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This report is the latest in a series of reports that analyze tobacco industry campaign contributions, lobbying, and other political activity in California and other states. The previous reports are:

- M. Begay and S. Glantz. *Political Expenditures by the Tobacco Industry in California State Politics* UCSF IHPS Monograph Series, 1991.
- M. Begay and S. Glantz. *Political Expenditures by the Tobacco Industry in California State Politics from 1976 to 1991*. UCSF IHPS Monograph Series, 1991.
- B. Samuels and S. Glantz. *Tobacco Control Activities and the Tobacco Industry's Response in California Communities, 1990-1991*. UCSF IHPS Monograph Series, 1991.
- M.E. Begay and S.A. Glantz. *Undoing Proposition 99: Political Expenditures by the Tobacco Industry in California Politics in 1991*. UCSF IHPS, 1992.
- S.A. Glantz and L.R.A. Smith. *The effect of ordinances requiring smokefree restaurants on restaurant sales in California*. UCSF IHPS Monograph Series, 1992.
- M.E. Begay, M. Traynor, S. A. Glantz. *Extinguishing Proposition 99: Political Expenditures by the Tobacco Industry in California Politics in 1991-1992*. UCSF IHPS, 1992.
- M.E. Begay, M. Traynor, S.A. Glantz. *Tobacco Industry Political Expenditures in California State Politics, January-June, 1993*. UCSF IHPS, 1993.
- M.E. Begay, M. Traynor, S.A. Glantz. *Tobacco Industry Political Expenditures in California in the 1991-1992 Election*. UCSF IHPS, 1993.
- M.E. Begay, M. Traynor, S.A. Glantz. *The Twilight of Proposition 99: Preauthorization of Tobacco Education Programs and Tobacco Industry Political Expenditures in 1993*. UCSF IHPS, 1994.
- H. Macdonald and S. Glantz. *Analysis of the Smoking and Tobacco Products, Statewide Regulation Initiative Statute*. UCSF IHPS, 1994.
- H. Macdonald, M. Traynor, S. Glantz. *California's Proposition 188 : An Analysis of the Tobacco Industry's Political Advertising Campaign*. UCSF IHPS, 1994.
- S. Aguinaga, H. Macdonald, M. Traynor, M. Begay, S. Glantz. *Undermining Popular Government: Tobacco Industry Political Expenditures in California 1993-1994*. UCSF IHPS, 1995. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/tobexp>)
- M. Begay, and S. Glantz. *Question 1: Tobacco Education Outlays From the 1994 Fiscal Year to the 1996 Fiscal Year* UCSF IHPS 1995. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/q1>)
- F. Monardi, E. Balbach, S. Aguinaga, S. Glantz. *Shifting Allegiances: Tobacco Industry Political Expenditures in California, January 1995 - March 1996*. UCSF IHPS 1996 (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/sa>)
- F. Monardi, A. O'Neill, and S. Glantz. *Tobacco Industry Political Activity in Colorado 1979 - 1995*. UCSF IHPS 1996. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/co>)
- F. Monardi, and S. Glantz. *Tobacco Industry Political Activity in Washington 1983 - 1996*. UCSF IHPS 1996. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/wa>)
- F. Monardi, and S. Glantz. *Tobacco Industry Political Activity and Tobacco Control Policy Making in New Jersey 1982 - 1995*. UCSF IHPS 1997. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/nj>)
- E. Balbach, F. Monardi, B. Fox, S. Glantz. *Holding Government Accountable: Tobacco Policy Making in California, 1995-1997*. UCSF IHPS 1997. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/ca9596/>)
- S. Aguinaga-Bialous and Stanton A. Glantz. *Tobacco Control in Arizona 1973-1997*. UCSF IHPS 1997. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/az/>)
- F. Monardi, and S. Glantz. *Tobacco Industry Political Activity and Tobacco Control Policy Making in Pennsylvania 1979 - 1996*. UCSF IHPS 1997. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/pa>)
- B.J. Fox, J.M. Lightwood, S.A. Glantz, *A Public Health Analysis of the Proposed Resolution of Tobacco Litigation*. UCSF IHPS 1998. (Available on the World Wide Web at <http://www.library.ucsf.edu/tobacco/ustl/>)
- L. Goldman, and S.A. Glantz. *Tobacco Industry Political Activity and Tobacco Control Policy Making in Oregon 1985 - 1997*. UCSF IHPS 1998. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/or/>)
- F. Monardi, and S. Glantz. *Tobacco Industry Political Activity and Tobacco Control Policy Making in Wisconsin 1981 - 1998*. UCSF IHPS 1998. (Available on the World Wide Web at <http://www.library.ucsf.edu/tobacco/wi>)

EXECUTIVE SUMMARY

*The tobacco industry is a major political and legal force in Ohio through campaign contributions, lobbying and litigation.

* The tobacco industry has become a major source of campaign contributions to legislative candidates and political party committees. In the 1981-1982 election cycle, the tobacco industry contributed \$3,970 to candidates and parties. In 1995-1996, the tobacco industry contributed \$55,440 to candidates and parties.

* A majority of tobacco industry contributions to legislative candidates and political are contributed to the Republican party. During the 1991-92 and 1993-1994 electoral cycles, the tobacco industry contributed 54% and 53%, respectively, of their legislative and political party contributions to the Republican party. During the 1995-1996 electoral cycle, the tobacco industry contributed 77% of their legislative and political party contributions to the Republican party.

* In contrast to other states, there is not a statistically significant relationship between tobacco industry campaign contributions and legislative behavior in Ohio.

* Several health related groups, such as Anthem Blue Cross and Blue Shield, and United Health Care of Ohio, Association of Physician Assistants, the Ohio Health Information Management Association, and Ohio Dietetic Association are represented by lobbyists who also represent the tobacco industry. This pattern of representation raises the possibility of conflict of interests among lobbyists who represent the tobacco industry and health groups.

* Franklin County in 1994 and Knox County in 1995 had formulated regulations making almost all or all public places smokefree. These regulations were rejected in Ohio courts. Since these defeats, there has been no progress (except voluntarily) on smokefree public places.

* Tobacco control advocates and organizations have effectively organized in preventing preemptive youth access legislation from passing in the Ohio state legislature.

TABLE OF CONTENTS

EXECUTIVE SUMMARY 3

INTRODUCTION 7

TOBACCO POLICY SCORES 8

TOBACCO INDUSTRY CAMPAIGN CONTRIBUTIONS 9

 Campaign Contribution Data 9

 Contributions to State Legislators 9

 Legislative Leaders 11

 Political Parties 11

 State Constitutional Officers 11

 Lobbying 13

THE RELATIONSHIP BETWEEN CAMPAIGN CONTRIBUTIONS AND LEGISLATIVE POLICY
 MAKING 13

LOCAL TOBACCO CONTROL ACTIVITY 14

 Franklin County Clean Indoor Air Regulations 17

 Knox County 19

STATE LEGISLATION IN OHIO 20

CONCLUSION 22

REFERENCES 23

INTRODUCTION

Ohio is one of the leading states as far as tobacco consumption. Ohio ranked third in the percentage of smokers (28.5%) in a Centers for Disease Control and Prevention survey in 1996 (Kentucky and Indiana rank first and second, respectively) [1]. Ohio ranks first in the percentage of males that smoke (33.9%). Although there has been an overall decline in cigarette consumption since 1981, cigarette consumption has not declined as quickly in Ohio as in the rest of the United States (Figure 1) [2].

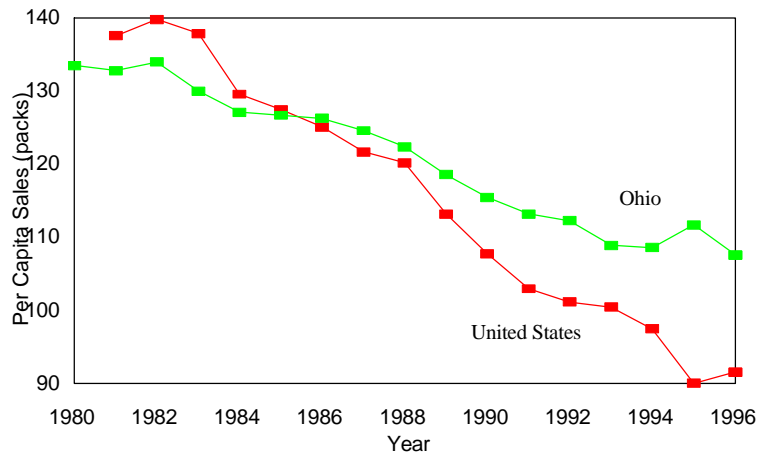


Figure 1. Per capita cigarette consumption has not declined as quickly in Ohio compared to the rest of the United States. Source: Tax Burden on Tobacco, 1997 (The Tobacco Institute).

One reason that may partially explain the high smoking rates in Ohio is that it has a large blue collar, less educated population [1], and smoking rates increase in lower socioeconomic strata. Another reason may be that local tobacco control activity slowed down since the late 1980s, when several cities or counties passed local ordinances restricting, but not ending, smoking in many public places or the workplaces. The Franklin County Board of Health voted to implement a comprehensive clean indoor air regulation, but an environmental court ruled it unconstitutional in 1994. As similar plan in Knox County was also ruled unconstitutional. Since smokefree regulations passed in Franklin County and Knox County were ruled unconstitutional, there has been little progress in local smokefree policies. Since the court's ruling Franklin County has been considering its proposal, but has not made a new proposal as of 1998. At the state level, Ohio tobacco control advocates have concentrated on fighting a state legislative bill that would preempt local tobacco control ordinances, but have not initiated tobacco control legislation.

TABLE 1. SUMMARY OF TOBACCO INDUSTRY POLITICAL EXPENDITURES IN 1995-1996							
	1981-92	1993-94	PM	RJR	TCPAC	1995-96	Grand Total
Legislature	\$143,070	\$50,175	\$9,525	\$21,250	\$6,440	\$37,215	\$230,460
Political Party	\$73,525	\$31,538	\$6,000	\$10,950	\$2,100	\$19,050	\$124,113
Constitutional	\$10,775	\$2,700		\$1,500		\$1,500	\$14,975
Local Activity				\$450		\$450	\$450
Total	\$227,370	\$84,413	\$1,552	\$34,150	\$8,540	\$58,215	\$369,998

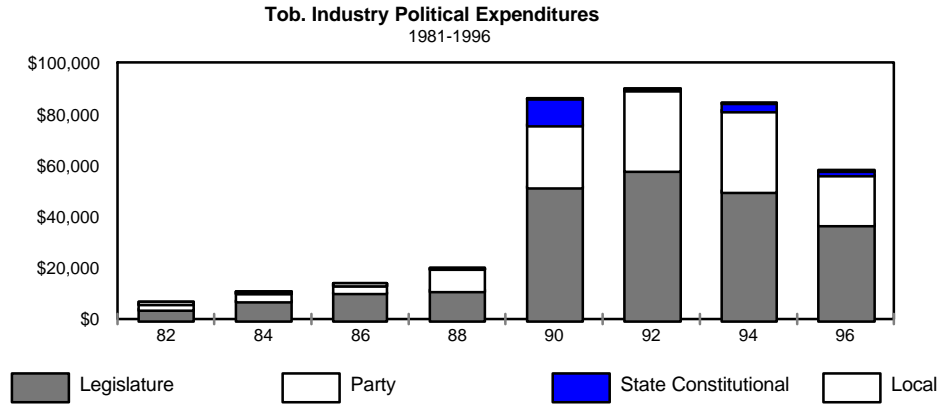


Figure 2 Tobacco industry political expenditures rose rapidly during the 1989-1990 electoral cycle.

TOBACCO POLICY SCORES

A “tobacco policy score” was estimated for each member of the 1995-1996 legislature to quantify his or her record on tobacco control issues. On a scale of 0 to 10, a score of zero represents an extremely pro-tobacco legislator and a score of 10 represents an extremely pro-tobacco control legislator. Four individuals who have expertise in tobacco control and the Ohio state legislature provided ratings of legislators in the 1995-1996 legislature. The average for each legislator is reported.

We chose to quantify legislative behavior with the tobacco policy score rather than examining individual votes because few tobacco-related issues are voted on by every member of the Legislature and simply examining recorded votes does not capture other ways in which a legislator can influence the outcome regarding a proposed piece of legislation, such as controlling what committee a bill goes to or the offering of friendly or hostile amendments.

During the 1995-1996 legislative session Senator Charles Horn (R-Kettering) had the highest tobacco policy score, 9.0 in the Senate. Senators H. Cooper Snyder (R-Hillsboro, no longer in legislature), Eugene Watts (R-Columbus) and Gary Suhadolnik (R-Strongsville) had the lowest tobacco policy scores (most pro-tobacco industry) in their chamber, 1.0, 2.3, and 2.3, respectively. In the House of Representatives, Representatives Gene Krebs (R-Cambden), Sally Perz (R-Toledo), and John Bender (D-Elyria) had the highest tobacco policy score, 9.0. Representatives Doug White (R-Manchester, now a Senator) and Jerry Krupinski (D-Steubenville) had the lowest policy scores, 0.0 each.

The distribution of tobacco policy scores was almost normally distributed (bell shaped curve) with a mean tobacco policy score of 4.7 (median, 5.0) and a standard deviation of 1.9. Members of the Assembly had significantly lower (more pro-tobacco) scores than members of the Senate (Assembly: mean 4.5, standard deviation 1.9, n=99; Senate: mean 5.5, standard deviation 1.9, n=33; p<.01). Democrats had significantly higher tobacco policy scores than Republicans (Republicans: mean 4.5, standard deviation 2.0, n=77; Democrats: mean 5.0, standard deviation, 1.9, n=55; p>.10). Unlike other states, Ohio’s state legislators are not strongly divided along party lines [3-10].

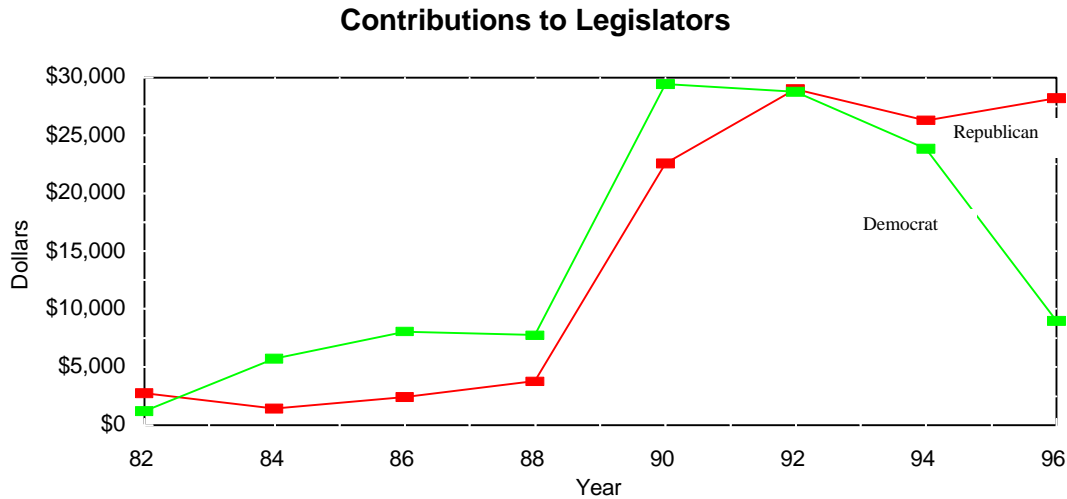


Figure 3 Tobacco industry contributions to Republican candidates surpassed contributions to Democratic candidates during the 1991-1992 electoral cycle.

TOBACCO INDUSTRY CAMPAIGN CONTRIBUTIONS

Campaign Contribution Data

Data on tobacco industry statewide political expenditures were obtained from disclosure statements filed with the Ohio Secretary of State from 1981-1982 through 1995-1996 election cycles using archival records and disclosure statements available at the Department of State. The 1981-82 election cycle is the first cycle that the tobacco industry made political contributions in Ohio. Contributions to legislators, constitutional officers, and statewide political parties and party committees are reported. Records for contributions to candidates at the local level were not available. The following organizations were included as "tobacco industry" sources of funds: American Tobacco Company, Brown and Williamson Tobacco Corporation, Lorillard Tobacco Company, Philip Morris Inc., RJR Nabisco Inc., Smokeless Tobacco Council, The Tobacco Institute, U.S. Tobacco and Tobacco and Candy PAC. Contributions from non-tobacco subsidiaries of these companies, such as Philip Morris' Kraft General Foods and Miller Beer, were not included, nor were contributions from individuals connected with the tobacco industry. Expenditures for legal action to oppose local ordinances regarding smoke free workplaces or public places or controlling access of tobacco to children, and public relations activity by the tobacco industry, while directed at influencing public policy, are not reportable as political expenditures under Ohio law, and so are not included in our data. Ohio does not require companies to disclose how much they pay their legislative agents. All data are reported according to the two-year election cycle.

Contributions to State Legislators

Direct tobacco industry contributions to legislators and legislative candidates reached a peak of \$57,790 during the 1991-1992 election cycle (Figure 2) and gradually decreased in the next two election cycles. Appendix tables A-1 through A-8 list contributions to legislators and legislative candidates since the 1981-1982 electoral cycle, when the tobacco industry began making contributions to Ohio state

legislators. As shown in Figure 2, tobacco industry contributions to legislators increased substantially during the 1989-90 legislative session. This increase in campaign contributions followed a series of local clean indoor air

Officeholder/Candidate	Party	House	Total	Grand Total	Tobacco Policy Score
				\$19,899	
Aranoff, Stanely	R	S	\$2,750	9	5.0
White, Doug	R	S	\$2,275	\$4,450	0.0
Davidson, Jo Ann	R	A	\$2,150	\$5,955	7.0
Finan, Richard	R	S	\$1,500	\$6,575	4.8
Batchelder, William	R	A	\$1,300	\$1,550	3.3
Tiberi, Patrick	R	A	\$1,160	\$1,460	3.7
Sweeney, Patrick	D	A	\$1,150	\$8,135	6.0
Drake, Grace	R	S	\$1,025	\$2,775	7.3
Johnson, Thomas	R	A	\$900	\$3,075	5.0
Troy, Daniel	D	A	\$900	\$3,100	5.0
Boggs, Ross Jr.	D	A	\$850	\$4,750	2.3
Cupp, Robert	R	S	\$825	\$1,000	5.0
Van Vyven, Dale	R	A	\$825	\$2,816	2.3
Watts, Eugene	R	S	\$800	\$4,300	2.3
Dix, Nancy	R	S	\$750	\$1,700	4.3
Blessing, Louis Jr.	R	A	\$700	\$1,475	4.5
Corbin, Robert	R	A	\$650	\$2,375	3.0
Suhadolnik, Gary	R	S	\$550	\$2,900	2.3
Nein, Scot	R	S	\$550	\$1,525	3.5
Hottinger, Jay	R	A	\$500	\$500	5.0

regulations implemented in several Ohio cities and counties in the late 1980s.

Throughout the 1980s, most legislative campaign contributions to state legislators were given to Democrats who held control of both the House and the Senate during the early 1990s. After Republicans took control of both houses after the 1994 elections, Republican legislators received slightly more tobacco industry campaign contributions than Democratic legislators. Compared to the 1991-1992 and the 1993-1994 electoral cycle, the tobacco industry contributed 50% and 52%, respectively, of their legislative contributions to Republican legislators and candidates. During the 1995-1996 electoral cycle, the tobacco industry contribution 76% of their legislative contributions to the Republican legislators and candidates (Figure 3). After the 1994 elections, the tobacco industry shift to the Republican party was reflected in both contributions to legislators and political parties. During the 1991-92 and 1993-1994 electoral cycles, the tobacco industry contributed 54% and 53%, respectively, of their legislative and political party

contributions to the Republican party. During the 1995-1996 electoral cycle, the tobacco industry contributed 77% of their legislative and political party contributions to the Republican party.

Table 2 provides a list of the top recipients of tobacco industry money in 1995-1996. Of the top 20 recipients in 1995-1996, seventeen were Republicans and three were Democrats. The average tobacco policy score for the top recipients was 4.1 (standard deviation, 1.7). Senators Stanley Aranoff (R-Cincinnati, tobacco policy score=5.0) and Doug White (R-Manchester, tobacco policy score=0.0) and Representative Jo Ann Davidson (R-Reynoldsburg, tobacco policy score=7.0) were the largest recipients of tobacco industry contributions in 1995-1996.

Legislative Leaders

As in other state legislatures, the tobacco industry wishes to maintain a close relationship with legislative leadership [3-12]. Several legislative leaders received large tobacco industry contributions in 1995-1996 or during previous electoral cycles (Table 3). In the Senate, President Pro Tempore Richard Finan (R-Cincinnati), President Pro Tempore Robert Cupp (R-Lima), Assistant President Pro Tempore Eugene Watts (R-Columbus), and Majority Whip Nancy Chiles-Dix (R-Hebron) received tobacco industry contributions of \$750 in 1995-1996. Senate President Richard Finan was the fourth leading recipient of tobacco industry contributions in 1995-1996. Former Senate President Stanley Aranoff was the leading tobacco industry recipient in 1995-1996.

In the House of Representatives, the tobacco industry contributed \$2,150 to Speaker Jo Ann Davidson (R-Reynoldsburg), \$1,300 to Speaker Pro Tempore William Batchelder (R-Medina) and \$1,160 to Assistant Majority Leader Patrick Tiberi (R-Columbus) in the 1995-1996 electoral cycle. Minority Leader Ross Boggs (D-North Andover) received \$850 in tobacco industry contributions in 1995-1996. The average tobacco industry contributions to legislative leaders, \$944, is significantly higher than the average tobacco industry contribution to all legislative tobacco industry recipients ($p < .01$). Davidson, Batchelder, Tiberi and Boggs are among the top twenty recipients of tobacco industry contributions during the 1995-1996 legislative session.

Political Parties

Most tobacco industry contributions to political parties and political party committees went to the Republican party (Table A-9). During the 1995-1996 electoral cycle, the tobacco industry contributed more than four times as much to the Republican House and Senate campaign committees compared to the Democratic House and Senate campaign contributions, \$14,325 and \$3,900, respectively. Compared to the 1991-1992 and the 1993-1994 electoral cycles, the tobacco industry contributed 61% and 53%, respectively, of their political party contributions to the Republican party campaign committees. During the 1995-1996 electoral cycle, the tobacco industry contributed 79% of their political party contributions to the Republican party campaign committees. Just as tobacco industry contributions to legislators significantly increased during the 1989-1990 electoral cycle, so did tobacco industry contributions to political parties, from \$8,200 in 1987-88 to \$24,100 (Figure 2).

State Constitutional Officers

The tobacco industry has contributed to several state constitutional officers since the 1981-1982 electoral cycle (Table A-10). Recent state constitutional officers to have received tobacco industry contributions include Governor George Voinovich (Republican). Governor Voinovich, who was first elected in 1990, has received \$10,650 from the tobacco industry since 1990. Treasurer J. Kenneth

Blackwell (Republican) and Secretary of State Bob Taft (Republican) have received tobacco industry contributions, \$700 and \$1,500 respectively.

Attorney General Betty Montgomery has received \$1,285 in campaign contributions between 1988 and 1994. Montgomery, formerly a state senator, was elected Attorney General in 1994. Ohio filed a suit against the tobacco industry on May 8, 1997. Ohio was the 27th state (out of 41) to file a suit against the tobacco industry. Montgomery was initially resistant to filing a lawsuit against the tobacco industry, arguing that Ohio would be gambling on "the largest and most expensive state government legal action in Ohio

TABLE 3. 1997-1998 OHIO LEGISLATIVE LEADERSHIP

Senate Leadership	Officeholder	Party	1981-1992	1993-1994	PM	RJR	TCPAC	1995-96	Grand Total	Tobacco Policy Score
President	Finan, Richard	R	\$3,175	\$1,900	\$750	\$500	\$250	\$1,500	\$6,575	4.8
President Pro Tempore	Cupp, Robert	R		\$175	\$325	\$500		\$825	\$1,000	5.0
Asst. President Pro Tempore	Watts, Eugene	R	\$3,500		\$300	\$500		\$800	\$4,300	2.3
Majority Whip	Chiles-Dix, Nancy	R		\$950	\$125	\$500	\$125	\$750	\$1,700	4.3
Minority Leader	Espy, Ben	D	\$100			\$350		\$350	\$450	6.7
House Leadership										
Speaker	Davidson, Jo Ann	R	\$1,455	\$2,350		\$2,000	\$150	\$2,150	\$5,955	7.0
Speaker Pro Tempore	Batchelder, William	R		\$250	\$300	\$1,000		\$1,300	\$1,550	3.3
Majority Leader	Gardner, Randall	R	\$475	\$650			\$300	\$300	\$1,425	6.0
Asst. Majority Leader	Tiberi, Patrick	R		\$300		\$500	\$660	\$1,160	\$1,460	3.7
Majority Whip	Buchy, Jim	R	\$400	\$200		\$300	\$100	\$400	\$1,000	5.0
Minority Leader	Boggs, Ross Jr.	D	\$3,275	\$625		\$550	\$300	\$850	\$4,750	2.3

history." [13]. Montgomery also argued that many of the legal theories being used as a basis for the other state lawsuits were "untested and unproven." [14] Montgomery also claimed that it would be best to wait to see if there would be any states that were victorious over the tobacco industry. If so, Montgomery argued that "it is likely that that the tobacco industry would enter into a universal settlement which provides money and industry reform in all 50 states." [14] Montgomery also expressed concerned that the state of Ohio would have to hire private lawyers to litigate the lawsuit [14]. These views generally reflect tobacco industry positions. Montgomery also sits on four state pension boards, the Public Employees' Retirement System, the School Employees' Retirement System, State Teachers' Retirement System, and the Police and Firemans' Pension Disability Fund, which invest in tobacco companies [15].

Lobbying

Ohio does not require companies to disclose how much they pay their legislative agents. Philip Morris employs Scott Fisher, Richard Ayish, Vaughn Flasher , RJR Nabisco employs Victor Hipsley and formerly employed Harry Lehman, the Tobacco Institute employs Eugene O'Grady and Frederick Vierow, and the Cigar Association of America employ Brooke Cheney and Linda Kemp.

Several health related groups are represented by many of the same lobbyists as the tobacco industry. In addition to Philip Morris, Richard Ayish and Vaughn Flasher also represent Anthem Blue Cross and Blue Shield and United Health Care of Ohio. Eugene O'Grady and Frederick Vierow, which represents the Tobacco Institute, also represent the Ohio Dietetic Association. Brooke Cheney and Linda Kemp, representatives for the Cigar Association, also represent the Association of Physician Assistants and the Ohio Health Information Management Association. This pattern of representation raises the possibility of conflict of interests among lobbyists who represent the tobacco industry and health groups [16].

THE RELATIONSHIP BETWEEN CAMPAIGN CONTRIBUTIONS AND LEGISLATIVE POLICY MAKING

We sought to test the hypothesis that campaign contributions sway legislators to be sympathetic toward the tobacco industry's point of view, while at the same time, the tobacco industry rewards those legislators that have helped it in the past. Simultaneous equations regression using two stage least squares was used to test the hypothesis that campaign contributions were affecting legislative behavior simultaneously with behavior affecting contributions during Ohio's 1995-1996 legislative session.

The simultaneous equation regression model contains two equations. One equation predicts the tobacco policy score (dependent variable) from the amount of campaign contributions in that election cycle (independent variable). The second equation predicts campaign contributions (dependent variable) from the tobacco policy scores and a variable representing legislative leaders to allow for the possibility that legislative leaders received greater campaign contributions than members in general. (This analysis is only based on direct contributions to legislators. It does not include money contributed to political parties.)

Tables 4 presents the results of this analysis. In Ohio, the results were not statistically significant, meaning that tobacco industry contributions did not significantly detectable effect on a legislator's behavior on tobacco control issues. Legislative behavior did not significantly influence the pattern of tobacco industry contributions either. Although it is possible that some legislators may be influenced tobacco industry campaign contributions, the relationship was not statistically significant for all legislators in the 1995-1996 legislature. We also found similar results for Ohio in 1993-1994 [12]. This result contrasts with other state legislatures, in which we found a statistically significant relationship between tobacco industry contributions and tobacco policy scores. (California, Colorado, Massachusetts, New

Jersey, Washington and Wisconsin [3-12]).

TABLE 4. SIMULTANEOUS EQUATIONS RESULTS FOR TOBACCO POLICY SCORES AND 1995-1996 CAMPAIGN CONTRIBUTIONS				
Dependent Variable = Tobacco Policy Score				
Variable	Coefficient	St. Error	t	p
Contributions (in hundreds of dollars)	-0.07	.64	-0.11	.91
Republican Legislators	-0.36	.37	-0.98	.33
Intercept	4.96			
Dependent Variable = Campaign Contributions (in dollars)				
Tobacco Policy Score	-420.5	401.5	-1.05	.30
Leadership	1082.5	315.04	3.45	<.001
Intercept	2196.5			
n=132				
R² = .01 for tobacco policy score; R² = .10 for campaign contributions.				

LOCAL TOBACCO CONTROL ACTIVITY

In the late 1980s, many cities and counties passed ordinances requiring entire workplaces or certain areas of workplaces to be smokefree (Table 5). Restaurants were usually required to have nonsmoking sections, rather than to be 100% smokefree. While these ordinances were considered progressive in the 1980s, these restrictions are weak by current national standards. Ohio GASP (Group Against Smoking Pollution) and its local affiliates in Cincinnati, Cleveland, Columbus, Toledo, and Akron were active in the 1980s in building support for smokefree ordinances. Ohio GASP has lacked leadership since its President, Andy Ginsburg, left the state in the late 1980s and is currently dormant. Since the decline of GASP there has been little advocacy at the local level on clean indoor air issues.

Ohio tobacco control advocates are starting to reorganize. Tobacco-Free Ohio was created in 1997 after it received a grant from SmokeLess States, a program sponsored by the the Robert Wood Johnson Foundation. Tobacco-Free Ohio is a coalition that includes the American Lung Association, American Heart Association, the American Cancer Society and the Ohio Department of Health. Tobacco-Free Ohio plans to build community groups in Columbus, Cincinnati, Cleveland, Toledo and Akron. It will concentrate on public education, youth access issues and clean indoor air ordinances [17].

In 1994 and 1995, the Boards of Health in Franklin County and Knox County attempted more stringent requirements for smokefree public places. These efforts were challenged by the tobacco industry in both the political and legal arenas. Both the Franklin county and Knox county regulations were rejected

by the courts. Since these defeats and the lack of active local tobacco control organizations, there has been no progress (except voluntarily) on smokefree regulations, and communities have focused on minors' access to

Table 5. Local Clean Indoor Air Ordinances in Ohio

Municipality	Year	Type
Akron	1985	All Workplaces Larger Than 24 Employees, Restaurants Larger Than 50 Seats
Athens	1988	For Restaurants Larger than 30 Seats Most Public Places Minimum 50% Non Smoking Area
Barberton	1988	All Workplaces Larger Than 25 Employees
Beachwood	1989	All Workplaces, Limited Areas Minimum 50% Non Smoking Area For Restaurants Larger than 49 Seats
Cincinnati	1985	All Workplaces, Limited Areas
Cleveland	1986	All Workplaces, Limited Areas Minimum 40% Non Smoking Area For Restaurants Larger than 29 Seats
Cleveland Heights	1987	All Workplaces, Minimum 30% Non Smoking Area For Restaurants Larger than 30 Seats
Delaware County	1997	Prohibited in Government and Health Buildings and Indoor Lines Minimum 40% Non Smoking Area in Public Areas
Eastlake	1988	Nonsmoker Preference in Workplaces and Restaurants larger than 50 seats
Euclid	1989	Nonsmoker Preference in Workplaces, Restaurants and Most Public Places
Findlay	1993	All Workplaces, Limited Areas, Minimum 50% Non Smoking Area in Restaurants
Hancock County	1994	All Workplaces, Limited Areas Minimum 50% Non Smoking Area in Restaurants
Lakewood	1987	All Workplaces, Limited Areas Limited Areas in Restaurants with more than 29 seats
Licking County	1993	All Workplaces, Limited Areas Minimum 50% Non Smoking Area in Restaurants
Lorain	1992	Nonsmoker Preference and Nonretaliation, Workplaces Greater than 24 Employees and in Most Public Places
Mahoning County	1994	50% Nonsmoking Areas in Restaurants Larger than 24 seats
Maple Heights	1988	All Workplaces, Limited Areas Limited Areas in Restaurants with more than 29 seats
Mayfield Village	1986	All Workplaces, Limited Areas Minimum 10% Non Smoking Area in Restaurants
Medina	1987	Minimum 50% Non Smoking Area in Restaurants Larger than 29 Seats
Muskingum County	1993	All Workplaces, Limited Areas Minimum 60% Non Smoking Area in Restaurants
Newark	1992	All Workplaces, Limited Areas Minimum 50% Non Smoking Area in Restaurants
Parma	1988	All Workplaces, Limited Areas, Some areas of restaurants
Parma Heights	1987	All Workplaces, Limited Areas, Some areas of restaurants
Shaker Heights	1988	All Workplaces, Limited Areas, Minimum 50% Non Smoking Area in Restaurants With More Than 30 Seats

Table 5. Local Clean Indoor Air Ordinances in Ohio

Summit County	1987	All Workplaces, Limited Areas Some Areas of Restaurants Larger Than 49 Seats
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Source: Americans for Nonsmokers Rights

Table 6. Local Youth Access Ordinances in Ohio

Municipality	Year	Type
Akron	1995	Partial Vending Machine, Requires Supervision
Anna	1996	Youth Use or Possession
Aurora	1997	Youth Use or Possession
Bellevue	1997	Youth Use or Possession
Blue Ash	1995	Vending Machine Requires Tokens
Burton	1997	Youth Use or Possession
Cambridge	1992	Partial Vending Machine, Requires Supervision
Celina	1996	Partial Vending Machine, Requires Supervision
Chilichote	1998	Youth Use or Possession
Cincinnati	1988	Tobacco Sampling Banned
Cincinnati	1994	Tobacco Advertising Banned on Billboards and Public Property
Cincinnati	1996	Youth Use or Possession
Cleveland	1998	Tobacco Advertising Banned on Billboards
Continental	1998	Youth Use or Possession
Cuyahoga Falls	1998	Youth Use or Possession
Eastlake	1996	Partial Vending Machine, Requires Supervision, Youth Use or Possession
Forrest	1997	Youth Use or Possession
Fredericktown	1995	Youth Use or Possession
Geneva	1997	Youth Use or Possession
Girard	1997	Partial Vending Machine, Requires Supervision
Greenhills	1997	Youth Use or Possession
Hamilton	1987	Youth Use or Possession
Hudson	1997	Youth Use or Possession
Independence	1998	Youth Use or Possession
Kenton	1997	Youth Use or Possession
Lockland	1998	Youth Use or Possession
Lyndhurst	1998	Youth Use or Possession
McDonald	1998	Youth Use or Possession
Mantua	1997	Youth Use or Possession
Medina	1996	Partial Vending Machine, Requires Supervision, Youth Use or Possession
Middletown	1994	Partial Vending Machine, Requires Supervision
Monroeville	1997	Youth Use or Possession
Mount Healthy	1997	Youth Use or Possession
Mount Vernon	1991	Youth Use or Possession
New London	1997	Youth Use or Possession
North Olmstead	1981	Youth Use or Possession / Sales to Minors
Norwood	1997	Partial Vending Machine, Requires Supervision
Oxford	1997	Partial Vending Machine, Requires Supervision
Richmond Heights	1997	Partial Vending Machine, Requires Supervision "Good Faith Compliance" exception
South Euclid	1998	Youth Use or Possession

Strongsville	1997	Partial Vending Machine, Requires Supervision "Good Faith Compliance" exception
Sylvania	1994	Youth Use or Possession
Toledo	1991	Youth Use or Possession
Twinsburg	1997	Annual License for Tobacco Vendors
West Jefferson	1991	Partial Vending Machine, Requires Supervision

Source: Americans for Nonsmokers Rights and Campaign for Tobacco Free Ohio

tobacco products (Table 6).

Franklin County Clean Indoor Air Regulations

In 1993, the five Boards of Health in Franklin County decided that clean indoor air in public places had to become a priority. Franklin County, located in Central Ohio, consists of the city of Columbus (the state capital) and thirty six other localities. The population of Franklin County is 961,437. In Franklin County there are five Boards of Health and two health departments. The Franklin County Health Department serves all cities and townships in Franklin County except the city of Columbus. In Franklin County, all jurisdictions are governed by the Franklin County Board of Health, unless a jurisdiction decides to have their own local Board of Health. Of the 37 jurisdictions in Franklin County, five have separate Boards of Health. The city of Columbus has its own Board of Health and health department. The Columbus City Council appoints the Columbus Board of Health. Franklin County also has an appointed Board of Health and a health department. The cities of Bexley, Grandview Heights and Upper Arlington have their own Boards of Health, appointed by elected city officials. These cities do not have their own separate health departments. These three jurisdictions are served by the Franklin County Health Department. However, by having their own board of health, these jurisdictions have more local control over how the Franklin County Health Department serves the health needs of those communities. Board of Health members are appointed, not elected officials. The five Boards of Health worked collaboratively to propose clean indoor air regulations that would be enforced by the Franklin County Health Department and the City of Columbus Health Department.

The impetus for the proposal were federal reports on environmental tobacco smoke and a high amount of lung cancer, breast cancer and respiratory illnesses in the state of Ohio [18]. In particular, the Boards of Health cited the Surgeon General's reports on secondhand tobacco smoke and the 1992 Environmental Protection Agency Report [19] on environmental tobacco smoke. Although they considered many proposals that would have included smoking and nonsmoking areas [20], the Boards of Health approved a final proposal to make all areas, with the exception of bars, to be 100 percent smokefree. The regulation that was drafted (Regulation 714 in Franklin County) would have 1) ended smoking in public places and 2) phase out tobacco smoke completely in restaurants. The reason for phasing out smoking over a two year period was so that businesses and individuals could get used to the idea that smoking was going to end in restaurants. Health Department employees also wanted to be sensitive to businesses that were concerned about losing revenues [18], despite the fact that the scientific evidence is that smokefree restaurant laws do not affect restaurant revenues [21-23]. The proposed regulation did not include bars that were not classified as restaurants. Restaurants that did include bars would have to phase out smoking. Bars were excluded from the proposed regulations because it was deemed unenforceable [18].

Before the regulations were proposed, Franklin County and City of Columbus Health Department employees reviewed studies and critiques of studies on second hand smoke while formulating their

proposals. They also consulted individuals involved in passing smokefree ordinances in Los Angeles and Colorado [18]. Based on data from the Ohio Cancer Surveillance System, the Health Department also concluded that a high incidence of lung cancer and respiratory illnesses were behavior oriented and not environmentally oriented [18]. At this time, they did not consult with public health agencies such as the American Heart Association, the American Cancer Society and the Central Ohio Lung Association (later named the Central Ohio Breathing Association) because they wanted a scientific based regulation and not a politically driven regulation [18]. The Franklin County and Columbus Department of Health Employees who worked on the regulations wanted the formulation of policy to be strictly based on the scientific literature at this stage in the process [18].

In spring 1993, the Franklin County Health Department and the City of Columbus Health Department proposed the Clean Indoor Air Regulations to the five Boards of Health. Public hearings on the proposed regulations were held in the fall, 1993.

The Boards of Health held a series of public hearings in the Fall of 1993 to review the proposed regulations. While there were a few individuals and businesses that spoke against the regulations, more people spoke in favor of the regulation than against [18]. Among groups and individuals that supported the proposed regulations, were the American Heart Association, the American Cancer Association, the American Lung Association, the Central Ohio Breathing Association, cancer survivors, individuals with respiratory illnesses, children's advocates and some restaurant owners. Restaurant owners, the Restaurant Association and the Ohio Licensed Beverage Association, the Hotel Association and the Hospitality Association opposed the regulations [18]. Although some elected city and county officials expressed support for the proposal, no elected officials actively advocated for the regulation [20]. Some of the restaurants that opposed the regulations ranged from Bob Evan's Restaurants, a large family style restaurant chain in the Midwest to Bob's Biker Bar, a biker bar that served food. McDonald's Corporation did not take a position, but submitted information about their experiments where they found that they found no difference in costs in restaurants that became smokefree [18]. A group called the Can the Ban Coalition organized in opposition to the regulations. Philip Craig, executive director of the Ohio Licensed Beverage Association, and Harry Lehman, a lobbyist for RJ Reynolds, organized restaurant owners into the Coalition Against the Ban.

Before the hearings started and during the time of the hearings, the Can the Ban Coalition sponsored newspaper ads that stated that "a ban would likely include private homes [24]." The newspaper ads even challenged the scientific evidence that secondhand smoke caused disease: "These boards, staffed by partisan bureaucrats, have *already* decided that government second hand smoke warrants government intrusion -- although there is strong evidence to the contrary [24]." The newspaper ads also tried to divert attention to other problems, "Kids doing crack instead of going to school ... The less fortunate among us ... AIDS ... The sorry state of education for our children ... Pollution ... These are all common urban problems that make us worry and demand our time, our attention and our tax dollars. Should we now add cigarette smoke to that list of problems? We don't think so? [24]. "

Philip Morris also sponsored newspaper ads advertising the "Accommodation Program" as an alternative. The Accommodation Program sought to convince the public that clean indoor air regulations were not needed because restaurants could find ways to accommodate smokers and nonsmokers [11, 25]. The public was confused by these ads and the Boards of Health received several phone calls asking if the ads were truthful [18]. Members of the Board of Health and employees of the Franklin Health Department spoke to many community groups to explain the rationale for the regulations [18].

On December 14, the boards adopted the regulations, which were scheduled to be implemented starting July 1, 1994. After the boards approved the regulations, a lawsuit was filed against the Franklin County Board of Health to stop the implementation of the regulations. Thirty-three Franklin county businesses leveled the suit against the Franklin County Board of Health. Jones and Day, a law firm that represents tobacco companies in Ohio, [18, 20] represented the Can the Ban Coalition. The case was heard in environmental court. Because of a large number of environmental issues in Ohio, the state of Ohio has a special division within the judicial system that deals only with environmental issues. The judge was Richard Pfeiffer.

The Jones and Day legal team made arguments that the regulations were unnecessary and that they were an unconstitutional infringement on free commerce. These arguments are similar to arguments made in other tobacco related court cases in other states [3, 4, 8]. However, they also made the argument that the Boards of Health were exceeding their authority. They argued that the board was allowing some exemptions and phasing in some of the regulations, they were not regulating a safety threat, but they were making legislation. The legal team for the Health Boards argued that it was constitutional to limit health threats and argued why the regulations were needed. During the trial, Judge Pfeiffer was particularly concerned about the issue of whether the Boards of Health had the jurisdiction to institute the type of policy that the Boards of Health had passed. Judge Pfeiffer agreed with the Health Boards on the rationale of the health regulations and the constitutionality of limiting health threats and that the Boards of Health had jurisdiction. However, Judge Pfeiffer agreed with the plaintiffs that because the Boards allowed exemptions and phase-ins, instead of requiring immediate action to control a health threat, that the Boards were legislating instead of regulating. Although the Boards of Health had jurisdiction, they had not protected all members of the public equally. By trying to balance some of the concerns of the community, he conclude that the Boards had assumed legislative powers. The judge voided the regulations.

Since the ruling, there has been consideration, but no attempt, to introduce another proposal to end smoking in most public places in Franklin County. The Boards of Health in Franklin County, Columbus, Bexley, Upper Arlington and Grandview Heights have formed a subcommittee to continue to study options and to poll the community [26].

Knox County

In 1994, the Knox County Board of Health proposed a regulation that they had hoped would overcome the legal problem that Franklin County experienced with their proposed regulations. Knox County is a mostly rural county in North Central Ohio. There is also a significant percentage of Amish families living in Knox County. Unlike Franklin County, which has many boards of Health, there is only one Board of Health for Knox county.

Early in 1994, the Knox County Board of Health went through several drafts regarding regulations dealing with secondhand tobacco smoke. Initially, the Board had considered a regulation that would have required smoking and nonsmoking sections in restaurants. The Board of Health sought input from restaurant owners because they wanted to be sensitive to their concerns [27]. Very few restaurant owners or employees came to this meeting, but their was agreement that all dining room areas should become totally smokefree. However, they argued that the smoking should still be allowed in bars and lounges, even if food is served in those areas. The Board scheduled six hearings over several months in different communities in Knox County. While there were some individuals who opposed the regulations, a majority spoke in favor of the regulations [27]. Midway through the public hearings, the Board felt that there was enough concern over secondhand tobacco smoke, that they drafted a regulation that ended smoking in all public places and places of employment [27]. The only exemption was that private homes were not

considered a place of employment. (If an individual was employed in a private home, such as a housekeeper or babysitter, the individual could be allowed to smoke if the owner allowed smoking.) Smoking would also be prohibited in outdoor areas where people may congregate, such as stadiums, outdoor theaters, and near the primary entrance of a building.

Since they Board promulgated a regulation that ended smoking in all public places, the Board thought it would not be subject to the same legal objection that Judge Richard Pfeiffer had in Franklin county. While the Franklin County decision was a factor in ending smoking in all public places, the main concern among board members was to protect public health [27]. A few more hearings were held after the change that would have prohibited smoking in all public places. At the last hearing, a lobbyist from the Ohio Licensed Beverage Association attended the hearing [27].

After all the hearings, the Board of Health held a meeting in the fall of 1994, where the smokefree regulations were not on the agenda. A vote on the smokefree regulations would be on the agenda for the next board meeting. However, a contingent of individuals attended the meeting because they were concerned about the smokefree regulations. These individuals attended because they received a card in the mail that looked like an invitation from the Board of Health to attend the meeting. However, in fine print on the card, the Ohio Licensed Beverage Association actually had produced and mailed the card [27]. Although the smokefree regulations were not on the agenda, the board did allow for some individuals to express themselves. Most were opposed to the new regulations [27].

The regulations were adopted at the next meeting in late 1994. The regulations would take effect starting January 1, 1996. The vote was seven in favor, zero opposed, and one abstained. The board member who abstained did not express reservations about the regulations, but resigned after the meeting. Very few individuals attended this hearing where the regulations were actually adopted. The Board of Health decided to wait a year because they wanted to be sensitive to the hospitality industry, but they also expected that the rules would be challenged. They did not want to implement a rule that could be thrown out. However, if challenged, the Board agreed that they would still support the regulations [27]. The Board was not concerned about the costs of a legal challenge because the health Department carried liability insurance and the insurance carrier agreed to pay the costs if there was a legal challenge. Knox County would only have to pay a deductible.

As expected, a restaurant and a bowling alley did challenge the regulations. Although the Ohio Licensed Beverage Association did not file as a plaintiff, they did solicit Knox County businesses to be plaintiffs. RJ Reynolds was not listed as a plaintiff either, but Harry Lehman, a lobbyist for RJ Reynolds, did travel to Knox County to pick up a copy of the regulations [27].

In late 1995, the Knox County Common Pleas Court, a part of the State court system, heard the case. The plaintiffs argued that the Board was legislating and not rulemaking. They talked about the adoption process and how it changed over time. They also made the argument that if they were rulemaking, then they should have ended smoking in the home also. The attorney representing Knox county argued the board of Health's decision was not legislating, the regulations were uniform for all public places. The judge's decision was very brief, stating that the Board of Health was exceeding their authority and was legislating instead of rulemaking. The judge did not provide any comment about what rulemaking means. The judge made no specific comment concerning whether these health regulations would also have to be applied to homes.

Knox County decided not to appeal the ruling because their liability insurance would not cover an appeal and because of the changes that occurred during the drafting process, the Board of Health decided

that this would not be a good case to appeal [27].

STATE LEGISLATION IN OHIO

The Ohio legislature has rarely considered tobacco control legislation. One reason is that there is no legislator or group of legislators in the Ohio legislature that has made tobacco control a major part of their agenda. In contrast, other states have one or more legislators that consistently introduce tobacco control legislation and build a reputation on tobacco control issues [3-11]. A second reason is since Governor Voinovich and the House and Senate leaders have not stated clear positions on tobacco control legislation, the voluntary associations do not want to promote legislation that may be amended into non-desirable bills [28]. Another reason is that tobacco control advocates have spent most of their time and resources, particularly recently, in preventing pro-tobacco preemptive legislation from passing in the Ohio state legislature.

In 1995, Representative Doug White (R-Manchester) introduced HB 299. Doug White has been one of the leading recipients of tobacco industry money and has the lowest tobacco policy score in the Ohio legislature. He is also a tobacco farmer. This bill would have ended tobacco sampling and allow only law enforcement officials to conduct compliance checks. HB299 would penalize employees for the first two violations of selling tobacco products to minors. The retail owner would not be issued a citation until the third offense. The bill would have also preempted localities from passing ordinances that were more stringent than state law. Because this bill presented such a threat to the tobacco control at the local level and because the voluntary health organizations did not have enough staff to devote to this one issue, the American Heart Association -- Ohio Affiliate took the lead in hiring a lobbying firm. They hired NSC Consulting. The cost was shared by the American Heart Association -- National Affiliate, the American Heart Association -- Ohio Affiliate, the American Heart Association - Northeastern Ohio Affiliate, the American Cancer Society -- Ohio Affiliate, and the American Lung Association -- Ohio Affiliate.

The House Local Government and Township Committee held hearings on the bill. The Ohio Affiliates of the Lung Association, Heart Association and Cancer Society, SNC Consulting, Department of Health (after the committee asked them to testify) [28], the Ohio Municipal League, the Ohio Medical Association, the Ohio Public Health Association, the Ohio Health Commissioners Association, the Ohio Physiological Association, and some independent physicians and nurses testified against the bill. The Northeast Ohio Hospitality Coalition, and individual restaurant owners testified in favor of the bill. There were approximately eight hearings over several months on HB 299. Governor Voinovich never stated whether he did or did not support the bill. It was not voted out of committee until January or February 1996. The vote was 13 to 1, the only dissenting vote was Twyla Roman (R-Akron). HB 299 was never brought to a vote by the House leadership. Except for members of the House Local Government and Township committee, most Representatives did not want to take a vote on the bill. Most Representatives felt that supporters and opponents of the bill were very mobilized and Representatives did not feel like having to alienate one side or the other [28].

In June 1997, White tried to add an amendment to the state budget bill to include provisions from his youth access proposal. SNC Consulting and the voluntary organizations quickly organized to counter this amendment. They convinced the leadership that the youth access proposals were not germane to the state budget bill. The Ohio Legislature is not allowed to attach amendments to bills that are not germane to the bill itself. The voluntary health associations threatened to sue the legislature if this amendment was attached to the bill [28]. The House leadership decided not to take this chance persuaded Doug White to withdraw the amendment.

The excise tax in Ohio is 24 cents. The first time it was increased was in 1992, from 18 cents. Although health advocates wanted part of the money earmarked for tobacco control or other health related causes, Governor Voinovich was most concerned about balancing the budget. Similar to cigarette tax increases in Wisconsin [3], the cigarette tax increase was not earmarked for any health related purpose, but used to balance the budget. Ohio has the 18th lowest cigarette tax in the nation.

Other legislation that has passed are statutes that ban elementary and secondary students from smoking on school property and ending smoking in day care centers. Vending machine must be in plain sight of an adult. In April 1998, Senator Grace Drake (D-Solon) introduced a proposal that would create a state licensing program for tobacco retailers. Currently, Ohio fines retail clerks for tobacco sales to minors. The proposal would fine retail owners \$500 for the first offense and \$1,000 for the second offense. Third time offenders would lose their license. This bill would not preempt local ordinances. Governor Voinovich and Attorney General Betty Montgomery have announced that they support this bill. The proposal has been criticized by the Ohio Council of Retail Merchants and the Ohio Association of Convenience Stores [29]. No hearings have yet to be scheduled for this bill.

CONCLUSION

The judicial decisions in Franklin and Knox Counties have left tobacco control advocates and health officials wondering what they can and cannot do. Although many Board of Health decisions are changed during the drafting process, Board of Health decisions in Franklin and Knox county concerning secondhand tobacco smoke have been vigorously challenged. Health commissioners and the legal community in Ohio need to clearly define what constitutes rulemaking. If a strict interpretation of rulemaking is required, then tobacco control advocates will have to become more active in organizing community support to convince elected city councils or county boards to pass strong smokefree ordinances.

REFERENCES

1. Somerson, M., *Ohio among top states for smoking*, in *Columbus Times Dispatch*. 1997: Columbus, OH.
2. Tobacco Institute, *The Tax Burden on Tobacco*, . 1996, The Tobacco Institute: Washington D.C.
3. Monardi, F. and S. Glantz, *Tobacco Industry Political Activity and Tobacco Control Policy Making in Wisconsin: 1983-1998*, . 1998, IHPS-UCSF: San Francisco.
4. Monardi, F.M. and S.A. Glantz, *Tobacco Industry Political Activity and Tobacco Control Policymaking in New Jersey: 1982-1995*, . 1997, Institute for Health Policy Studies , University of California San Francisco: San Francisco.
5. Monardi, F. and S. Glantz. *Tobacco Industry Campaign Contributions and Legislative Behavior in Seven States*. in *Annual Meeting of the American Public Health Association*. 1996. New York, New York.
6. Monardi, F. and S. Glantz. *Tobacco Industry Campaign Contributions and Legislative Behavior in Several States*. in *Annual Meeting of the American Political Science Association*. 1996. San Francisco, CA.
7. Monardi, F., et al., *Shifting Allegiances: Tobacco Industry Political Expenditures in California, January 1995 - March 1996*, . 1996, UCSF Institute for Health Policy Studies: San Francisco, CA.
8. Monardi, F. and S. Glantz, *Tobacco Industry Political Activity and Tobacco Control Policymaking in Washington: 1983-1996*, . 1996, Institute for Health Policy Studies , University of California San Francisco: San Francisco.
9. Monardi, F., A. O'Neill, and S.A. Glantz, *Tobacco Industry Political Activity and Tobacco Control Policymaking in Colorado: 1979-1995*, . 1996, Institute for Health Policy Studies, University of California San Francisco: San Francisco.
10. Balbach, E.D., et al., *Holding Government Accountable: Tobacco Policy Making in California, 1995-1997*, . 1997, Institute for Health Policy Studies, University of California - San Francisco: San Francisco.
11. Monardi, F.M. and S.A. Glantz, *Tobacco Industry Political Activity and Tobacco Control Policymaking in Pennsylvania: 1983-1996*, . 1997, Institute for Health Policy Studies, University of California San Francisco: San Francisco.
12. Monardi, F. and S. Glantz, *Are Tobacco Industry Campaign Contributions Influencing State Legislative Behavior?* *American Journal of Public Health*, 1998. **88**(6): p. 918-923.
13. Johnson, A., *Settlement may sway Ohio to join tobacco fray*, in *Columbus Dispatch*. 1997: Columbus.
14. Montgomery, B., *Attorney General, State of Ohio*, . 1997.
15. Harrington, M., *Tobacco Rules*, in *Columbus Guardian*. 1996: Columbus. p. 10-11.
16. Goldstein, A. and B. NS, *State tobacco lobbyists and organizations in the United States*. *American Journal of Public Health*, 1996. **86**(8): p. 1137-42.
17. Somerson, M., *Anti-tobacco Forces to Blitz Ohio*, in *Columbus Dispatch*. 1997: Columbus.
18. Sahr, T., *Interview with Fred Monardi*, . 1997.
19. United States Environmental Protection Agency, *Respiratory Health Effects of Passive Smoking: Lung Cancer & Other Disorders*, . 1992, EPA Office of Research and Development: Washinton DC.
20. Long, T., *Interview with Fred Monardi*, . 1997.
21. Glantz, S.A. and L.R. Smith, *The effect of ordinances requiring smoke free restaurants on restaurant sales in California*, . 1992, University of California San Francisco: San Francisco.
22. Glantz, S.A., *Response to tobacco industry criticisms of the effect of ordinances requiring smoke*

- free restaurants on restaurant sales in California*, . 1992, University of California San Francisco: San Francisco.
23. Glantz, S.A. and L.R.A. Smith, *The effect of ordinances requiring smoke-free restaurants and bars on revenues: a follow-up*. American Journal of Public Health, 1997. **87**(10): p. 1687-1693.
 24. Can the Ban Coalition, *"Isn't It Time We Worry About the Really Important Things?"*, . 1994.
 25. Samuels, B.E., *et al.*, *Philip Morris's Failed Experiment in Pittsburgh*. Journal of Health Politics, Policy and Law, 1992. **17**(2): p. 329-351.
 26. Somerson, M., *Smoke Ban Advocates Still Hoping*, in *Columbus Dispatch*. 1998: Columbus, OH.
 27. Mullett, M., *Interview with Fred Monardi*, . 1997.
 28. Frericks, L. and C. Elliot, *Interview with Fred Monardi*, . 1997.
 29. Johnson, A., *Tobacco Sales To Minors Targeted*, in *Columbus Dispatch*. 1998: Columbus, OH.