHN S	D	S	21	\$2,000		
		FRALIN JR, WILLIAM H	R	H	17	\$750		
		FREDERICK, JEFFERY M	R	H	52	\$1,000		
		GEAR, THOMAS D	R	H	91	\$1,000		
		GILBERT, C TODD	R	H	15	\$500		
		GRIFFITH, H MORGAN	R	H	8	\$2,500		
		HALL, FRANKLIN P	D	H	69	\$10,000		
		HAMILTON, PHILLIP A	R	H	93	\$500		
		HANGER JR, EMMETT W	R	S	24	\$750		
		HARGROVE SR, FRANK D	R	H	55	\$250		
		HAWKINS, CHARLES R	R	S	19	\$1,000		
		HOUCK, R EDWARD (EDD)	D	S	17	\$2,000		
		HOWELL JR, ALGIE T	D	H	90	\$500		
		HUGO, TIMOTHY D	R	H	40	\$1,000		
		HULL, ROBERT D (BOB)	D	H	38	\$750		
		HURT, ROBERT	R	H	16	\$1,000		
		IAQUINTO, SAL R	R	H	84	\$500		
		INGRAM, RILEY EDWARD	R	H	62	\$5,100		
		JANIS, W R (BILL)	R	H	56	\$1,500		
		JOHNSON JR, JOSEPH P	D	H	4	\$500		
		JONES, DWIGHT C	D	H	70	\$1,000		
		JONES, S CHRIS	R	H	76	\$1,000		
		KAINE, TIMOTHY M	D	G	W	\$50,000		
		KILGORE, JERRY W	R	G	W	\$56,476		

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount	Total by Year
		KILGORE, TERRY G	R	H	1	\$1,500	
		LAMBERT III, BENJAMIN J	D	S	9	\$750	
		LANDES, R STEVEN	R	H	25	\$500	
		LAPETINA, TROY H	R	H	64	\$500	
		LEWIS JR, LYNWOOD W	D	H	0	\$1,250	
		LINGAMFELTER, L SCOTT	R	H	31	\$2,359	
		LOCKE, MAMIE E	D	S	2	\$750	
		LOHR, MATTHEW J	R	H	26	\$500	
		LUCAS, L LOUISE	D	S	18	\$500	
		MARRS, BRADLEY P	R	H	68	\$1,000	
		MARSDEN, DAVE W	D	H	41	\$500	
		MARSH III, HENRY L	D	S	16	\$1,000	
		MARSHALL, ROBERT G (BOB)	R	H	13	\$1,000	
		MARTIN, STEPHEN H	R	S	11	\$1,250	
		MAY, JOE T	R	H	33	\$1,000	
		MCCLELLAN, JENNIFER L	D	H	71	\$500	
		MCDONNELL, ROBERT F (BOB)	R	AG	W	\$24,440	
		MCDOUGLE, RYAN T	R	H	97	\$1,000	
		MCEACHIN, A DONALD	D	H	74	\$500	
		MCQUIGG, MICHELE B	R	H	51	\$750	
		MELVIN, KENNETH R	D	H	80	\$750	
		MILES SR, FLOYD H	D	H	74	\$2,749	
		MILLER, PAULA J	D	H	87	\$500	
		MIMS, WILLIAM C (BILL)	R	S	33	\$500	
		MORAN, BRIAN J	D	H	46	\$5,000	
		MORGAN, HARVEY B	R	H	98	\$500	
		MOSQUEDA, ELSIE M	D	H	45	\$500	
		NEWMAN, STEPHEN D	R	S	23	\$750	
		NIXON JR, SAMUEL A	R	H	27	\$3,000	
		NORMENT JR, THOMAS K	R	S	3	\$2,700	
		NUTTER, DAVID A	R	H	7	\$1,000	
		OBANNON III, JOHN M	R	H	73	\$1,500	
		OBENSHAIN, MARK D	R	S	26	\$1,000	
		OBRIEN JR, JAMES K (JAY)	R	S	39	\$1,000	
		ODER, G GLENN	R	H	94	\$1,000	
		ORROCK, ROBERT D (BOBBY)	R	H	54	\$1,000	
		PARRISH, HARRY J	R	H	50	\$1,000	
		PHILLIPS, CLARENCE E (BUD)	D	H	2	\$1,000	
		PUCKETT, PHILLIP P	D	S	38	\$500	
		PULLER, LINDA T (TODDY)	D	S	36	\$750	
		PURKEY, HARRY R (BOB)	R	H	82	\$1,500	
		PUTNEY, LACEY E	I	H	19	\$1,000	
		QUAYLE, FREDERICK M	R	S	13	\$750	
		RAPP, MELANIE L	R	H	96	\$1,000	
		REID, JOHN S (JACK)	R	H	72	\$500	
		RERRAS, D NICK	R	S	6	\$1,000	
		REYNOLDS, W ROSCOE	D	S	20	\$1,000	
		RUST, THOMAS DAVIS	R	H	86	\$1,000	
		SASLAW, RICHARD L (DICK)	D	S	35	\$500	
		SAXMAN, CHRISTOPHER B	R	H	20	\$1,000	
		SCOTT, EDWARD T	R	H	30	\$1,250	
		SCOTT, JAMES M (JIM)	D	H	53	\$250	
		SHANNON, STEPHEN C	D	H	35	\$750	
		SHERWOOD, BEVERLY J	R	H	29	\$1,000	
		SHULER, JAMES M	D	H	12	\$2,781	
		SICKLES, MARK D	D	H	43	\$1,000	
		SPRUILL SR, LIONELL	D	H	77	\$1,426	
		STOLLE, KENNETH W	R	S	8	\$2,603	
		STOSCH, WALTER A	R	S	12	\$8,705	

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount		Total by Year
		STUMP, JACKIE T	D	H	3	\$1,000		
		TATA, ROBERT (BOB)	R	H	85	\$1,000		
		TICER, PATRICIA S (PATSY)	D	S	30	\$250		
		TYLER, ROSLYN C	D	H	75	\$500		
		WAGNER, FRANK W	R	S	7	\$2,230		
		WAMPLER JR, WILLIAM C	R	S	40	\$6,000		
		WARD, JEION A	D	H	92	\$1,000		
		WARDRUP JR, LEO C	R	H	83	\$2,000		
		WARE JR, R LEE	R	H	65	\$1,000		
		WARE, ONZLEE	D	H	11	\$1,000		
		WATKINS, JOHN C	R	S	10	\$3,083		
		WATTS, VIVIAN E	D	H	39	\$500		
		WELCH III, JOHN J	R	H	21	\$2,500		
		WHIPPLE, MARY MARGARET	D	S	31	\$250		
		WILLIAMS, MARTIN E	R	S	1	\$1,000		
		WITTMAN, ROBERT J	R	H	99	\$500		
	2007	ABBITT JR, WATKINS M	I	H	59	\$1,500	2007 Total	\$156,831
		ALBO, DAVID B	R	H	42	\$2,000		
		ALEXANDER, KENNETH COOPER	D	H	89	\$500		
		AMUNDSON, KRISTEN J	D	H	44	\$1,000		
		ARMSTRONG, WARD L	D	H	10	\$4,500		
		ATHEY JR, C L (CLAY)	R	H	18	\$1,000		
		BACOTE, MAMYE E	D	H	95	\$500		
		BELL II, J BRANDON	R	S	22	\$500		
		BELL III, ROBERT B	R	H	58	\$1,000		
		BLEVINS, HARRY B	R	S	14	\$500		
		BOWLING, DANNY C (DAN)	D	H	3	\$750		
		BRINK, ROBERT H	D	H	48	\$500		
		BULOVA, DAVID L	D	H	37	\$250		
		BYRON, KATHY J	R	H	22	\$1,000		
		CAPUTO, C CHUCK	D	H	67	\$500		
		CARRICO, C W (BILL)	R	H	5	\$500		
		CLINE, BEN L	R	H	24	\$1,000		
		COLE, MARK L	R	H	88	\$1,000		
		COLGAN SR, CHARLES J	D	S	29	\$2,000		
		COSGROVE JR, JOHN A	R	H	78	\$1,500		
		COX, M KIRKLAND (KIRK)	R	H	66	\$2,000		
		CROCKETT-STARK, ANNE B	R	H	6	\$250		
		CUCCINELLI II, KENNETH T	R	S	37	\$1,250		
		DANCE, ROSALYN R	D	H	63	\$1,000		
		DEVOLITES	R	S	34	\$500		
		DEEDS, R CREIGH	D	S	25	\$2,000		
		EBBIN, ADAM P	D	H	49	\$500		
		EDWARDS, JOHN S	D	S	21	\$1,000		
		ENGLIN, DAVID L	D	H	45	\$500		
		FRALIN JR, WILLIAM H	R	H	17	\$1,000		
		FREDERICK, JEFFREY M	R	H	52	\$1,000		
		GEAR, THOMAS D	R	H	91	\$1,938		
		GILBERT, C TODD	R	H	15	\$1,000		
		GRIFFITH, H MORGAN	R	H	8	\$1,000		
		HALL, FRANKLIN P	D	H	69	\$4,000		
		HAMILTON, PHILLIP A	R	H	93	\$500		
		HANGER JR, EMMETT W	R	S	24	\$1,250		
		HARGROVE SR, FRANK D	R	H	55	\$1,000		
		HOGAN, CLARKE N	R	H	60	\$1,000		
		HOUCK, R EDWARD (EDD)	D	S	17	\$1,250		
		HOWELL JR, ALGIE T	D	H	90	\$500		
		HUGO, TIMOTHY D	R	H	40	\$1,000		
		HULL, ROBERT D (BOB)	D	H	38	\$1,000		

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount	Total by Year
		HURT, ROBERT	R	S	19	\$750	
		IAQUINTO, SAL R	R	H	84	\$500	
		INGRAM, RILEY EDWARD	R	H	62	\$2,148	
		JANIS, W R (BILL)	R	H	56	\$1,250	
		JOANNOU, JOHNNY S	D	H	79	\$500	
		JOHNSON JR, JOSEPH P	D	H	4	\$500	
		JONES, DWIGHT C	D	H	70	\$1,500	
		JONES, S CHRIS	R	H	76	\$500	
		KILGORE, TERRY G	R	H	1	\$1,000	
		LANDES, R STEVEN	R	H	25	\$1,000	
		LEWIS JR, LYNWOOD W	D	H	0	\$1,000	
		LINGAMFELTER, L SCOTT	R	H	31	\$2,240	
		LOCKE, MAMIE E	D	S	2	\$500	
		LOHR, MATTHEW J	R	H	26	\$1,000	
		LOUPASSI, G M (MANOLI)	R	H	68	\$500	
		LUCAS, L LOUISE	D	S	18	\$500	
		MARSDEN, DAVE W	D	H	41	\$1,000	
		MARSH III, HENRY L	D	S	16	\$1,000	
		MARSHALL III, DANNY W	R	H	14	\$1,000	
		MARSHALL, ROBERT G (BOB)	R	H	13	\$1,000	
		MARTIN, STEPHEN H	R	S	11	\$2,750	
		MASSIE III, JIMMIE P	R	H	72	\$2,000	
		MAY, JOE T	R	H	33	\$1,000	
		MCCLELLAN, JENNIFER L	D	H	71	\$1,000	
		MCDOUGLE, RYAN T	R	S	4	\$1,500	
		MCEACHIN, A DONALD	D	S	9	\$1,000	
		MELVIN, KENNETH R	D	H	80	\$1,250	
		MERRICKS, DONALD W	R	H	16	\$500	
		MILLER, JACKSON HUNTER	R	H	50	\$609	
		MILLER, PAULA J	D	H	87	\$500	
		MILLER, YVONNE B	D	S	5	\$250	
		MORAN, BRIAN J	D	H	46	\$3,000	
		MORGAN, HARVEY B	R	H	98	\$500	
		MORRISSEY, JOSEPH D	D	H	74	\$500	
		NEWMAN, STEPHEN D	R	S	23	\$1,250	
		NIXON JR, SAMUEL A	R	H	27	\$1,750	
		NORMENT JR, THOMAS K	R	S	3	\$2,624	
		NUTTER, DAVID A	R	H	7	\$1,000	
		OBANNON III, JOHN M	R	H	73	\$1,250	
		OBENSHAIN, MARK D	R	S	26	\$1,250	
		OBRIEN JR, JAMES K (JAY)	R	S	39	\$1,500	
		ODER, G GLENN	R	H	94	\$1,000	
		ORROCK, ROBERT D (BOBBY)	R	H	54	\$1,000	
		PEACE, CHRISTOPHER K	R	H	97	\$1,000	
		PHILLIPS, CLARENCE E (BUD)	D	H	2	\$1,000	
		POINDEXTER, CHARLES D	R	H	9	\$1,000	
		POISSON, DAVID E	D	H	32	\$1,000	
		PUCKETT, PHILLIP P	D	S	38	\$1,000	
		PULLER, LINDA T (TODDY)	D	S	36	\$500	
		PURKEY, HARRY R (BOB)	R	H	82	\$1,000	
		PUTNEY, LACEY E	I	H	19	\$1,250	
		QUAYLE, FREDERICK M	R	S	13	\$500	
		RERRAS, D NICK	R	S	6	\$1,250	
		REYNOLDS, W ROSCOE	D	S	20	\$2,000	
		RUFF JR, FRANK M	R	S	15	\$1,000	
		RUST, THOMAS DAVIS	R	H	86	\$500	
		SASLAW, RICHARD L (DICK)	D	S	35	\$1,000	
		SAXMAN, CHRISTOPHER B	R	H	20	\$1,250	
		SCOTT, EDWARD T	R	H	30	\$1,250	

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount		Total by Year
		SHANNON, STEPHEN C	D	H	35	\$1,250		
		SHERWOOD, BEVERLY J	R	H	29	\$1,000		
		SHULER, JAMES M	D	H	12	\$2,000		
		SICKLES, MARK D	D	H	43	\$500		
		SMITH, RALPH K	R	S	22	\$500		
		SPRUILL SR, LIONELL	D	H	77	\$1,043		
		STALL, PATRICIA B (TRICIA)	R	S	1	\$500		
		STOLLE, CHRIS P	R	H	83	\$500		
		STOLLE, KENNETH W	R	S	8	\$1,500		
		STOSCH, WALTER A	R	S	12	\$16,545		
		STUART, RICHARD H	R	S	28	\$500		
		TATA, ROBERT (BOB)	R	H	85	\$2,337		
		TICER, PATRICIA S (PATSY)	D	S	30	\$500		
		TOSCANO, DAVID J	D	H	57	\$250		
		TYLER, ROSLYN C	D	H	75	\$1,000		
		VALENTINE, SHANNON R	D	H	23	\$750		
		VOGEL, JILL HOLTZMAN	R	S	27	\$500		
		WADDELL, KATHERINE B	I	H	68	\$500		
		WAGNER, FRANK W	R	S	7	\$1,500		
		WAMPLER JR, WILLIAM C	R	S	40	\$2,500		
		WARD, JEION A	D	H	92	\$500		
		WARE JR, R LEE	R	H	65	\$1,000		
		WARE, ONZLEE	D	H	11	\$1,000		
		WATKINS, JOHN C	R	S	10	\$2,349		
		WATTS, VIVIAN E	D	H	39	\$500		
		WELCH III, JOHN J	R	H	21	\$500		
		WILLIAMS, MARTY E	R	S	1	\$500		
		WITTMAN, ROBERT J	R	H	99	\$500		
		WRIGHT JR, THOMAS C	R	H	61	\$1,000		
							Total 99-07	\$919,197
ASTRA TOBACCO CORP	1999	HAGER, JOHN	R	G	W	\$300	1999 Total	\$300
							Total 99-07	\$300
DISTRIBUTORS	2003	MCDONNELL, ROBERT F (BOB)	R	H	84	\$300	2003 Total	\$1,314
		RERRAS, D NICK	R	S	6	\$250		
		STOLLE, KENNETH W	R	S	8	\$264		
		WAGNER, FRANK W	R	S	7	\$500		
							Total 99-07	\$1,314
BAILEYS S & M BRANDS	2007	ABBITT JR, WATKINS M	I	H	59	\$2,000	2007 Total	\$98,500
		ALBO, DAVID B	R	H	42	\$750		
		ALEXANDER, KENNETH COOPER	D	H	89	\$250		
		AMUNDSON, KRISTEN J	D	H	44	\$250		
		ATHEY JR, C L (CLAY)	R	H	18	\$250		
		BACOTE, MAMYE E	D	H	95	\$250		
		BARKER, GEORGE L	D	S	39	\$1,000		
		BELL II, J BRANDON	R	S	22	\$500		
		BELL III, ROBERT B	R	H	58	\$250		
		BLEVINS, HARRY B	R	S	14	\$750		
		BOWLING, DANNY C (DAN)	D	H	3	\$750		
		BRINK, ROBERT H	D	H	48	\$250		
		BULOVA, DAVID L	D	H	37	\$750		
		BYRON, KATHY J	R	H	22	\$250		
		CAPUTO, C CHUCK	D	H	67	\$1,000		
		CARRICO, C W (BILL)	R	H	5	\$500		
		COLGAN SR, CHARLES J	D	S	29	\$1,000		
		COX, M KIRKLAND (KIRK)	R	H	66	\$500		
		CROCKETT-STARK, ANNE B	R	H	6	\$1,000		

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount	Total by Year
		CUCCINELLI II, KENNETH T	R	S	37	\$1,000	
		DANCE, ROSALYN R	D	H	63	\$250	
		DEVOLITES	R	S	34	\$1,000	
		DEEDS, R CREIGH	D	S	25	\$1,000	
		EBBIN, ADAM P	D	H	49	\$250	
		EDWARDS, JOHN S	D	S	21	\$750	
		ENGLIN, DAVID L	D	H	45	\$750	
		FRALIN JR, WILLIAM H	R	H	17	\$250	
		FREDERICK, JEFFREY M	R	H	52	\$1,000	
		GEAR, THOMAS D	R	H	91	\$250	
		GILBERT, C TODD	R	H	15	\$250	
		GRIFFITH, H MORGAN	R	H	8	\$750	
		HAMILTON, PHILLIP A	R	H	93	\$1,000	
		HANGER JR, EMMETT W	R	S	24	\$1,500	
		HARGROVE SR, FRANK D	R	H	55	\$250	
		HERRING, MARK R	D	S	33	\$2,000	
		HOGAN, CLARKE N	R	H	60	\$2,500	
		HOUCK, R EDWARD (EDD)	D	S	17	\$750	
		HOWELL JR, ALGIE T	D	H	90	\$250	
		HOWELL, JANET D	D	S	32	\$750	
		HOWELL, WILLIAM J	R	H	28	\$5,000	
		HUGO, TIMOTHY D	R	H	40	\$1,000	
		HULL, ROBERT D (BOB)	D	H	38	\$250	
		HURT, ROBERT	R	S	19	\$2,000	
		JANIS, W R (BILL)	R	H	56	\$1,000	
		JOANNOU, JOHNNY S	D	H	79	\$1,000	
		JONES, DWIGHT C	D	H	70	\$500	
		JONES, S CHRIS	R	H	76	\$250	
		KILGORE, TERRY G	R	H	1	\$500	
		LAMBERT III, BENJAMIN J	D	S	9	\$750	
		LANDES, R STEVEN	R	H	25	\$250	
		LEWIS JR, LYNWOOD W	D	H	0	\$250	
		LOCKE, MAMIE E	D	S	2	\$750	
		LOHR, MATTHEW J	R	H	26	\$500	
		LOUPASSI, G M (MANOLI)	R	H	68	\$750	
		LUCAS, L LOUISE	D	S	18	\$750	
		MARSH III, HENRY L	D	S	16	\$750	
		MARSHALL III, DANNY W	R	H	14	\$1,500	
		MARTIN, STEPHEN H	R	S	11	\$1,000	
		MASSIE III, JIMMIE P	R	H	72	\$1,250	
		MATHIESON, R W (BOBBY)	D	H	21	\$750	
		MAY, JOE T	R	H	33	\$500	
		MCDUGLE, RYAN T	R	S	4	\$750	
		MCEACHIN, A DONALD	D	S	9	\$1,000	
		MELVIN, KENNETH R	D	H	80	\$500	
		MERRICKS, DONALD W	R	H	16	\$1,000	
		MILES SR, FLOYD H	D	H	74	\$1,000	
		MILLER, JACKSON HUNTER	R	H	50	\$1,000	
		MILLER, JOHN C	D	S	1	\$1,000	
		MILLER, PAULA J	D	H	87	\$750	
		MILLER, YVONNE B	D	S	5	\$750	
		MORAN, BRIAN J	D	H	46	\$500	
		MORGAN, HARVEY B	R	H	98	\$250	
		NEWMAN, STEPHEN D	R	S	23	\$750	
		NICHOLS, PAUL F	D	H	51	\$750	
		NORTHAM, RALPH S	D	S	6	\$1,000	
		NUTTER, DAVID A	R	H	7	\$500	
		OBENSHAIN, MARK D	R	S	26	\$750	
		OBRIEN JR, JAMES K (JAY)	R	S	39	\$1,000	

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount		Total by Year
		ODER, G GLENN	R	H	94	\$250		
		ORROCK, ROBERT D (BOBBY)	R	H	54	\$250		
		PEACE, CHRISTOPHER K	R	H	97	\$250		
		PETERSEN, J CHAPMAN	D	S	34	\$1,000		
		PHILLIPS, CLARENCE E (BUD)	D	H	2	\$500		
		PLUM, KENNETH R	D	H	36	\$250		
		POGGE, BRENDA L	R	H	96	\$750		
		POINDEXTER, CHARLES D	R	H	9	\$750		
		POISSON, DAVID E	D	H	32	\$1,500		
		PUCKETT, PHILLIP P	D	S	38	\$3,500		
		PULLER, LINDA T (TODDY)	D	S	36	\$750		
		PURKEY, HARRY R (BOB)	R	H	82	\$500		
		PUTNEY, LACEY E	I	H	19	\$500		
		QUAYLE, FREDERICK M	R	S	13	\$1,750		
		RERRAS, D NICK	R	S	6	\$1,000		
		REYNOLDS, W ROSCOE	D	S	20	\$2,000		
		RUFF JR, FRANK M	R	S	15	\$1,500		
		RUST, THOMAS DAVIS	R	H	86	\$750		
		SASLAW, RICHARD L (DICK)	D	S	35	\$3,000		
		SAXMAN, CHRISTOPHER B	R	H	20	\$250		
		SCOTT, EDWARD T	R	H	30	\$250		
		SCOTT, JAMES M (JIM)	D	H	53	\$250		
		SHANNON, STEPHEN C	D	H	35	\$750		
		SICKLES, MARK D	D	H	43	\$250		
		SMITH, RALPH K	R	S	22	\$1,000		
		SPRUILL SR, LIONELL	D	H	77	\$500		
		STALL, PATRICIA B (TRICIA)	R	S	1	\$750		
		STOLLE, CHRIS P	R	H	83	\$750		
		STUART, RICHARD H	R	S	28	\$1,000		
		SUIT, TERRIE L	R	H	81	-\$500		
		TATA, ROBERT (BOB)	R	H	85	\$250		
		TICER, PATRICIA S (PATSY)	D	S	30	\$750		
		VALENTINE, SHANNON R	D	H	23	\$250		
		VOGEL, JILL HOLTZMAN	R	S	27	\$1,000		
		WADDELL, KATHERINE B	I	H	68	\$1,000		
		WAGNER, FRANK W	R	S	7	\$750		
		WARD, JEION A	D	H	92	\$250		
		WARE JR, R LEE	R	H	65	\$250		
		WATKINS, JOHN C	R	S	10	\$750		
		WATTS, VIVIAN E	D	H	39	\$1,000		
		WELCH III, JOHN J	R	H	21	\$1,000		
		WHIPPLE, MARY MARGARET	D	S	31	\$750		
		WILLIAMS, MARTY E	R	S	1	\$750		
		WITTMAN, ROBERT J	R	H	99	\$250		
		WRIGHT JR, THOMAS C	R	H	61	\$250		
							Total 99-07	\$98,500
BIG SALE WAREHOUSE	2003	HAWKINS, CHARLES R	R	S	19	\$500	2003 Total	\$500
	2005	MARSHALL III, DANNY W	R	H	14	\$3,000	2005 Total	\$3,000
							Total 99-07	\$3,500
BROWN & WILLIAMSON TOBACCO	1999	CANTOR, ERIC I	R	H	73	\$200	1999 Total	\$12,230
		CHICHESTER, JOHN H	R	S	28	\$730		
		FRALIN JR, WILLIAM H	R	S	21	\$1,000		
		HAGER, JOHN	R	G	W	\$10,000		
		NORMENT JR, THOMAS K	R	S	3	\$300		
	2001	CHICHESTER, JOHN H	R	S	28	\$457	2001 Total	\$15,907
		CLEMENT, WHITT W	D	H	14	\$750		
		EARLEY, MARK L	R	G	W	\$5,000		

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount		Total by Year
		HAGER, JOHN KATZEN, JAY K KILGORE, JERRY W WILKINS JR, S VANCE	R R R R	G G AG H	W W W 24	\$6,200 \$500 \$1,000 \$2,000	Total 99-07	\$28,137
CHEROKEE TOBACCO	2005	JANIS, W R (BILL) KILGORE, JERRY W	R R	H G	56 W	\$1,000 \$250	2005 Total Total 99-07	\$1,250 \$1,250
CIGAR ASSOC OF AMERICA	2001	HAGER, JOHN	R	G	W	\$3,500	2001 Total	\$3,500
	2007	GEAR, THOMAS D GRIFFITH, H MORGAN	R R	H H	91 8	\$1,000 \$1,000	2007 Total Total 99-07	\$2,000 \$5,500
CIGARLADY MAXIMON TOBACCO	2001	MARRS, BRADLEY P	R	H	68	\$250	2001 Total Total 99-07	\$250 \$250
CIRCLE W FARMS INC	1999	HORNE, EARL O	D	H	61	\$200	1999 Total Total 99-07	\$200 \$200
CONCERNED FRIENDS FOR TOBACCO	1999	ABBITT JR, WATKINS M ARMSTRONG, WARD L BENNETT JR, WW (TED) CLEMENT, WHITT W DAY, BARNIE K DUDLEY, ALLEN W HAWKINS, CHARLES R HOLLAND, RICHARD J KILGORE, TERRY G NEWMAN, STEPHEN D PUTNEY, LACEY E QUAYLE, FREDERICK M	D D D D R R D R R R I R	H H H H H H S S H S H S	59 11 60 20 10 9 19 15 1 23 19 13	\$200 \$200 \$300 \$300 \$200 \$500 \$1,000 \$250 \$200 \$250 \$200 \$250	1999 Total	\$3,850
	2001	ABBITT JR, WATKINS M ARMSTRONG, WARD L BRYANT JR, L PRESTON BYRON, KATHY J CLEMENT, WHITT W DUDLEY, ALLEN W EARLEY, MARK L GLAISE, JOYCE E HOGAN, CLARKE N HURT, ROBERT KATZEN, JAY K KILGORE, JERRY W KILGORE, TERRY G MARSHALL III, DANNY W MILES III, W SHELTON PUTNEY, LACEY E REYNOLDS, W ROSCOE WARNER, MARK R WILKINS JR, S VANCE	D D R R D R R D R R R R R R I I D D R	H H H H AG H G H H G AG H H H H H S G H	59 10 23 22 W 9 W 14 60 16 W W 1 14 22 19 20 W 24	\$250 \$500 \$250 \$250 \$500 \$250 \$1,500 \$100 \$250 \$250 \$1,000 \$1,000 \$250 \$250 \$250 \$250 \$1,500 \$250	2001 Total	\$9,100
	2003	ARMSTRONG, WARD L BELL II, J BRANDON BRYANT JR, L PRESTON BYRON, KATHY J CLINE, BEN L DUDLEY, ALLEN W HAWKINS, CHARLES R	D R R R R R R	H S H H H H S	10 22 23 22 24 9 19	\$250 \$500 \$250 \$250 \$250 \$250 \$1,500	2003 Total	\$7,250

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount		Total by Year
		HOGAN, CLARKE N	R	H	60	\$250		
		JOHNSON JR, JOSEPH P	D	H	4	\$250		
		KILGORE, TERRY G	R	H	1	\$250		
		NEWMAN, STEPHEN D	R	S	23	\$500		
		NORMENT JR, THOMAS K	R	S	3	\$500		
		POTTS JR, H RUSS (RUSS)	R	S	27	\$500		
		PUCKETT, PHILLIP P	D	S	38	\$500		
		PUTNEY, LACEY E	I	H	19	\$250		
		REYNOLDS, W ROSCOE	D	S	20	\$500		
	RUFF JR, FRANK M	R	S	15	\$500			
	2005	ARMSTRONG, WARD L	D	H	10	\$250	2005 Total	\$4,900
		BRYANT JR, L PRESTON	R	H	23	-\$100		
		CLINE, BEN L	R	H	24	\$250		
		DEEDS, R CREIGH	D	AG	W	\$500		
		DUDLEY, ALLEN W	R	H	9	\$500		
		HURT, ROBERT	R	H	16	\$250		
		KAINE, TIMOTHY M	D	G	W	\$1,000		
		KILGORE, JERRY W	R	G	W	\$1,000		
		KILGORE, TERRY G	R	H	1	\$250		
		MCDONNELL, ROBERT F (BOB)	R	AG	W	\$500		
		NEWMAN, STEPHEN D	R	S	23	\$500		
	2007	HANGER JR, EMMETT W	R	S	24	\$250	2007 Total	\$4,250
		HOUCK, R EDWARD (EDD)	D	S	17	\$250		
		HURT, ROBERT	R	S	19	\$500		
		MARSHALL III, DANNY W	R	H	14	\$250		
		MARTIN, STEPHEN H	R	S	11	\$250		
		MERRICKS, DONALD W	R	H	16	\$500		
		OBRIEN JR, JAMES K (JAY)	R	S	39	\$250		
	POINDEXTER, CHARLES D	R	H	9	\$250			
	RERRAS, D NICK	R	S	6	\$250			
	REYNOLDS, W ROSCOE	D	S	20	\$500			
	RUFF JR, FRANK M	R	S	15	\$500			
	STOSCH, WALTER A	R	S	12	\$500			
						Total 99-07	\$29,350	
CONWOOD CO	2005	COX, M KIRKLAND (KIRK)	R	H	66	\$250	2005 Total	\$250
							Total 99-07	\$250
DIMON INC	2001	CLEMENT, WHITT W	D	AG	W	\$21,500	2001 Total	\$31,730
		EARLEY, MARK L	R	G	W	\$4,500		
		HAGER, JOHN	R	G	W	\$3,100		
		KILGORE, JERRY W	R	AG	W	\$1,000		
		MARSHALL III, DANNY W	R	H	14	\$1,630		
	2003	HAWKINS, CHARLES R	R	S	19	\$700	2003 Total	\$950
		HURT, ROBERT	R	H	16	\$250		
2005	PUCKETT, PHILLIP P	D	G	W	\$500	2005 Total	\$500	
						Total 99-07	\$33,180	
GF VAUGHAN TOBACCO	1999	HAGER, JOHN	R	G	W	\$10,000	1999 Total	\$10,000
							Total 99-07	\$10,000
GOLDEN LEAF FARMS	1999	WRIGHT JR, THOMAS C	R	S	15	\$500	1999 Total	\$500
	2001	EARLEY, MARK L	R	G	W	\$25,000	2001 Total	\$37,250
		HAGER, JOHN	R	G	W	\$250		
		HOGAN, CLARKE N	R	H	60	\$500		
		KILGORE, JERRY W	R	AG	W	\$10,000		
		WRIGHT JR, THOMAS C	R	H	61	\$1,500		
2003	KILGORE, TERRY G	R	H	1	\$2,000	2003 Total	\$15,500	
	MCDONNELL, ROBERT F (BOB)	R	AG	W	\$500			

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount	Total by Year
		BARRY, WARREN E	R	S	37	\$1,000	
		BASKERVILLE, VIOLA OSBORNE	D	H	71	\$750	
		BENNETT JR, WW (TED)	D	H	60	\$750	
		BLACK, RICHARD H (DICK)	R	H	32	\$750	
		BLEVINS, HARRY B	R	H	78	\$500	
		BOLLING, WILLIAM T (BILL)	R	S	4	\$1,500	
		BOLVIN, THOMAS M	R	H	43	\$500	
		BYRNE, LESLIE L	D	S	34	\$1,000	
		BYRON, KATHY J	R	H	22	\$1,500	
		CALLAHAN JR, VINCENT F	R	H	34	\$1,250	
		CANTOR, ERIC I	R	H	73	\$1,000	
		CHICHESTER, JOHN H	R	S	28	\$2,500	
		CHRISLEY, BARBARA M	R	H	7	\$6,000	
		CLEMENT, WHITT W	D	H	20	\$1,250	
		COLGAN SR, CHARLES J	D	S	29	\$1,000	
		COX, M KIRKLAND (KIRK)	R	H	66	\$908	
		CROSHAW, GLENN R	D	H	81	\$1,000	
		DAY, BARNIE K	D	H	10	\$1,750	
		DEBOER, JAY WAYNE	D	H	63	\$1,250	
		DEEDS, R CREIGH	D	H	18	\$1,250	
		DIAMONSTEIN, ALAN A	D	H	94	\$1,250	
		DILLARD II, JAMES H (JIM)	R	H	41	\$1,500	
		DUDLEY, ALLEN W	R	H	9	\$2,250	
		EDWARDS, JOHN S	D	S	21	\$1,250	
		FORBES, J RANDY	R	S	14	\$1,500	
		GRIFFITH, H MORGAN	R	H	8	\$1,250	
		HAGER, JOHN	R	G	W	\$150	
		HALL, FRANKLIN P	D	H	69	\$2,000	
		HAMILTON, PHILLIP A	R	H	93	\$1,263	
		HANGER JR, EMMETT W	R	S	24	\$1,250	
		HARRIS, PAUL C	R	H	58	\$1,200	
		HAWKINS, CHARLES R	R	S	19	\$2,500	
		HOLLAND, RICHARD J	D	S	15	\$1,000	
		HOUCK, R EDWARD (EDD)	D	S	17	\$1,250	
		HOWELL, WILLIAM J	R	H	28	\$1,000	
		JACKSON JR, THOMAS M	D	H	6	\$1,000	
		JONES, JERRAULD C	D	H	89	\$500	
		KATZEN, JAY K	R	H	31	\$500	
		KEATING, GLADYS B	R	H	43	\$500	
		KEISTER, WB (BENNY)	D	H	7	\$1,250	
		KILGORE, TERRY G	R	H	1	\$750	
		LAMBERT III, BENJAMIN J	D	S	9	\$1,750	
		LANDES, R STEVEN	R	H	25	\$750	
		LARRABEE, PHIL	R	H	91	\$1,250	
		LOUDERBACK, ALLEN L	R	H	15	\$750	
		LUCAS, L LOUISE	D	S	18	\$1,250	
		MARSH III, HENRY L	D	S	16	\$2,765	
		MARTIN, STEPHEN H	R	S	11	\$4,250	
		MAXWELL, W HENRY	D	S	2	\$750	
		MELVIN, KENNETH R	D	H	80	\$1,113	
		MILLER, KEVIN G	R	S	26	\$1,250	
		NEWMAN, STEPHEN D	R	S	23	\$2,000	
		NORMENT JR, THOMAS K	R	S	3	\$3,500	
		POTTS JR, H RUSS (RUSS)	R	S	27	\$827	
		PUCKETT, PHILLIP P	D	S	38	\$1,250	
		PULLER, LINDA T (TODDY)	D	S	36	\$1,000	
		PUTNEY, LACEY E	I	H	19	\$1,750	
		QUAYLE, FREDERICK M	R	S	13	\$1,250	
		REID, JOHN S (JACK)	R	H	72	\$1,500	

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount		Total by Year
		RHODES, ANNE G (PANNY)	R	H	68	\$1,250		
		RUFF JR, FRANK M	R	H	61	\$1,500		
		SCHROCK, EDWARD L	R	S	7	\$750		
		STOLLE, KENNETH W	R	S	8	\$1,750		
		STOSCH, WALTER A	R	S	12	\$2,679		
		WALKER, STANLEY C	D	S	6	\$1,000		
		WARDRUP JR, LEO C	R	H	83	\$500		
		WARE JR, R LEE	R	H	65	\$500		
		WATKINS, JOHN C	R	S	10	\$2,086		
	WILLIAMS, MARTY E	R	S	1	\$3,000			
	2001	ASHWORTH, BILLY	R	H	6	\$150	2001 Total	\$21,242
		EARLEY, MARK L	R	G	W	\$3,242		
		HAGER, JOHN	R	G	W	\$1,600		
		HAGY, J ANDREW	K	H	56	\$250		
		KAINE, TIMOTHY M	D	G	W	\$3,900		
		KATZEN, JAY K	R	G	W	\$100		
		KILGORE, JERRY W	R	AG	W	\$1,500		
		MARRS, BRADLEY P	R	H	68	\$1,250		
		MCEACHIN, A DONALD	D	AG	W	\$250		
		MILES SR, FLOYD H	D	H	74	\$250		
		RUFF JR, FRANK M	R	S	15	\$100		
		WARNER, MARK R	D	G	W	\$8,650		
	2003	BARIL, STEPHEN E	R	AG	W	\$750	2003 Total	\$1,600
		MCGUIRE III, HUNTER H	D	H	56	\$400		
		NICHOLSON III, JOHN B	I	H	75	\$200		
		RUFF JR, FRANK M	R	S	15	\$250		
	2005	BARIL, STEPHEN E	R	AG	W	\$725	2005 Total	\$13,150
		BOLLING, WILLIAM T (BILL)	R	G	W	\$1,450		
		BYRNE, LESLIE L	D	G	W	\$500		
		CHRISTOPHER, SUPRIYA	D	H	84	\$250		
		CUCCINELLI II, KENNETH T	R	S	37	\$150		
	DEEDS, R CREIGH	D	AG	W	\$750			
	FREDERICK, JEFFERY M	R	H	52	\$50			
	JANIS, W R (BILL)	R	H	56	\$250			
	KAINE, TIMOTHY M	D	G	W	\$3,125			
	KILGORE, JERRY W	R	G	W	\$5,200			
	MCCLELLAN, JENNIFER L	D	H	71	\$200			
	MILES SR, FLOYD H	D	H	74	\$500			
						Total 99-07	\$135,483	
WAREHOUSE	2001	HAGER, JOHN	R	G	W	\$1,000	2001 Total	\$3,025
		CLEMENT, WHITT W	D	AG	W	\$1,025		
		MARSHALL III, DANNY W	R	H	14	\$1,000		
	2003	HURT, ROBERT	R	H	16	\$250	2003 Total	\$250
	2005	BARIL, STEPHEN E	R	AG	W	\$50	2005 Total	\$4,050
		KILGORE, JERRY W	R	G	W	\$4,000		
						Total 99-07	\$7,325	
PIEDMONT WAREHOUSE	2001	CLEMENT, WHITT W	D	AG	W	\$250	2001 Total	\$350
		MARSHALL III, DANNY W	R	H	14	\$100		
	2003	HAWKINS, CHARLES R	R	S	19	\$100	2003 Total	\$100
						Total 99-07	\$450	
PRODUCERS TOBACCO CO	1999	CLEMENT, WHITT W	D	H	20	\$250	1999 Total	\$250
	2001	CLEMENT, WHITT W	D	AG	W	\$500	2001 Total	\$500
						Total 99-07	\$750	
REYNOLDS AMERICAN	2007	ABBITT JR, WATKINS M	I	H	59	\$500	2007 Total	\$22,185
		AMUNDSON, KRISTEN J	D	H	44	\$500		

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount		Total by Year
		ARMSTRONG, WARD L	D	H	10	\$1,000		
		CAPUTO, C CHUCK	D	H	67	\$250		
		COLE, MARK L	R	H	88	\$500		
		COLGAN SR, CHARLES J	D	S	29	\$500		
		COX, M KIRKLAND (KIRK)	R	H	66	\$500		
		CUCCINELLI II, KENNETH T	R	S	37	\$500		
		FREDERICK, JEFFREY M	R	H	52	\$500		
		GEAR, THOMAS D	R	H	91	\$1,000		
		HALL, FRANKLIN P	D	H	69	\$1,500		
		HANGER JR, EMMETT W	R	S	24	\$500		
		HOUCK, R EDWARD (EDD)	D	S	17	\$500		
		HUGO, TIMOTHY D	R	H	40	\$750		
		HULL, ROBERT D (BOB)	D	H	38	\$250		
		INGRAM, RILEY EDWARD	R	H	62	\$685		
		JANIS, W R (BILL)	R	H	56	\$250		
		JOANNOU, JOHNNY S	D	H	79	\$2,500		
		LAMBERT III, BENJAMIN J	D	S	9	\$1,000		
		LEWIS JR, LYNWOOD W	D	H	0	\$500		
		LINGAMFELTER, L SCOTT	R	H	31	\$500		
		MARSHALL III, DANNY W	R	H	14	\$500		
		MARTIN, STEPHEN H	R	S	11	\$500		
		MCDOUGLE, RYAN T	R	S	4	\$500		
		MCEACHIN, A DONALD	D	S	9	\$500		
		MORAN, BRIAN J	D	H	46	\$500		
		PULLER, LINDA T (TODDY)	D	S	36	\$500		
		RERRAS, D NICK	R	S	6	\$1,000		
		REYNOLDS, W ROSCOE	D	S	20	\$1,000		
		RUFF JR, FRANK M	R	S	15	\$500		
		SHULER, JAMES M	D	H	12	\$250		
		STOSCH, WALTER A	R	S	12	\$1,000		
		WARE JR, R LEE	R	H	65	\$250		
		WELCH III, JOHN J	R	H	21	\$500		
							Total 99-07	\$22,185
RJ REYNOLDS TOBACCO	1999	ABBITT JR, WATKINS M	D	H	59	\$795	1999 Total	\$23,095
		ALBO, DAVID B	R	H	42	\$250		
		BLACK, RICHARD H (DICK)	R	H	32	\$1,000		
		CRANWELL, C RICHARD (DICK)	D	H	14	\$5,000		
		CROSHAW, GLENN R	D	H	81	\$250		
		DEBOER, JAY WAYNE	D	H	63	\$500		
		DEEDS, R CREIGH	D	H	18	\$500		
		DILLARD II, JAMES H (JIM)	R	H	41	\$1,000		
		DUDLEY, ALLEN W	R	H	9	\$250		
		EARLEY, MARK L	R	G	W	\$500		
		HAGER, JOHN	R	G	W	\$5,000		
		HALL, FRANKLIN P	D	H	69	\$1,000		
		HAMILTON, PHILLIP A	R	H	93	\$815		
		HOLLAND, RICHARD J	D	S	15	\$1,000		
		HOUCK, R EDWARD (EDD)	D	S	17	\$1,000		
		KATZEN, JAY K	R	H	31	\$250		
		MARTIN, STEPHEN H	R	S	11	\$500		
		NEWMAN, STEPHEN D	R	S	23	\$250		
		QUAYLE, FREDERICK M	R	S	13	\$500		
		RUFF JR, FRANK M	R	H	61	\$250		
		STOSCH, WALTER A	R	S	12	\$193		
		WALKER, STANLEY C	D	S	6	\$500		
		WAMPLER JR, WILLIAM C	R	S	40	\$792		
		WARDROP JR, LEO C	R	H	83	\$750		
		WILLIAMS, MARTY E	R	S	1	\$250		

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount		Total by Year
	2001	ABBITT JR, WATKINS M	D	H	59	\$630	2001 Total	\$26,383
		ALBO, DAVID B	R	H	42	\$250		
		ARMSTRONG, WARD L	D	H	10	\$750		
		BOLVIN, THOMAS M	R	H	43	\$250		
		CALLAHAN JR, VINCENT F	R	H	34	\$500		
		CLEMENT, WHITT W	D	H	14	\$1,250		
		COX, M KIRKLAND (KIRK)	R	H	66	\$250		
		DAY, BARNIE K	D	H	10	\$250		
		DIAMONSTEIN, ALAN A	D	H	94	\$500		
		DRAKE, THELMA D	R	H	87	\$500		
		DUDLEY, ALLEN W	R	H	9	\$250		
		EDWARDS, JOHN S	D	AG	W	\$1,000		
		FORBES, J RANDY	R	S	14	\$250		
		GRIFFITH, H MORGAN	R	H	8	\$500		
		HAMILTON, PHILLIP A	R	H	93	\$901		
		HOWELL, WILLIAM J	R	H	28	\$500		
		INGRAM, RILEY EDWARD	R	H	62	\$610		
		JACKSON JR, THOMAS M	D	H	10	\$250		
		JOANNOU, JOHNNY S	D	H	79	\$250		
		JONES, S CHRIS	R	H	76	\$250		
		KEISTER, W B (BENNY)	D	H	6	\$500		
		LARRABEE, PHIL	R	H	91	\$250		
		MARSH III, HENRY L	D	S	16	\$250		
		MARTIN, STEPHEN H	R	S	11	\$500		
		MCDONNELL, ROBERT F (BOB)	R	H	84	\$750		
		MCQUIGG, MICHELE B	R	H	51	\$250		
		NEWMAN, STEPHEN D	R	S	23	\$250		
		NIXON JR, SAMUEL A	R	H	27	\$250		
		NORMENT JR, THOMAS K	R	S	3	\$250		
		PUCKETT, PHILLIP P	D	S	38	\$250		
		RAPP, MELANIE L	R	H	96	\$250		
		REID, JOHN S (JACK)	R	H	72	\$500		
		ROBINSON JR, WILLIAM P	D	H	90	\$500		
		ROLLISON III, J A (JACK)	R	H	52	\$500		
		RUST JR, JOHN H	R	H	37	\$1,000		
		SHULER, JAMES M	D	H	7	\$500		
		STOLLE, KENNETH W	R	S	8	\$250		
		TATA, ROBERT (BOB)	R	H	85	\$250		
		TATE JR, JOHN H	D	H	5	\$1,292		
		WARDRUP JR, LEO C	R	H	83	\$500		
		WILKINS JR, S VANCE	R	H	24	\$6,700		
		WILLIAMS, MARTY E	R	S	1	\$500		
		WRIGHT JR, THOMAS C	R	H	61	\$250		
	2003	ABBITT JR, WATKINS M	I	H	59	\$250	2003 Total	\$16,359
		AMUNDSON, KRISTEN J	D	H	44	\$250		
		CARRICO, C W (BILL)	R	H	5	\$250		
		CHICHESTER, JOHN H	R	S	28	\$500		
		CLINE, BEN L	R	H	24	\$250		
		COLGAN SR, CHARLES J	D	S	29	\$500		
		CUCCINELLI II, KENNETH T	R	S	37	\$450		
		DRAKE, THELMA D	R	H	87	\$250		
		DUDLEY, ALLEN W	R	H	9	\$250		
		GRIFFITH, H MORGAN	R	H	8	\$1,000		
		HALL, FRANKLIN P	D	H	69	\$1,000		
		HAMILTON, PHILLIP A	R	H	93	\$464		
		HOUCK, R EDWARD (EDD)	D	S	17	\$500		
		HURT, ROBERT	R	H	16	\$250		
		INGRAM, RILEY EDWARD	R	H	62	\$725		
		JOANNOU, JOHNNY S	D	H	79	\$250		

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount		Total by Year
		KEISTER, W B (BENNY)	D	H	6	\$500		
		LINGAMFELTER, L SCOTT	R	H	31	\$500		
		LOUDERBACK, ALLEN L	R	H	15	\$500		
		MARTIN, STEPHEN H	R	S	11	\$300		
		NEWMAN, STEPHEN D	R	S	23	\$750		
		NORMENT JR, THOMAS K	R	S	3	\$500		
		POTTS JR, H RUSS (RUSS)	R	S	27	\$1,000		
		PULLER, LINDA T (TODDY)	D	S	36	\$500		
		REYNOLDS, W ROSCOE	D	S	20	\$500		
		SHULER, JAMES M	D	H	12	\$750		
		STOSCH, WALTER A	R	S	12	\$500		
		TATA, ROBERT (BOB)	R	H	85	\$250		
		WAGNER, FRANK W	R	S	7	\$1,670		
		WEATHERHOLTZ, GLENN M	R	H	26	\$250		
		WELCH III, JOHN J	R	H	21	\$250		
		WILLIAMS, MARTY E	R	S	1	\$500		
	2005	ABBITT JR, WATKINS M	I	H	59	\$250	2005 Total	\$36,875
		ALBO, DAVID B	R	H	42	\$1,250		
		ARMSTRONG, WARD L	D	H	10	\$1,750		
		ATHEY JR, C L (CLAY)	R	H	18	\$250		
		BELL III, ROBERT B	R	H	58	\$250		
		BLEVINS, HARRY B	R	S	14	\$250		
		BOLLING, WILLIAM T (BILL)	R	G	W	\$1,500		
		COLE, MARK L	R	H	88	\$250		
		COLGAN SR, CHARLES J	D	S	29	\$500		
		COSGROVE JR, JOHN A	R	H	78	\$250		
		COX, M KIRKLAND (KIRK)	R	H	66	\$500		
		DUDLEY, ALLEN W	R	H	9	\$250		
		FREDERICK, JEFFERY M	R	H	52	\$750		
		GRIFFITH, H MORGAN	R	H	8	\$2,500		
		HALL, FRANKLIN P	D	H	69	\$5,000		
		HAMILTON, PHILLIP A	R	H	93	\$241		
		HAWKINS, CHARLES R	R	S	19	\$500		
		HOWELL, WILLIAM J	R	H	28	\$1,000		
		HUGO, TIMOTHY D	R	H	40	\$250		
		IAQUINTO, SAL R	R	H	84	\$250		
		INGRAM, RILEY EDWARD	R	H	62	\$688		
		JANIS, W R (BILL)	R	H	56	\$500		
		JOANNOU, JOHNNY S	D	H	79	\$1,000		
		JONES, DWIGHT C	D	H	70	\$250		
		LAMBERT III, BENJAMIN J	D	S	9	\$250		
		LANDES, R STEVEN	R	H	25	\$750		
		LEWIS JR, LYNWOOD W	D	H	0	\$500		
		LINGAMFELTER, L SCOTT	R	H	31	\$500		
		MARRS, BRADLEY P	R	H	68	\$1,250		
		MARSHALL, ROBERT G (BOB)	R	H	13	\$250		
		MARTIN, STEPHEN H	R	S	11	\$250		
		MCDONNELL, ROBERT F (BOB)	R	AG	W	\$1,000		
		MCDUGLE, RYAN T	R	H	97	\$500		
		MILLER, PAULA J	D	H	87	\$500		
		NEWMAN, STEPHEN D	R	S	23	\$250		
		NIXON JR, SAMUEL A	R	H	27	\$750		
		NORMENT JR, THOMAS K	R	S	3	\$300		
		ORROCK, ROBERT D (BOBBY)	R	H	54	\$500		
		PHILLIPS, CLARENCE E (BUD)	D	H	2	\$250		
		PUCKETT, PHILLIP P	D	G	W	\$500		
		PURKEY, HARRY R (BOB)	R	H	82	\$250		
		PUTNEY, LACEY E	I	H	19	\$250		
		QUAYLE, FREDERICK M	R	S	13	\$458		

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount		Total by Year
		REID, JOHN S (JACK)	R	H	72	\$500		
		REYNOLDS, W ROSCOE	D	S	20	\$250		
		RUFF JR, FRANK M	R	S	15	\$500		
		SAXMAN, CHRISTOPHER B	R	H	20	\$250		
		SHANNON, STEPHEN C	D	H	35	\$500		
		SHULER, JAMES M	D	H	12	\$300		
		STOSCH, WALTER A	R	S	12	\$1,400		
		WAGNER, FRANK W	R	S	7	\$1,738		
		WARDRUP JR, LEO C	R	H	83	\$250		
		WARE, ONZLEE	D	H	11	\$500		
		WATKINS, JOHN C	R	S	10	\$250		
		WELCH III, JOHN J	R	H	21	\$250		
		WILLIAMS, MARTIN E	R	S	1	\$750		
	2007	ALBO, DAVID B	R	H	42	\$1,000	2007 Total	\$22,648
		AMUNDSON, KRISTEN J	D	H	44	\$500		
		ARMSTRONG, WARD L	D	H	10	\$500		
		CAPUTO, C CHUCK	D	H	67	\$250		
		CARRICO, C W (BILL)	R	H	5	\$250		
		COX, M KIRKLAND (KIRK)	R	H	66	\$500		
		CUCCINELLI II, KENNETH T	R	S	37	\$750		
		DEEDS, R CREIGH	D	S	25	\$250		
		HALL, FRANKLIN P	D	H	69	\$1,000		
		HAMILTON, PHILLIP A	R	H	93	\$832		
		HULL, ROBERT D (BOB)	D	H	38	\$250		
		INGRAM, RILEY EDWARD	R	H	62	\$130		
		JOANNOU, JOHNNY S	D	H	79	\$250		
		LEWIS JR, LYNWOOD W	D	H	0	\$250		
		LINGAMFELTER, L SCOTT	R	H	31	\$250		
		LUCAS, L LOUISE	D	S	18	\$500		
		MARSHALL, ROBERT G (BOB)	R	H	13	\$250		
		MARTIN, STEPHEN H	R	S	11	\$1,000		
		MCDOUGLE, RYAN T	R	S	4	\$500		
		MELVIN, KENNETH R	D	H	80	\$500		
		NEWMAN, STEPHEN D	R	S	23	\$1,250		
		NIXON JR, SAMUEL A	R	H	27	\$500		
		NORMENT JR, THOMAS K	R	S	3	\$1,214		
		OBANNON III, JOHN M	R	H	73	\$250		
		OBENSHAIN, MARK D	R	S	26	\$500		
		ODER, G GLENN	R	H	94	\$250		
		ORROCK, ROBERT D (BOBBY)	R	H	54	\$500		
		PUCKETT, PHILLIP P	D	S	38	\$500		
		PURKEY, HARRY R (BOB)	R	H	82	\$500		
		REYNOLDS, W ROSCOE	D	S	20	\$500		
		RUFF JR, FRANK M	R	S	15	\$250		
		SHANNON, STEPHEN C	D	H	35	\$500		
		SHULER, JAMES M	D	H	12	\$250		
		STOLLE, KENNETH W	R	S	8	\$1,725		
		STOSCH, WALTER A	R	S	12	\$500		
		WAGNER, FRANK W	R	S	7	\$997		
		WARE JR, R LEE	R	H	65	\$500		
		WATKINS, JOHN C	R	S	10	\$500		
		WELCH III, JOHN J	R	H	21	\$250		
		WILLIAMS, MARTY E	R	S	1	\$1,500		
							Total 99-07	\$125,360
S & M BRANDS	1999	WRIGHT JR, THOMAS C	R	S	15	\$500	1999 Total	\$500
	2001	KILGORE, JERRY W	R	AG	W	\$500	2001 Total	\$500
	2003	HOGAN, CLARKE N	R	H	60	\$3,000	2003 Total	\$5,375
		RUFF JR, FRANK M	R	S	15	\$2,125		

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount		Total by Year
		WRIGHT JR, THOMAS C	R	H	61	\$250		
	2005	ABBITT JR, WATKINS M	I	H	59	\$1,000	2005 Total	\$163,743
		ALBO, DAVID B	R	H	42	\$1,500		
		ALEXANDER, KENNETH COOPER	D	H	89	\$500		
		AMUNDSON, KRISTEN J	D	H	44	\$750		
		ARMSTRONG, WARD L	D	H	10	\$500		
		ATHEY JR, C L (CLAY)	R	H	18	\$500		
		BACOTE, MAMYE E	D	H	95	\$500		
		BELL III, ROBERT B	R	H	58	\$500		
		BRINK, ROBERT H	D	H	48	\$500		
		BRYANT JR, L PRESTON	R	H	23	\$750		
		BYRON, KATHY J	R	H	22	\$500		
		CALLAHAN JR, VINCENT F	R	H	34	\$500		
		CARRICO, C W (BILL)	R	H	5	\$500		
		CLINE, BEN L	R	H	24	\$750		
		CRADDOCK, CHRIS S	R	H	67	\$750		
		DANCE, ROSALYN R	D	H	63	\$1,000		
		DEEDS, R CREIGH	D	AG	W	\$21,000		
		DUDLEY, ALLEN W	R	H	9	\$500		
		EBBIN, ADAM P	D	H	49	\$500		
		ENGLIN, DAVID L	D	H	45	\$500		
		FRALIN JR, WILLIAM H	R	H	17	\$500		
		FREDERICK, JEFFERY M	R	H	52	\$500		
		GEAR, THOMAS D	R	H	91	\$1,000		
		GILBERT, C TODD	R	H	15	\$750		
		GRIFFITH, H MORGAN	R	H	8	\$750		
		HAMILTON, PHILLIP A	R	H	93	\$2,500		
		HANGER JR, EMMETT W	R	S	24	\$1,000		
		HARGROVE SR, FRANK D	R	H	55	\$750		
		HOGAN, CLARKE N	R	H	60	\$2,500		
		HOWELL JR, ALGIE T	D	H	90	\$750		
		HOWELL, WILLIAM J	R	H	28	\$2,500		
		HUGO, TIMOTHY D	R	H	40	\$1,000		
		HULL, ROBERT D (BOB)	D	H	38	\$1,500		
		HURT, ROBERT	R	H	16	\$500		
		JANIS, W R (BILL)	R	H	56	\$1,000		
		JOANNOU, JOHNNY S	D	H	79	\$500		
		JOHNSON JR, JOSEPH P	D	H	4	\$1,000		
		JONES, DWIGHT C	D	H	70	\$750		
		JONES, S CHRIS	R	H	76	\$500		
		KEISTER, W B (BENNY)	D	H	6	\$1,250		
		KILGORE, JERRY W	R	G	W	\$16,270		
		KILGORE, TERRY G	R	H	1	\$1,000		
		LANDES, R STEVEN	R	H	25	\$500		
		LEWIS JR, LYNWOOD W	D	H	0	\$500		
		LOHR, MATTHEW J	R	H	26	\$750		
		MARRS, BRADLEY P	R	H	68	\$750		
		MARSHALL III, DANNY W	R	H	14	\$500		
		MAY, JOE T	R	H	33	\$750		
		MCDONNELL, ROBERT F (BOB)	R	AG	W	\$30,740		
		MCEACHIN, A DONALD	D	H	74	\$1,000		
		MCQUIGG, MICHELE B	R	H	51	\$1,000		
		MELVIN, KENNETH R	D	H	80	\$1,000		
		MILES SR, FLOYD H	D	H	74	\$750		
		MIMS, WILLIAM C (BILL)	R	S	33	\$1,500		
		MORAN, BRIAN J	D	H	46	\$500		
		MORGAN, HARVEY B	R	H	98	\$500		
		NUTTER, DAVID A	R	H	7	\$500		
		ODER, G GLENN	R	H	94	\$500		

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount		Total by Year
		ORROCK, ROBERT D (BOBBY)	R	H	54	\$1,000		
		PARRISH, HARRY J	R	H	50	\$1,500		
		PHILLIPS, CLARENCE E (BUD)	D	H	2	\$750		
		PLUM, KENNETH R	D	H	36	\$500		
		PUCKETT, PHILLIP P	D	S	38	\$22,783		
		PURKEY, HARRY R (BOB)	R	H	82	\$1,000		
		PUTNEY, LACEY E	I	H	19	\$500		
		RAPP, MELANIE L	R	H	96	\$500		
		REESE, GARY A	R	H	67	\$1,200		
		RUST, THOMAS DAVIS	R	H	86	\$500		
		SAXMAN, CHRISTOPHER B	R	H	20	\$500		
		SCOTT, EDWARD T	R	H	30	\$750		
		SCOTT, JAMES M (JIM)	D	H	53	\$500		
		SHANNON, STEPHEN C	D	H	35	\$2,500		
		SICKLES, MARK D	D	H	43	\$750		
		SPRUILL SR, LIONELL	D	H	77	\$500		
		STUMP, JACKIE T	D	H	3	\$750		
		SUIT, TERRIE L	R	H	81	\$500		
		TATA, ROBERT (BOB)	R	H	85	\$500		
		TYLER, ROSLYN C	D	H	75	\$750		
		WARD, JEION A	D	H	92	\$500		
		WARDRUP JR, LEO C	R	H	83	\$1,000		
		WARE JR, R LEE	R	H	65	\$500		
		WARE, ONZLEE	D	H	11	\$500		
		WATTS, VIVIAN E	D	H	39	\$2,000		
		WELCH III, JOHN J	R	H	21	\$1,000		
		WITTMAN, ROBERT J	R	H	99	\$1,000		
		WRIGHT JR, THOMAS C	R	H	61	\$5,000		
							Total 99-07	\$170,118
SMART MACHINE TECHNOLOGIES INC	1999	HAGER, JOHN	R	G	W	\$1,000	1999 Total	\$1,000
							Total 99-07	\$1,000
SMOKELESS TOBACCO COUNCIL	1999	DIAMONSTEIN, ALAN A	D	H	94	\$500	1999 Total	\$2,450
		FRALIN JR, WILLIAM H	R	S	21	\$500		
		HAGER, JOHN	R	G	W	\$200		
		WARE JR, R LEE	R	H	65	\$250		
		WATKINS, JOHN C	R	S	10	\$1,000		
	2001	KATZEN, JAY K	R	G	W	\$500	2001 Total	\$4,050
		KILGORE, JERRY W	R	AG	W	\$250		
		WATKINS, JOHN C	R	S	10	\$1,300		
		WILKINS JR, S VANCE	R	H	24	\$2,000		
	2003	BLACK, RICHARD H (DICK)	R	H	32	\$250	2003 Total	\$2,250
		CLINE, BEN L	R	H	24	\$250		
		DRAKE, THELMA D	R	H	87	\$250		
		HAWKINS, CHARLES R	R	S	19	\$300		
		HOGAN, CLARKE N	R	H	60	\$250		
		JANIS, W R (BILL)	R	H	56	\$150		
		LINGAMFELTER, L SCOTT	R	H	31	\$300		
		WAGNER, FRANK W	R	S	7	\$250		
		WATTS, VIVIAN E	D	H	39	\$250		
							Total 99-07	\$8,750
SMOKIN HILL FARMS	2003	HOGAN, CLARKE N	R	H	60	\$150	2003 Total	\$150
							Total 99-07	\$150
WAREHOUSE	2005	PUCKETT, PHILLIP P	D	G	W	\$200	2005 Total	\$200
							Total 99-07	\$200

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount		Total by Year
TOBACCO CO	2001	HAGER, JOHN	R	G	W	\$750	2001 Total	\$750
							Total 99-07	\$750
STAR SCIENTIFIC INC	2001	HOGAN, CLARKE N	R	H	60	\$500	2001 Total	\$7,000
		KEEL, WILLIAM E	D	H	61	\$2,000		
		RUFF JR, FRANK M	R	S	15	\$1,000		
		WRIGHT JR, THOMAS C	R	H	61	\$3,500		
	2003	WRIGHT JR, THOMAS C	R	H	61	\$1,500	2003 Total	\$1,500
	2005	KILGORE, JERRY W	R	G	W	\$31,463	2005 Total	\$31,463
							Total 99-07	\$39,963
STAR TOBACCO CO	2001	HAGER, JOHN	R	G	W	\$200	2001 Total	\$200
							Total 99-07	\$200
STONE RIDGE FARM	2001	HOGAN, CLARKE N	R	H	60	\$100	2001 Total	\$100
							Total 99-07	\$100
SWEDISH MATCH	1999	CROSHAW, GLENN R	D	H	81	\$500	1999 Total	\$1,500
		DIAMONSTEIN, ALAN A	D	H	94	\$500		
		KEISTER, WB (BENNY)	D	H	7	\$500		
	2003	WAGNER, FRANK W	R	S	7	\$250	2003 Total	\$250
	2005	BARIL, STEPHEN E	R	AG	W	\$500	2005 Total	\$7,212
		BOLLING, WILLIAM T (BILL)	R	G	W	\$1,950		
		KILGORE, JERRY W	R	G	W	\$2,500		
		MARSHALL III, DANNY W	R	H	14	\$250		
		MCDONNELL, ROBERT F (BOB)	R	AG	W	\$1,162		
		WAGNER, FRANK W	R	S	7	\$350		
		WARE JR, R LEE	R	H	65	\$500		
	2007	BYRON, KATHY J	R	H	22	\$500	2007 Total	\$8,500
		CAPUTO, C CHUCK	D	H	67	\$250		
		COLE, MARK L	R	H	88	\$500		
		COLGAN SR, CHARLES J	D	S	29	\$250		
		FREDERICK, JEFFREY M	R	H	52	\$250		
		GEAR, THOMAS D	R	H	91	\$250		
		HOUCK, R EDWARD (EDD)	D	S	17	\$500		
		HOWELL, JANET D	D	S	32	\$500		
		JANIS, W R (BILL)	R	H	56	\$250		
		LINGAMFELTER, L SCOTT	R	H	31	\$750		
		NIXON JR, SAMUEL A	R	H	27	\$500		
		OBANNON III, JOHN M	R	H	73	\$250		
		ORROCK, ROBERT D (BOBBY)	R	H	54	\$250		
		QUAYLE, FREDERICK M	R	S	13	\$250		
		SASLAW, RICHARD L (DICK)	D	S	35	\$500		
		SHANNON, STEPHEN C	D	H	35	\$500		
		STOSCH, WALTER A	R	S	12	\$500		
		WAMPLER JR, WILLIAM C	R	S	40	\$500		
		WARE JR, R LEE	R	H	65	\$500		
		WATKINS, JOHN C	R	S	10	\$250		
		WATTS, VIVIAN E	D	H	39	\$500		
							Total 99-07	\$17,462
SWISHER INTERNATIONAL	2005	BOLLING, WILLIAM T (BILL)	R	G	W	\$250	2005 Total	\$2,000
		COX, M KIRKLAND (KIRK)	R	H	66	\$250		
		JANIS, W R (BILL)	R	H	56	\$150		
		JOANNOU, JOHNNY S	D	H	79	\$150		
		LINGAMFELTER, L SCOTT	R	H	31	\$150		
		MARTIN, STEPHEN H	R	S	11	\$150		
		MCDOUGLE, RYAN T	R	H	97	\$150		
		RERRAS, D NICK	R	S	6	\$150		

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount		Total by Year
		STOLLE, KENNETH W	R	S	8	\$150		
		WAGNER, FRANK W	R	S	7	\$300		
		WELCH III, JOHN J	R	H	21	\$150		
	2007	ABBITT JR, WATKINS M	I	H	59	\$150	2007 Total	\$4,300
		ARMSTRONG, WARD L	D	H	10	\$150		
		COLE, MARK L	R	H	88	\$150		
		COX, M KIRKLAND (KIRK)	R	H	66	\$150		
		GRIFFITH, H MORGAN	R	H	8	\$150		
		HALL, FRANKLIN P	D	H	69	\$150		
		HANGER JR, EMMETT W	R	S	24	\$200		
		JANIS, W R (BILL)	R	H	56	\$150		
		JOANNOU, JOHNNY S	D	H	79	\$150		
		LINGAMFELTER, L SCOTT	R	H	31	\$150		
		MARSH III, HENRY L	D	S	16	\$250		
		NIXON JR, SAMUEL A	R	H	27	\$150		
		NORMENT JR, THOMAS K	R	S	3	\$500		
		PURKEY, HARRY R (BOB)	R	H	82	\$150		
		QUAYLE, FREDERICK M	R	S	13	\$200		
		SHANNON, STEPHEN C	D	H	35	\$150		
		SHULER, JAMES M	D	H	12	\$150		
		STOLLE, KENNETH W	R	S	8	\$200		
		STOSCH, WALTER A	R	S	12	\$200		
		WAGNER, FRANK W	R	S	7	\$200		
		WARE JR, R LEE	R	H	65	\$150		
		WATKINS, JOHN C	R	S	10	\$450		
							Total 99-07	\$6,300
TOBACCO CO	2001	WARNER, MARK R	D	G	W	\$5,000	2001 Total	\$5,000
	2003	LAMBERT III, BENJAMIN J	D	S	9	\$1,000	2003 Total	\$1,000
	2005	BARIL, STEPHEN E	R	AG	W	\$50	2005 Total	\$4,050
		KAINE, TIMOTHY M	D	G	W	\$4,000		
							Total 99-07	\$10,050
TOBACCO INSTITUTE	1999	HALL, FRANKLIN P	D	H	69	\$250	1999 Total	\$375
		MARTIN, STEPHEN H	R	S	11	\$125		
							Total 99-07	\$375
TOBACCO ROW ASSOCIATES	2001	BASKERVILLE, VIOLA OSBORNE	D	H	71	\$100	2001 Total	\$2,850
		HAGER, JOHN	R	G	W	\$1,000		
		KAINE, TIMOTHY M	D	G	W	\$1,750		
	2003	BASKERVILLE, VIOLA OSBORNE	D	H	71	\$500	2003 Total	\$750
		MCGUIRE III, HUNTER H	D	H	56	\$250		
							Total 99-07	\$3,600
TOBACCO TECH INC	2001	EARLEY, MARK L	R	G	W	\$250	2001 Total	\$750
		HAGER, JOHN	R	G	W	\$500		
		HAGER, JOHN	R	G	W	\$200		
							Total 99-07	\$950
TOBACCO WAREHOUSE	1999	HOLLAND, RICHARD J	D	S	15	\$500	1999 Total	\$500
	2001	WARNER, MARK R	D	G	W	\$250	2001 Total	\$250
							Total 99-07	\$750
UNIVERSAL LEAF TOBACCO	1999	BOLLING, WILLIAM T (BILL)	R	S	4	\$250	1999 Total	\$15,533
		CALLAHAN JR, VINCENT F	R	H	34	\$250		
		CANTOR, ERIC I	R	H	73	\$500		
		COX, M KIRKLAND (KIRK)	R	H	66	\$250		
		HAGER, JOHN	R	G	W	\$8,783		
		HALL, FRANKLIN P	D	H	69	\$1,000		

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount		Total by Year
		MARTIN, STEPHEN H	R	S	11	\$1,000		
		SHERIDAN JR, AM (MEL)	R	S	17	\$250		
		STOSCH, WALTER A	R	S	12	\$2,000		
		WATKINS, JOHN C	R	S	10	\$1,250		
	2001	CLEMENT, WHITT W	D	AG	W	\$50	2001 Total	\$4,400
		DICKINSON, V EARL	D	H	56	\$250		
		EARLEY, MARK L	R	G	W	\$1,500		
		HAGER, JOHN	R	G	W	\$1,100		
		KAINE, TIMOTHY M	D	G	W	\$1,000		
		MARRS, BRADLEY P	R	H	68	\$200		
		MCEACHIN, A DONALD	D	AG	W	\$300		
	2003	BARIL, STEPHEN E	R	AG	W	\$3,200	2003 Total	\$6,700
		KAINE, TIMOTHY M	D	G	W	\$2,500		
		MCGUIRE III, HUNTER H	D	H	56	\$1,000		
	2005	BARIL, STEPHEN E	R	AG	W	\$25,551	2005 Total	\$57,845
		BOLLING, WILLIAM T (BILL)	R	G	W	\$250		
		CONNAUGHTON, SEAN T	R	G	W	\$6,000		
		DEFUR, PETER L	D	H	56	\$500		
		KAINE, TIMOTHY M	D	G	W	\$17,000		
		KILGORE, JERRY W	R	G	W	\$5,844		
		MCDONNELL, ROBERT F (BOB)	R	AG	W	\$200		
	PARRISH, HARRY J	R	H	50	\$500			
	WADDELL, KATHERINE B	I	H	68	\$2,000			
2007	HALL, FRANKLIN P	D	H	69	\$1,500	2007 Total	\$8,650	
	MASSIE III, JIMMIE P	R	H	72	\$500			
	MERRICKS, DONALD W	R	H	16	\$500			
	NORMENT JR, THOMAS K	R	S	3	\$150			
	STOSCH, WALTER A	R	S	12	\$6,000			
						Total 99-07	\$93,128	
US SMOKELESS TOBACCO	2001	CANTOR, ERIC I	R	H	73	\$300	2001 Total	\$72,450
		CLEMENT, WHITT W	D	H	14	\$11,500		
		CONRAD, JOHN	I	H	68	\$1,000		
		EARLEY, MARK L	R	G	W	\$12,750		
		GRIFFITH, H MORGAN	R	H	8	\$250		
		HAGER, JOHN	R	G	W	\$12,250		
		HALL, FRANKLIN P	D	H	69	\$750		
		KAINE, TIMOTHY M	D	G	W	\$12,250		
		KILGORE, JERRY W	R	AG	W	\$8,000		
		MARRS, BRADLEY P	R	H	68	\$500		
		MARTIN, STEPHEN H	R	S	11	\$1,000		
		REID, JOHN S (JACK)	R	H	72	\$250		
		RUST JR, JOHN H	R	H	37	\$500		
		WARNER, MARK R	D	G	W	\$10,150		
	WILKINS JR, S VANCE	R	H	24	\$1,000			
	2003	BARIL, STEPHEN E	R	AG	W	\$250	2003 Total	\$33,750
		BYRON, KATHY J	R	H	22	\$500		
		CHICHESTER, JOHN H	R	S	28	\$1,000		
		COLE, MARK L	R	H	88	\$750		
		COLGAN SR, CHARLES J	D	S	29	\$500		
		COX, M KIRKLAND (KIRK)	R	H	66	\$250		
	DRAKE, THELMA D	R	H	87	\$500			
	GRIFFITH, H MORGAN	R	H	8	\$500			
	HALL, FRANKLIN P	D	H	69	\$500			
	HANGER JR, EMMETT W	R	S	24	\$1,000			
	HAWKINS, CHARLES R	R	S	19	\$500			
	HOUCK, R EDWARD (EDD)	D	S	17	\$250			
	HOWELL, WILLIAM J	R	H	28	\$1,000			
	HURT, ROBERT	R	H	16	\$500			

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount		Total by Year
		JOANNOU, JOHNNY S	D	H	79	\$500		
		LAMBERT III, BENJAMIN J	D	S	9	\$250		
		LINGAMFELTER, L SCOTT	R	H	31	\$250		
		LOUDERBACK, ALLEN L	R	H	15	\$500		
		MARTIN, STEPHEN H	R	S	11	\$500		
		MCDONNELL, ROBERT F (BOB)	R	H	84	\$500		
		MCGUIRE III, HUNTER H	D	H	56	\$500		
		MELVIN, KENNETH R	D	H	80	\$250		
		NIXON JR, SAMUEL A	R	H	27	\$500		
		NORMENT JR, THOMAS K	R	S	3	\$5,500		
		OBANNON III, JOHN M	R	H	73	\$500		
		OBENSHAIN, MARK D	R	S	26	\$1,000		
		ORROCK, ROBERT D (BOBBY)	R	H	54	\$250		
		PARRISH, HARRY J	R	H	50	\$500		
		POTTS JR, H RUSS (RUSS)	R	S	27	\$500		
		PURKEY, HARRY R (BOB)	R	H	82	\$500		
		QUAYLE, FREDERICK M	R	S	13	\$500		
		STOLLE, KENNETH W	R	S	8	\$500		
		STOSCH, WALTER A	R	S	12	\$10,500		
		WARDRUP JR, LEO C	R	H	83	\$500		
		WARE JR, R LEE	R	H	65	\$750		
		WELCH III, JOHN J	R	H	21	\$500		
	2005	BARIL, STEPHEN E	R	AG	W	\$15,580	2005 Total	\$136,147
		BOLLING, WILLIAM T (BILL)	R	G	W	\$8,600		
		BRYANT JR, L PRESTON	R	H	23	\$500		
		CHICHESTER, JOHN H	R	S	28	\$3,000		
		CONNAUGHTON, SEAN T	R	G	W	\$7,500		
		COX, M KIRKLAND (KIRK)	R	H	66	\$1,500		
		GRIFFITH, H MORGAN	R	H	8	\$500		
		HALL, FRANKLIN P	D	H	69	\$1,000		
		HURT, ROBERT	R	H	16	\$500		
		JANIS, W R (BILL)	R	H	56	\$250		
		JOANNOU, JOHNNY S	D	H	79	\$1,000		
		KAINE, TIMOTHY M	D	G	W	\$30,000		
		KILGORE, JERRY W	R	G	W	\$44,217		
		MARSHALL III, DANNY W	R	H	14	\$500		
		MCDONNELL, ROBERT F (BOB)	R	AG	W	\$4,500		
		MCDOUGLE, RYAN T	R	H	97	\$250		
		NORMENT JR, THOMAS K	R	S	3	\$500		
		PURKEY, HARRY R (BOB)	R	H	82	\$1,000		
		SASLAW, RICHARD L (DICK)	D	S	35	\$500		
		STOSCH, WALTER A	R	S	12	\$13,000		
		WADDELL, KATHERINE B	I	H	68	\$750		
		WARDRUP JR, LEO C	R	H	83	\$500		
		WATKINS, JOHN C	R	S	10	\$500		
	2007	BYRON, KATHY J	R	H	22	\$2,000	2007 Total	\$53,405
		CAPUTO, C CHUCK	D	H	67	\$1,000		
		CLINE, BEN L	R	H	24	\$500		
		COLE, MARK L	R	H	88	\$750		
		COLGAN SR, CHARLES J	D	S	29	\$2,500		
		FREDERICK, JEFFREY M	R	H	52	\$500		
		GEAR, THOMAS D	R	H	91	\$500		
		HALL, FRANKLIN P	D	H	69	\$1,000		
		HAMILTON, PHILLIP A	R	H	93	\$1,000		
		HANGER JR, EMMETT W	R	S	24	\$1,500		
		HOUCK, R EDWARD (EDD)	D	S	17	\$1,500		
		HOWELL, JANET D	D	S	32	\$1,500		
		HUGO, TIMOTHY D	R	H	40	\$2,750		
		HULL, ROBERT D (BOB)	D	H	38	\$750		

APPENDIX 2: Tobacco Industry Campaign Contributions by Contributor, 1999-2007

Contributor	Year	Recipient	Party	Office	District	Amount		Total by Year
		JANIS, W R (BILL)	R	H	56	\$250		
		JOHNSON JR, JOSEPH P	D	H	4	\$500		
		LAMBERT III, BENJAMIN J	D	S	9	\$1,000		
		LEWIS JR, LYNWOOD W	D	H	0	\$1,000		
		LINGAMFELTER, L SCOTT	R	H	31	\$1,255		
		MELVIN, KENNETH R	D	H	80	\$750		
		NIXON JR, SAMUEL A	R	H	27	\$2,000		
		NORMENT JR, THOMAS K	R	S	3	\$1,500		
		OBANNON III, JOHN M	R	H	73	\$1,000		
		ORROCK, ROBERT D (BOBBY)	R	H	54	\$1,500		
		PURKEY, HARRY R (BOB)	R	H	82	\$2,000		
		QUAYLE, FREDERICK M	R	S	13	\$2,500		
		SASLAW, RICHARD L (DICK)	D	S	35	\$2,000		
		SHANNON, STEPHEN C	D	H	35	\$500		
		STOLLE, KENNETH W	R	S	8	\$1,500		
		STOSCH, WALTER A	R	S	12	\$10,000		
		WAMPLER JR, WILLIAM C	R	S	40	\$1,000		
		WARE JR, R LEE	R	H	65	\$2,000		
		WATKINS, JOHN C	R	S	10	\$1,000		
		WATTS, VIVIAN E	D	H	39	\$1,150		
		WELCH III, JOHN J	R	H	21	\$1,250		
							Total 99-07	\$295,752
US TOBACCO	1999	HAGER, JOHN	R	G	W	\$5,250	1999 Total	\$5,750
		WAMPLER JR, WILLIAM C	R	S	40	\$250		
		WARDROP JR, LEO C	R	H	83	\$250		
	2001	HAGER, JOHN	R	G	W	\$1,000	2001 Total	\$1,000
							Total 99-07	\$6,750
VIRGINIA BRANDS LLC	2003	HOGAN, CLARKE N	R	H	60	\$500	2003 Total	\$500
	2005	HOGAN, CLARKE N	R	H	60	\$1,000	2005 Total	\$1,000
							Total 99-07	\$1,500
VIRGINIA TOBACCO COMMISSION	1999	DUDLEY, ALLEN W	R	H	9	\$100	1999 Total	\$100
							Total 99-07	\$100
WALLER BROTHERS FARM	2001	HOGAN, CLARKE N	R	H	60	\$200	2001 Total	\$200
							Total 99-07	\$200

APPENDIX 3: Tobacco Industry Campaign Contributions by Political Party

Recipient	Year	Contributor	Amount		Totals
Republican Organizations					
21ST CENTURY FREEDOM PAC	2006	US SMOKELESS TOBACCO	\$6,000	2006 Total	\$6,000
				Total 99-07	\$6,000
JOINT REPUBLICAN CAUCUS OF THE VIRGINIA GENERAL ASSEMBLY	1999	BROWN & WILLIAMSON TOBACCO	\$900	1999 Total	\$21,800
		PHILIP MORRIS	\$17,700		
		RJ REYNOLDS TOBACCO	\$3,200		
	2001	ALTRIA	\$8,250	2001 Total	\$31,381
		BROWN & WILLIAMSON TOBACCO	\$2,500		
		LORILLARD TOBACCO	\$2,000		
		RJ REYNOLDS TOBACCO	\$18,631		
	2003	ALTRIA	\$18,000	2003 Total	\$55,945
		LORILLARD TOBACCO	\$16,000		
		RJ REYNOLDS TOBACCO	\$21,945		
2005	ALTRIA	\$10,406	2005 Total	\$11,613	
	RJ REYNOLDS TOBACCO	\$1,207			
				Total 99-07	\$120,739
VIRGINIA REPUBLICAN PARTY	2001	ALTRIA	\$86,000	2001 Total	\$210,125
		BROWN & WILLIAMSON TOBACCO	\$1,000		
		CIGAR ASSOC OF AMERICA	\$1,000		
		LORILLARD TOBACCO	\$40,000		
		PHILIP MORRIS	\$500		
		UNIVERSAL LEAF TOBACCO	\$125		
		US SMOKELESS TOBACCO	\$81,500		
	2003	ALTRIA	\$19,500	2003 Total	\$51,718
		ATLANTIC DOMINION	\$1,000		
		GOLDEN LEAF FARMS	\$2,500		
		RJ REYNOLDS TOBACCO	\$1,000		
		S & M BRANDS	\$5,000		
		STAR SCIENTIFIC INC	\$10,000		
2005	ALTRIA	\$22,500	2005 Total	\$24,750	
	US SMOKELESS TOBACCO	\$2,250			
2007	RJ REYNOLDS TOBACCO	\$1,000	2007 Total	\$4,452	
	US SMOKELESS TOBACCO	\$3,452			
				Total 99-07	\$291,045
VIRGINIA REPUBLICAN SENATE LEADERSHIP TRUST	2005	ALTRIA	\$12,500	2005 Total	\$26,750
		LORILLARD TOBACCO	\$1,000		
		RJ REYNOLDS TOBACCO	\$2,500		
		S & M BRANDS	\$1,250		
		SWEDISH MATCH	\$750		
		US SMOKELESS TOBACCO	\$8,750		
	2007	ALTRIA	\$45,460	2007 Total	\$51,460
		BAILEYS S & M BRANDS	\$1,000		
		REYNOLDS AMERICAN	\$2,000		
		RJ REYNOLDS TOBACCO	\$2,500		
				Total 99-07	\$78,210
VIRGINIA REPUBLICAN SENATORIAL CMTE	1999	PHILIP MORRIS	\$3,500	1999 Total	\$5,000
		RJ REYNOLDS TOBACCO	\$1,500		
					Total 99-07

APPENDIX 3: Tobacco Industry Campaign Contributions by Political Party

Recipient	Year	Contributor	Amount		Totals
Democratic Organizations					
COMMONWEALTH VICTORY FUND OF VIRGINIA	1999	BROWN & WILLIAMSON TOBACCO	\$1,800	1999 Total	\$20,805
		LORILLARD TOBACCO	\$5,000		
		PHILIP MORRIS	\$9,050		
		RJ REYNOLDS TOBACCO	\$1,955		
		US TOBACCO	\$3,000		
	2001	ALTRIA	\$19,830	2001 Total	\$66,705
		BROWN & WILLIAMSON TOBACCO	\$6,100		
		LORILLARD TOBACCO	\$8,850		
		RJ REYNOLDS TOBACCO	\$21,675		
		US SMOKELESS TOBACCO	\$10,250		
	2003	ALTRIA	\$17,725	2003 Total	\$48,225
		LORILLARD TOBACCO	\$17,000		
		RJ REYNOLDS TOBACCO	\$13,500		
	2005	ALTRIA	\$21,778	2005 Total	\$40,928
		RJ REYNOLDS TOBACCO	\$17,000		
	S & M BRANDS	\$2,000			
	US SMOKELESS TOBACCO	\$150			
2007	ALTRIA	\$48,187	2007 Total	\$60,687	
	BAILEYS S & M BRANDS	\$3,000			
	REYNOLDS AMERICAN	\$8,500			
	US SMOKELESS TOBACCO	\$1,000			
			Total 99-07	\$237,350	
VIRGINIA DEMOCRATIC PARTY	1999	PHILIP MORRIS	\$1,500	1999 Total	\$1,500
	2001	ALTRIA	\$7,500	2001 Total	\$7,500
	2003	ALTRIA	\$1,000	2003 Total	\$8,000
		BROWN & WILLIAMSON TOBACCO	\$5,000		
	2005	ALTRIA	\$6,000	2005 Total	\$7,500
		S & M BRANDS	\$1,500		
2007	ALTRIA	\$2,500	2007 Total	\$2,500	
			Total 99-07	\$27,000	
VIRGINIA SENATE DEMOCRATIC CAUCUS	2005	ALTRIA	\$2,500	2005 Total	\$4,750
		RJ REYNOLDS TOBACCO	\$1,250		
		S & M BRANDS	\$1,000		
	2007	ALTRIA	\$6,000	2007 Total	\$8,500
		BAILEYS S & M BRANDS	\$1,000		
		REYNOLDS AMERICAN	\$1,000		
		US SMOKELESS TOBACCO	\$500		
			Total 99-07	\$13,250	