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## Executive Summary

- North Carolina, the top U.S. tobacco producing state and home to RJ Reynolds and Lorillard tobacco companies, has a historic, economic, and social legacy tied to tobacco, creating particular resistance to tobacco control efforts.
- The tobacco manufacturers historically relied on tobacco grower organizations, which had more influence on political and public opinion than tobacco manufacturers, to act on their behalf to shape policy in North Carolina.
- To influence policymakers, between 1996 and 2008, the tobacco industry contributed nearly \$1.3 million to North Carolina political parties and individual candidates for state-level office, focusing contributions around pivotal elections, with candidates for governor and key legislative leadership being the largest recipients.
- There is a statistically significant relationship between the amount of tobacco industry campaign contributions a legislator received and his or her support for pro-tobacco policies.
- In 1969, North Carolina became the last state in the nation to enact an excise tax on tobacco, a modest 2 cents.
- Due to the passage of the 1969 excise tax, the Tobacco Institute increased its lobbying presence in 1972.
- As early as the late 1960s, the tobacco manufacturers anticipated that if North Carolina increased their tobacco excise tax other states would follow. They devoted considerable resources to defeating tobacco excise tax increase proposals, and as a result there were only small incremental increases in the tax during the 1990's and 2000's, still placing North Carolina 45<sup>th</sup> for tobacco excise taxes in 2011 (at \$0.45 per pack).
- North Carolina was one of a few states, and the only tobacco growing state, that participated in both the National Cancer Institute COMMIT (1986-1995) and ASSIST (1991-1998) studies. ASSIST allowed the state to create a lasting tobacco control infrastructure by setting up local tobacco control coalitions in the majority of key media markets throughout the state. The resulting state tobacco control infrastructure remained active even after the studies ended and was still active in 2011.
- Beginning in the late 1980s, local jurisdictions began adopting policies to restrict smoking in publicly owned government buildings. By 1993, 15 counties and 22 cities had some kind of policy to restrict public smoking including in restaurants throughout North Carolina.
- In response to health advocates' growing success in passing local clean indoor air ordinances and board of health regulations, in 1993 the tobacco industry secured passage of a weak, preemptive state "dirty air" law which only allowed local jurisdictions to pass smoking restrictions for 90 days (Eighty-nine more communities passed ordinances during this 90 day window).
- The tobacco industry sued and invalidated the local county board of health regulations, prompting the tobacco control advocates to implement a strategy to "chip away" at resistance to tobacco control policies, beginning with youth access laws.
- In 1997 advocates began working to implement voluntary tobacco free school campus policies, an important step in changing social norms around tobacco use, with support in 2000 from Gov. James Hunt (D). By 2007, 75 percent of the school districts were voluntarily tobacco free when the state legislature enacted legislation requiring all school districts to be 100 percent tobacco free by August 1, 2008.

- North Carolina attorney general Michael Easley (D) did not sue the tobacco industry in the mid-1990s, but was one of the negotiators of the Master Settlement Agreement in 1998. He filed a pro-forma suit in 1998 so North Carolina could benefit from the cash payouts in the MSA, amounting to \$4.6 billion over the first 25 years of the MSA for North Carolina.
- In 1999, the Legislature allocated 75 percent of North Carolina's MSA money to diversify the state's tobacco dependent economy and 25 percent to health related programs, of which a small portion was spent on youth-oriented tobacco-related projects beginning in 2002
- In 2000, the Department of Health and Human Services Tobacco Prevention and Control Branch, along with tobacco control advocates, created the *Vision 2010* strategic plan for the tobacco control part of the MSA money, including youth prevention programs and tobacco free school campuses, adding resources and funding for programming.
- The federal tobacco quota buyout in 2004 exacerbated the rift between the tobacco growers and manufacturers, resulting in reduced tobacco farmers' opposition to tobacco control policies. Tobacco control advocates successfully used this lack of opposition to begin a push for stronger tobacco control laws.
- Despite tobacco manufacturers' opposition, between 2003 and 2009 state tobacco control advocates built strong coalitions including nontraditional partners such as the hospitality industry, cultivated relationships with key legislators, and generated grassroots support resulting in 100 percent tobacco free schools, prisons and hospitals, and 100 percent smokefree government buildings, long-term care facilities, restaurants, and bars, effectively "chipping away" at preemption.
- In 2009 North Carolina became the first tobacco growing state to implement a statewide 100 percent smokefree restaurant and bar law.
- The 2009 law also partially repealed preemption, giving local governments the authority to enact more stringent restrictions on outdoor public property. Private workplaces remained preempted.
- Between 2003 and 2009, it was not uncommon for a state legislator to receive campaign contributions from the tobacco industry and then vote in favor for tobacco control policies, suggesting declining tobacco industry influence among policymakers.
- Tobacco control gains in North Carolina were incremental and required continued persistence and coordinated collaboration among tobacco control advocates, which allowed meaningful policies to be implemented.
- Tobacco control advocates should continue to work to strengthen state tobacco control laws including 100 percent smokefree workplaces, repealing preemption of all smokefree laws, and securing higher excise taxes.
- Advocates should continue to leverage the existing divergence between the interests of tobacco manufacturers and growers by promoting alternative crop production and uses for tobacco, and coalition building to further strengthen the states tobacco control policies.
- Further progress was jeopardized when, in 2011, the Republican-controlled Legislature abolished the Health and Wellness Trust Fund created to fund youth-oriented tobacco-related projects, leaving no dedicated funding for tobacco-control programming.
- Advocates must work to reverse this setback and restore state funding for comprehensive tobacco control programming.

## Chapter 1: Introduction

- *Tobacco use remains the leading preventable cause of death and disease in the United States and North Carolina.*
- *North Carolina has a unique historic, economic, and social legacy tied to tobacco. North Carolina is the top tobacco producing state in the U.S., including every stage of tobacco production, from leaf growing to final product manufacturing, making it a center of the U.S. tobacco industry.*
- *Despite the sentiment behind being a tobacco growing state, hampering the efforts to advance tobacco prevention and control policies, state tobacco control advocates have achieved success.*

Tobacco use remains the number one preventable cause of death and disease in the United States and North Carolina.<sup>12</sup> North Carolina is the 10<sup>th</sup> most populous state located in the socially conservative southeast region of the U.S. Traditionally an agriculture state, North Carolina has a historic, economic, and social legacy that is tied to tobacco<sup>13</sup> and has garnered the nickname “Tobacco Country” for being the top tobacco producing state for many years.

In contrast to being the number one producer of tobacco, North Carolina has an abundance of cutting edge medical and high technology research that is conducted at the Research Triangle Park in Durham, North Carolina, in addition to many outstanding public and private medical teaching, research and service institutions many of which were built on tobacco dollars.<sup>14</sup> In North Carolina, tobacco has been an integral part of cultural norms and economic lives despite the fact that use of the legal product kills people.

Perhaps ironically, the conflicting economic dichotomy that tobacco has created by using the profit from a harmful product to fund public and private health-oriented institutions in the state, has led North Carolina to have a well respected state and local public health system.<sup>15</sup> Persisting with patience, the State Division of Public Health and tobacco control advocates have strategically worked together for over 20 years to chip away at tobacco use and exposure to second hand smoke, gained legislative champions, and built effective coalitions which were successful in advocating for clean indoor air laws. That success led North Carolina to make history again by overcoming obstacles and becoming the first tobacco growing state to adopt a statewide smoke-free restaurant and bar law in 2009.

### **Tobacco Growing**

North Carolina’s tobacco growing history dates back as far as 1663, when America’s first English settlers began to relocate from Virginia in search of new land for tobacco.<sup>16, 17</sup> For example, Richard Joshua Reynolds, the son of a Virginia tobacco farmer sold his share of the family business and moved to Winston-Salem, NC in 1874 to begin his tobacco company. RJ Reynolds built his wealth and legacy around tobacco and was the wealthiest person in NC until he died in 1918 at the age of 67 from pancreatic cancer after a lifetime of chewing tobacco.<sup>18</sup>

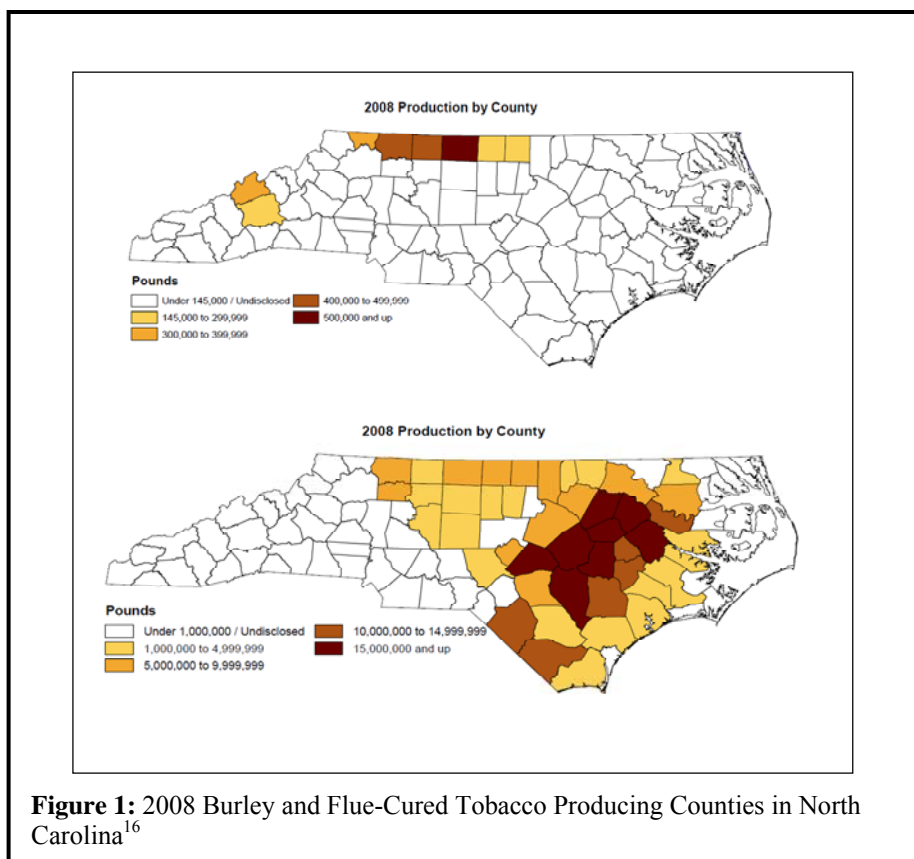
In 1866, the first year for which records are available from the U.S. Department of Agriculture, 16,000 acres of tobacco were grown. In 2009, North Carolina was the number one tobacco producing state in the U.S., ahead of Kentucky, Tennessee, Virginia, and South

Carolina.<sup>5</sup> Growing both flue-cured tobacco in the north, central, and southern coastal regions of the state and burley tobacco in the northern piedmont, and northern and western mountain regions of the state, over half (57 percent) of North Carolina's 100 counties produced tobacco on a total of 177,400 acres in 2009. The coastal plain region counties (Sampson, Johnston, Nash, Wilson, Wayne, Harnett, Edgecombe, Pitt, Lenoir, and Greene) consistently produced the most flue-cured, while the north piedmont and mountain region counties (Rockingham, Stokes, and Surry) consistently produced the most burley tobacco (Figure 1).<sup>16</sup>

In 1933, the U.S. Department of Agriculture developed the Tobacco Price Support Program. 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.<sup>19</sup> This system created tobacco quota holders who had the exclusive right to grow tobacco; they could also lease that right to other farmers.<sup>19</sup> The Tobacco Price Support Program

operated throughout the early 1990s<sup>20</sup> and continued through the quota buyout in 2004.

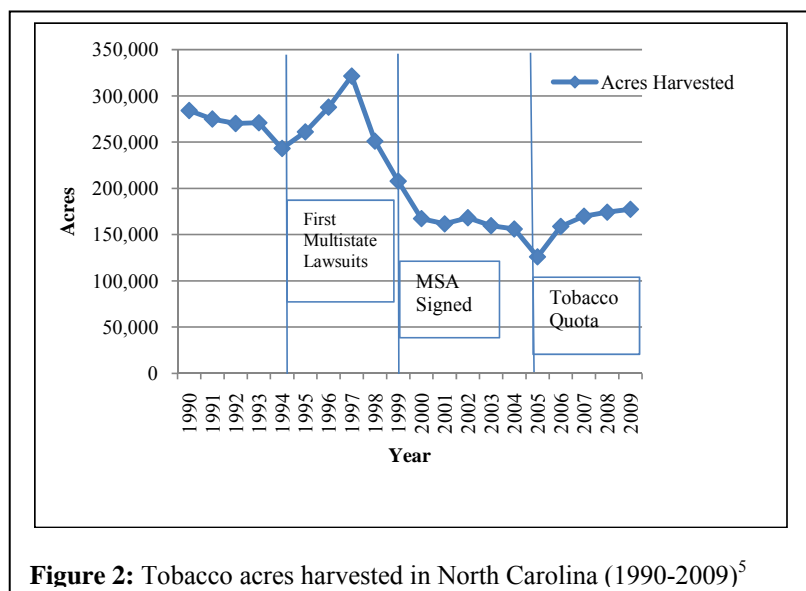
A pinnacle of tobacco production in North Carolina was in 1939 when 851,000 acres were harvested, yielding a total of 821 million pounds (965 pounds per acre).<sup>5, 21</sup> Although acreage of harvested tobacco fluctuated throughout the twentieth century, tobacco yields improved and became more efficient to allow substantial amounts of production in later years on less land. For example, in 1994, the year for which the



**Figure 1:** 2008 Burley and Flue-Cured Tobacco Producing Counties in North Carolina<sup>16</sup>

highest yields were reached, 2,647 pounds were produced per acre yielding nearly three times more per acre when compared to 1939. However, in 1994 only 243,200 acres were harvested to yield a total of 644 million pounds.

Like other tobacco growing states, production began to decrease steadily between 1997 and 2005 following the tobacco manufacturers increase in purchasing foreign grown tobacco, the 1998 Master Settlement Agreement (MSA) which resolved state lawsuits against the industry,



**Figure 2:** Tobacco acres harvested in North Carolina (1990-2009)<sup>5</sup>

and the 2004 Tobacco Quota Buy-out which ended the federal Tobacco Price Support Program discussed above, respectively, when production reached a low of 126,000 acres.<sup>5</sup>

In the mid 1990's tobacco manufacturers began to use less U.S. grown tobacco. In addition during the same time, poundage quotas, the supply control mechanism established by the federal government to control the number of pounds the farmer was permitted to sell

at the guaranteed price, began to decrease. This was not entirely coincidence; the quotas were set based on expected domestic purchases reported by the manufacturers, who were purchasing more imported tobacco by that time.<sup>22</sup> Correspondingly, the tobacco grower organizations began to support eliminating the quota system due to the increasing loss in income. Growers argued to the federal regulators in a campaign to end the quota buyout system that the price support system set up to lease quotas to separate growers could be manipulated by tobacco manufacturers and that the acreage quota locked growers into producing tobacco with land that could be used for other crops. Additionally, in 1994 Attorneys General of Mississippi, Minnesota, Florida and Texas, sued the four major tobacco companies (Brown & Williamson, Lorillard, Philip Morris, and RJR) to recover tobacco-related health care costs incurred by their states' Medicaid programs and to change tobacco industries youth targeted marketing practices.

The consolidated farms have had larger average acreage and higher yields ... Tobacco production in 2009 was at its highest level since 1999.

By 1998, 46 states had filed similar suits. These lawsuits led to increasing settlements in Mississippi, Florida, Texas, and Minnesota that were increasingly favorable to the states, followed by the 1998 Tobacco Master Settlement Agreement between the tobacco companies and 46 states, in which the tobacco companies agreed to pay \$206 billion over the first 25 years to the 46 states and to restrict some youth-targeted marketing practices. The MSA also included "Phase II" payments in which the tobacco companies paid \$5.15 billion to tobacco growers and quota holders over 12 years. Finally, in the 2004 federal Tobacco Quota Buy-out, tobacco companies paid tobacco growers \$5.2 billion to end the Tobacco Price Support Program.

Since the 2005 record low levels there has been a consolidation of tobacco farms. The consolidated farms have had larger average acreage and higher yields such that tobacco production has trended upward and steadily increased by 41 percent to 177,400 acres, yielding



2,389 pounds per acre in 2009 (Figure 2).<sup>5, 22</sup> Tobacco production in 2009 was at its highest level since 1999.<sup>22</sup>

In 2009, cash receipts from growing tobacco totaled \$746 million, 8 percent of \$9.2 billion total cash receipts from all commodities statewide, behind broilers (chicken raised for meat production, \$2.4 billion), hogs (\$1.9 billion), and greenhouse plants including Christmas trees (\$813 million) (Table 1).<sup>5, 16</sup> By comparison, in North Carolina, cash receipts for tobacco ranked 1<sup>st</sup> among the top commodities from 1959 through 1989. After a 40 year period, in 1999 and one year after the Master Settlement Agreement cash receipts for tobacco lost the first place ranking and moved down to 5<sup>th</sup> among the top commodities. In 2000, cash receipts for tobacco moved back up to 4<sup>th</sup> among the top 10 commodities in North Carolina.

**Table 1: Top Ten North Carolina Cash Receipts and (Rank) by Commodity<sup>5, 16</sup>**

Commodity	2009	2000	1999	1989	1979	1959
1. Broilers	\$2,430 (1)	\$1,478 (2)	\$1.4 (1)	\$843 (2)	\$386 (3)	\$67 (3)
2. Hogs	\$1,878 (2)	\$1,672 (1)	\$1.2 (2)	\$509 (3)	\$300 (5)	\$54 (4)
3. Greenhouse Plants inc. Christmas Trees	\$813 (3)	\$1,089 (3)	\$1.1 (3)	\$251 (5)	\$75 (13)	\$10 (13)
4. Tobacco	\$746 (4)	\$845 (4)	\$784 (4)	\$946 (1)	\$895 (1)	\$410 (1)
5. Soy Beans	\$557(5)	\$169 (10)	\$175 (10)	\$231 (7)	\$302 (4)	\$20 (11)
6. Turkeys	\$523 (6)	\$434 (5)	\$449 (5)	\$407 (4)	\$163 (9)	\$8 (14)
7. Chicken Eggs	\$349 (7)	\$223 (8)	\$231 (7)	\$222 (8)	\$173 (8)	\$53 (6)
8. Corn	\$328 (8)	\$117 (9)	\$231 (11)	\$189 (9)	\$276 (6)	\$38 (8)
9. Cattle and Calves	\$214 (9)	\$232 (7)	\$209 (8)	\$156 (10)	\$133 (10)	\$30 (9)
10. Cotton	\$213 (10)	\$232 (6)	\$235 (6)	\$50 (16)	\$16 (20)	\$54 (5)
<b>All Commodities Total</b>	<b>\$9.2 billion</b>	<b>\$7.3 billion</b>	<b>\$6.7 million</b>	<b>\$4.6 million</b>	<b>\$3.2 million</b>	<b>\$926,000</b>

Interestingly, while cigarette tobacco use has declined nationally over the past twenty years, tobacco yield (Figure 3) in North Carolina during 2009 exceeded both the total yield following 1998 MSA and the total yield following the 2004 Tobacco Quota Buy-out respectively. While the increase in tobacco yield (which refers to lbs/acre) over time has been attributed to technology improvements.<sup>22</sup> Additionally, reductions in acreage also tend to increase yields because more marginal acreage tends to be taken out of production first while more productive areas for tobacco production remain in production, pulling up the statewide average.<sup>22</sup>

The increased production as related to the tobacco yield in North Carolina has been used for various purposes including, increased tobacco exports to countries such as Japan and China,<sup>23</sup> increased prevalence in use of smokeless tobacco products,<sup>24</sup> and increased usage of tobacco in pharmaceutical manufacturing.<sup>25</sup>

Efforts to reduce tobacco use in North Carolina were consistently tempered not only by North Carolina's status as a tobacco growing state, but also North Carolina's status as being "Tobacco Country" as well.

Efforts to reduce tobacco use in North Carolina were consistently tempered not only by North Carolina's status as a tobacco growing state, but also North Carolina's status as being "Tobacco Country" as well.<sup>13</sup> North Carolina is nicknamed "Tobacco Country" because it has been the number one tobacco producing state in the U.S. and cash receipts for tobacco have ranked among the state's top commodities for years. The tobacco industry repeatedly used this fact to encourage opposition to

tobacco control proposals, such as cigarette excise taxes and public smoking.

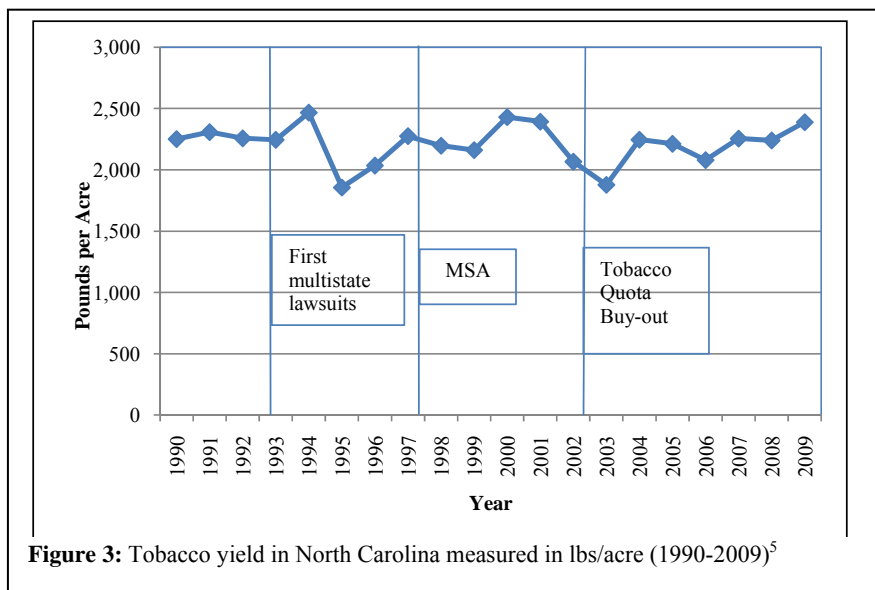


Figure 3: Tobacco yield in North Carolina measured in lbs/acre (1990-2009)<sup>5</sup>

Many tobacco control advocates and policymakers in North Carolina agreed that the cultural construct of being “the number one tobacco state” was as politically influential, and perhaps even more influential, than direct tobacco industry intervention (in the form of lobbying or campaign contributions as it was not uncommon for legislators to receive campaign contributions from the

tobacco industry and then vote in favor of tobacco control policies) in slowing progress on tobacco control.<sup>26-30</sup> Over time, however, the influence of the state’s tobacco growing status on legislative behavior towards tobacco control began to change and align with the actual opinions of tobacco growers who became neutral and more tobacco control friendly. As a result of the distancing of growers from tobacco companies, the dissolution that the 2004 Tobacco Quota Buy-out created and national health group efforts to engage tobacco growers.<sup>26, 31</sup>

### Tobacco Manufacturing

In addition to being the top tobacco producing state in the U.S., every stage of tobacco production, including final product manufacturing is located in North Carolina, making the state one of the centers of the U.S. tobacco industry. Through 2009, the nation’s three largest tobacco companies, Altria Inc. (Philip Morris), Reynolds American Inc., and Lorillard Inc. all had manufacturing facilities throughout North Carolina and together employed .2 percent of the state’s total workforce in 2009 (Table 2).<sup>32</sup>

Over time, however, the influence of the state’s tobacco growing status on legislative behavior towards tobacco control began to change and align with the actual opinions of tobacco growers who became neutral and more tobacco control friendly.

Reynolds American Inc. is the predominant cigarette manufacturer in North Carolina. Reynolds American Inc. is the parent company of R.J. Reynolds and Brown and Williamson, and is the second largest tobacco company in the U.S. behind Altria Inc. The Reynolds American headquarters is located in Winston-Salem, NC, and the company’s largest (2 million square feet) manufacturing facility is located less than 17 miles away in Tobaccoville, NC. Employing approximately 4,000 North Carolinians,<sup>33</sup> Reynolds American Inc., ranked as the 60<sup>th</sup> largest (ranked by employment size) employer in North Carolina. The third largest tobacco company Lorillard Inc., which is headquartered and has a manufacturing facility in Greensboro, NC, was ranked as the 140<sup>th</sup> largest private employer in the state.<sup>32</sup> Altria began closing its North

**Table 2:** Comparison of Tobacco Manufacturing Employment to Total Labor Force 2009<sup>32</sup>

Company	Location	Employment	Total State Workforce	Percent of Workforce Employed
Altria Inc./Philip Morris	Cabarrus, NC	2,000	4,250,574	.2
Reynolds American Inc.	Winston-Salem & Tobacoville, NC	4,000		
Lorillard	Greensboro, NC	2,200		
Total:		8,300		

Carolina facility in 2007 and e relocating employees and operations to Richmond, Virginia, closing its facility in 2010; it ranked 141<sup>st</sup> in employment in 2009.<sup>32, 34</sup> All together, the cigarette manufacturing companies employed just .2 percent of

the workforce in 2009.

**Tobacco Use**

There are an estimated 12,200 tobacco-related deaths per year. Tobacco use and exposure costs North Carolinians \$2.46 billion in health care expenditures, of which \$769 million was expended in the state Medicaid program in 2009.<sup>35</sup> The prevalence of cigarette smoking among adults in North Carolina (ages 18 and above) in 2008 was 20.9 percent, 2.6 percent higher than the U.S. national average of 18.3 percent, (CDC) ranking the state 38<sup>th</sup> in smoking prevalence nationally. As Figure 4 shows, this rate has tracked consistently with the U.S. average from 1995 through 2008 and has steadily declined since 2003.<sup>36</sup>

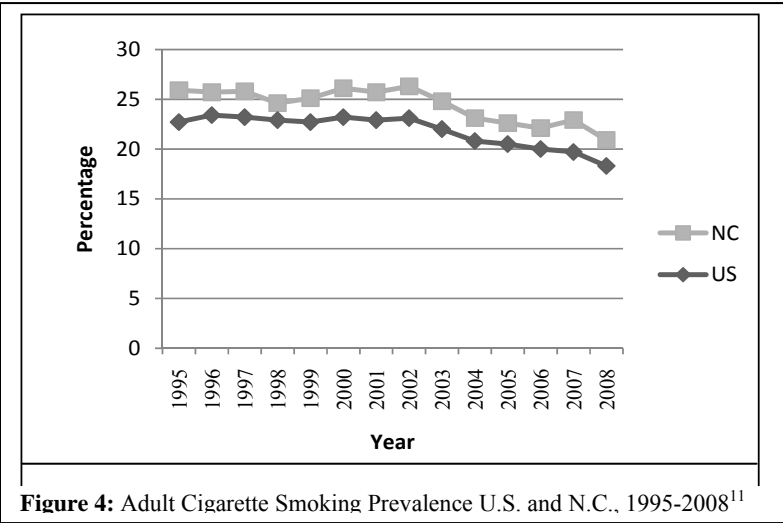


Figure 4: Adult Cigarette Smoking Prevalence U.S. and N.C., 1995-2008<sup>11</sup>

Per capita cigarette consumption rates in North Carolina were higher than the U.S. average and steadily dropped from 113.1 packs per capita after 1999 to 69.6 packs per capita in 2009, consistent with the national trend (Figure 5).

While adult smoking prevalence and consumption in North Carolina was consistently above the national average, youth smoking rates were historically lower than the national average (Figure 6). The status of being a tobacco growing state limited

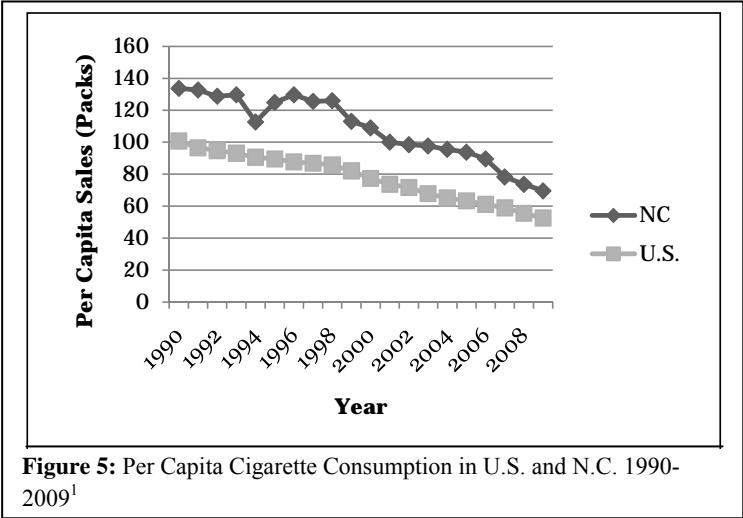


Figure 5: Per Capita Cigarette Consumption in U.S. and N.C. 1990-2009<sup>1</sup>

the tobacco prevention and control efforts to youth-focused programming. Similar to Crankshaw et al. findings which indicate that tobacco growers tended to be in favor of tobacco control programs focused on youth, but not for those focused on adults, consistent with a sense that adults had the right to choose to use a legal product.<sup>37</sup>

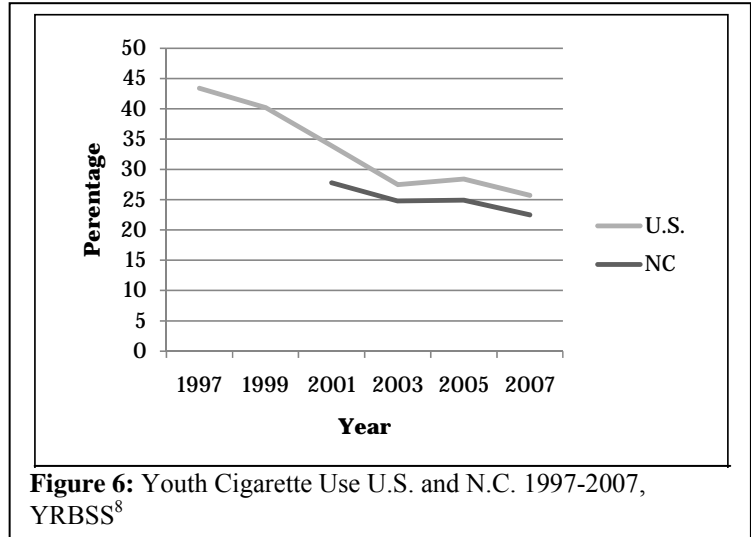
### Tobacco Control

During the late 1980's and throughout the early 1990's state tobacco control advocates capitalized on smoking restrictions adopted as fire-safety measures and began to establish a tobacco control infrastructure that has been a lasting foundation for reducing tobacco use and secondhand smoke exposure throughout the state. The state experienced some success in adopting local county ordinances to restrict smoking until 1993.

In 1993, the North Carolina General Assembly adopted a statewide law dubbed by state tobacco control advocates the "Dirty Air Law" because it required 20 percent of public places to be set aside for smoking and preempted localities from adopting smoking ordinances that were more restrictive than the state law. As an attest to the burgeoning state tobacco control infrastructure restrictions, 89 out of 100 counties in North Carolina adopted smoking restriction ordinances at varying levels of comprehension over a 90-day period of time, before the "Dirty Air Law" was implemented to stifle the early clean indoor air successes.

Tobacco control in North Carolina was at a pivotal point in 2009, when North Carolina became the first tobacco growing state to pass a statewide 100 percent smoke-free restaurant and bar law through the work of a strong statewide coalition, consisting of non-traditional allies and key legislative champions chipping away at preemption over more than seven years.

North Carolina, ranked 24th in the nation for the key tobacco control spending metric,<sup>38</sup> allocating \$20 million to tobacco control in Fiscal Year (FY) 2010, 18.7 percent of the CDC, 2007 Best Practices for a Comprehensive Tobacco Control Program recommendation of \$106.8 million. Furthermore North Carolina's, cigarette excise tax, ranked 45<sup>th</sup> in the nation at \$0.45 per pack, compared to the national average of \$1.45 per pack; the state



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along with the other tobacco growing states has consistently ranked among the bottom ten states, with the lowest excise cigarette tax.<sup>39</sup>

## Chapter 2: Tobacco Industry Influence

- *The tobacco industry, including tobacco farmers, manufactures and distributors, organized their political influence collectively at the national and state level through the Tobacco Merchants Association, the Tobacco Tax Council, and the Tobacco Institute.*
- *The tobacco growers' influence on political and public opinion was more influential than the tobacco manufacturers in North Carolina.*
- *For decades the political climate in North Carolina remained favorable to the tobacco industry, which maintained a strong presence and political influence in North Carolina.*

As throughout the United States, the tobacco industry has been influencing the North Carolina state legislature and the executive branch for decades. The tobacco industry, which included tobacco farmers, manufacturers, and distributors, began to collectively orchestrate their influence at the national level beginning as early as 1915, when the manufacturer funded trade organization Tobacco Merchants Association (TMA) was founded. The collective industry alliance remained throughout the mid 1990's when the tobacco farmer and tobacco manufacturer interests began diverge. In addition to the TMA trade organization, the tobacco manufacturers also founded and funded the Tobacco Tax Council (TTC) in 1949 and the Tobacco Institute (TI) in 1958 to lobby for the companies and manage their political and public relations activities. Together, these organizations allowed the industry to monitor and devise proactive and reactive engagement with North Carolina's tobacco control activity as well as throughout the U.S. at all levels of government.

The tobacco industry has been cultivating influence in the North Carolina state legislature and the executive branch for decades.

The Tobacco Merchants Association was the only tobacco industry organization to legally remain active in 2010, after the TI and TTC were dissolved as a result of settlements of the individual state lawsuits and the 1998 Master Settlement Agreement. In 2010 TMA was supported by the manufacturing and distribution sectors in the tobacco industry.<sup>40</sup> The Association's primary purpose was to manage and disseminate policy-related information pertaining to the tobacco industry<sup>41, 42</sup> at the federal, state and local levels.

In contrast, the TTC and the TI were established to operate independently as politically active organizations until officially merging operations in 1982.<sup>43</sup> The TTC was organized to prevent substantial increases in cigarette excise taxes by monitoring and opposing political action at the state and local levels through hired lobbyists.<sup>41</sup> Similar to the TMA, the TTC included as members wholesalers, suppliers, warehouseman and growers.<sup>43</sup> TTC identified that their most meaningful argument against increased taxes would be the detrimental impact it would have on growers,<sup>41</sup> an argument that was relevant in North Carolina until 2004, when tobacco growers began advocating for a cigarette excise tax with an allocation to supplement and support small farmer diversification out of tobacco.

Finally, the Washington D.C. based TI membership consisted of the major tobacco manufacturers, organized to protect the interests of its member companies through lobbying and other public relations and political activities until its dissolution by the Master Settlement Agreement (MSA) in 1998.<sup>43</sup> TI public relations and political activities included forming and

operating the Tobacco Action Network (TAN) in 1977<sup>43</sup> to nominally create and activate a grassroots advocacy capacity using the nationwide network of tobacco industry employees.<sup>26</sup> Under the direction of TI, TAN was an active force throughout the 1990s nationally, until TI was dissolved in 1998. TAN created a model for tobacco industry front groups and alliances<sup>44</sup> to advocate an active advocacy against tobacco control measures.

While all three of these organizations monitored activities at the state level, it was the TI that engaged in the most active and consistent lobbying and grassroots activism in North Carolina. This direct involvement of the industry in the state's political processes was a leading

The tobacco industry was able to dominate the tobacco control policy in North Carolina debate, dictating content and consideration of bills in the General Assembly, through 1998 because of the lobbying prowess and presence of these industry-wide organizations.

factor in the delay and defeat of many tobacco control policy goals, as well as the enactment of preemption in North Carolina in 1993. The tobacco industry was able to dominate the tobacco control policy in North Carolina debate, dictating content and consideration of bills in the General Assembly, through 1998 because of the lobbying prowess and presence of these industry-wide organizations.

### **Direct Tobacco Industry Action**

Following the establishment and organization of the tobacco industry's, TMA, TTC, and TI, it was until 1972 that the TTC increased its annual national budget by 300 percent to \$1.2 million (\$6.3 million in 2010 dollars) to pay for lobbyists, improve tobacco industry public relations, and to monitor and to report to the member companies on present and emerging threats to the tobacco industry.<sup>45</sup> Included in the substantial budget increase was the hiring of former two term (1959 and 1961 sessions) North Carolina General Assembly Representative Roger Jackson (D) as a key staff field representative to initially work as a TTC liaison with agriculture groups nationally, at a salary of \$23,000 per year.<sup>45</sup>

### **Lobbyists**

TTC retained lobbyist Thomas J. White to work in the North Carolina legislature to oppose cigarette tax increase bills as early as 1972, when he was paid \$10,000 per year plus expenses.<sup>45</sup> Prior to lobbying for TI, White was a North Carolina State Representative and Senator representing Kinston, N.C., in the 1950s and 1960s, who served as chair of the Senate Finance Committee and the Advisory Budget Commission in the 1960s. In addition to White's statesman positions, White also served as Legislative Counsel to Governor Robert W. Scott, the State Advisory Budget Commission, and the State Legislative Building Governing Commission during the late 1960's as well.

By 1976, the TI, along with the TTC, had established a coordinated lobbying presence in the state. TI hired John Bankhead as their Southeast Area Manager in 1976, who was responsible for coordinating the TI's lobbyist and advocacy activities in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia.<sup>46</sup> Bankhead served as Vice President for the Tobacco Institute, throughout the 1980s.

In a 1983 Tobacco Institute memorandum from John Bankhead to Roger Mozingo, the TI Vice President for State Activities, John Bankhead forecast the prognosis on the introduction and passage of tobacco-related legislation in the North Carolina General Assembly, "...smoking restriction, unlikely; sampling, unlikely; self-extinguishing, unlikely; cigarette excise tax, likely, tax on manufactured cigarettes, likely; OTP (other tobacco products), likely; and local tax enabling, likely".<sup>47</sup> However, the tobacco industry did defeat subsequent attempts to increase the cigarette excise tax over a period of 20 years between 1970 and 1990 as discussed in detail later in this report.

It was not until 1987 that TI retained lobbyists in North Carolina, Thomas White for \$50,000 per year;<sup>53</sup> and Roger Bone of Bone and Associates at \$45,000 per year.<sup>54</sup> Interestingly, Bone was a one-term NCGA Representative in 1979, representing Nash, Edgecombe and Wilson counties, before establishing Bone and Associates in 1987.<sup>55</sup> By hiring two lobbyists, TI increased its lobbying presence in North Carolina in the late 1980s as a result of an increase in local clean indoor air activity taking place in North Carolina and to keep tobacco excises taxes low. For example, a 1986 *Charlotte News Observer* local newspaper poll, determined that 80 percent of North Carolinians favored prohibitions or controlling smoking in public places,<sup>56</sup> and a number of county commissions and city councils began restricting public smoking in publically owned government buildings.<sup>57</sup> Public support to increase the tobacco excise tax was also increasing during this time. In 1989, the *Charlotte Observer* conducted a poll and found that two out of three North Carolinians felt taxes on gasoline and food were too high while taxes on alcohol and tobacco are too low.<sup>58</sup>

In addition to retaining lobbyists to represent TI at the North Carolina General Assembly, TI also hired a local lobbyist, Kenneth Spaulding, in 1991 for \$6,000 to lobby at the local level in the City of Durham,<sup>59</sup> when the City and Durham County Board of Health were working to model the 1991 Wake County Board of Health ordinance banning smoking in all 92 county buildings<sup>60</sup> as discussed later in this report.

Table 3 outlines the TI lobbyist compensation in North Carolina. Over a ten year period between 1987 and 1996, the lobbyists reported to Richard Morgan, Regional Vice President for the Southeast Area Region.<sup>53, 54</sup> In 1996, Roger Bone began reporting to John Shipper, the new TI Vice President of the Southwest Area Region.<sup>61</sup>

**Table 3: TI Lobbyist Compensation in North Carolina 1982-1997<sup>48-52</sup>**

Year	Thomas White	Roger Bone	Kenneth Spaulding
1982	\$60,000		
1983	\$64,000		
1984	\$65,000		
1985	\$67,000		
1986	\$67,000		
1987	\$50,000	\$45,000	
1988		\$50,000	
1989		\$55,000	
1990		\$55,000	
1991		\$55,000	\$6,000
1992		\$55,000	\$8,000
1993		\$55,000	\$8,000
1994		\$45,000	
1995		\$54,000	
1996		\$58,000	
1997		\$58,000	

Following the dissolution of the TI, Bone continued to lobby for Lorillard Tobacco in the state until 2009. The respected lobbyist died in January 2009 at the age of 69 from biliary cancer (a cancer linked to tobacco use).<sup>62</sup> Bone was voted the "#1 lobbyist" in North Carolina, in the 2008 North Carolina Center for Public Policy Research survey among NCGA legislators.<sup>63</sup> Roger Bone, was succeeded by his son Fred Bone who continued to lobby for Lorillard Tobacco Company through 2010.<sup>64</sup>



Additionally, once TI was dissolved as a result of state litigation in 1998, the main tobacco companies, specifically RJR, Philip Morris and U.S. Smokeless Tobacco, individually continued the their own lobbying efforts in the North Carolina General Assembly.

### **The Tobacco Institute’s Tobacco Action Network**

The Tobacco Institute created the Tobacco Action Network (TAN) in 1977 to coordinate the grassroots capacity of the industry.<sup>65</sup> By nominally identifying, motivating and informing pro-tobacco individuals to form a grassroots advocacy group, TAN was mainly made up of tobacco industry employees, growers, manufacturers, wholesalers, retailers and vendors.<sup>66, 67</sup> A 1978 Philip Morris manual on the TAN program for its employees describes TAN as an “umbrella organization to coordinate the activities of the tobacco industry in its defense against attacks by the anti-smoking movement.”<sup>67</sup> Grassroots members of TAN were encouraged to monitor and campaign against both cigarette taxes and clean indoor air legislation.<sup>65, 67</sup> By the end of 1980, there were 22 state directors of TAN operating in 41 states<sup>68</sup> excluding the tobacco growing states.

The TI had delayed the expansion of TAN into tobacco-growing states because they believed the immediate need for grassroots fronts existed in states that did not already have organized groups, such as grower groups, and where tobacco was not a key agricultural commodity.<sup>65</sup> Before expanding into tobacco states, TI relied on grower groups and member organizations, such as Philip Morris and R.J. Reynolds, to defend against related tobacco control legislation in North Carolina.<sup>65, 69</sup> Additionally, TI and TTC wanted to wait until the 1982 merger between the two organizations was complete before making contact with grower and farm organizations.<sup>65</sup>

The TI had delayed the expansion of TAN into tobacco-growing states because they believed the immediate need for grassroots fronts existed in states that did not already have organized groups, such as grower groups, and where tobacco was not a key agricultural commodity.

A 1981 TAN “Plan of Action: Expansion of TAN into the Southeastern States” described the anticipated role of tobacco industry family from “Tobaccoland” in counteracting tobacco control measures in the region and their potential in giving TAN credibility and an increased leverage to oppose legislation nationally.<sup>68</sup> At the time, there were approximately 68,500 core sector support industry and tobacco industry employees in North Carolina.<sup>68</sup> These estimated numbers lead TAN to believe that their membership would include roughly 25 percent or 18,000 employees in North Carolina, after their expansion into the state.<sup>68</sup> As of April 1980, before the planned expansion, there were already 104 TAN members in North Carolina.<sup>68</sup>

TI and TAN were respectful of existing grower organizations in the southeastern states, often coordinating their activities through them instead of contacting growers directly, a strategy which continued through the 1990s.<sup>65</sup> For example, in the 1985 North Carolina State Analysis, TI reported that the situation in North Carolina was unique because growers were being faced with a 25-cents per pound “no net cost” assessment to help defray the costs of the tobacco allotment program, which TI and TAN lobbied to alleviate by instead assessing a one-cent per pack manufacturers’ tax on cigarettes made in North Carolina.<sup>69</sup> This dynamic created a less

normal relationship because it created tension between the grower segment and TI in North Carolina. TI looked to the passing of federal legislation and restructuring of the tobacco program to return relations to normal.<sup>69</sup> Likewise, because of this sensitivity to contacting growers, the focus of TAN was not on growers, but targeted the salaried sales employees of TI member companies.<sup>65</sup> Bankhead, already the Southeastern Area Manager for TI, took the role of TAN Area Director for North Carolina, South Carolina and Georgia.<sup>65</sup>

Throughout the 1980s, TAN members were instrumental in defeating local clean indoor air ordinances, statewide clean indoor air proposals and tax increases.<sup>43</sup> Their grassroots opposition efforts included phone calls, letter writing, and monitoring activities and reporting them through TAN to TI.<sup>43</sup> For example, in 1989 TAN members in Greensboro, North Carolina, who were Lorillard employees, campaigned against Greensboro to Alleviate Smoker’s Pollution (GASP) and stalled the effort in Greensboro to enact a smoking restriction referendum that banned smoking in all large retail establishments, elevators and public places, and required restaurants seating more than 50 people to create a minimum 25 percent non-smoking section.<sup>70, 71</sup> TAN continued to be used by TI throughout the early 1990s for grassroots political opposition to local tobacco control movement, and for public meeting attendance and testimony as well as phone call and letter writing campaigns.

To help facilitate the expansion of TAN and improve TI and grower relations in North Carolina, TI developed and implemented the “Friends of the Tobacco Industry Program” in 1982... to foster and cultivate a relationship with growers by creating a grassroots coalition of grower leadership in each state legislative district.

**Friends of Tobacco Industry Program**

To help facilitate the expansion of TAN and improve TI and grower relations in North Carolina, TI developed and implemented the “Friends of the Tobacco Industry Program” in 1982.<sup>69</sup> The program was a public relations initiative created to foster and cultivate a relationship with growers by creating a grassroots coalition of grower leadership in each state

**Table 4:** Friends of Tobacco Program Coordinator Salary <sup>48</sup>

Year	John Cyrus
1982	\$32,000
1983	\$30,000
1984	\$20,000
1985	\$15,000
1986	\$13,000
1987	\$15,000
1988	\$15,000

legislative district.<sup>69</sup> The TI contracted with John Cyrus, who at the time was the Chief of Tobacco Affairs Section, Division of Markets, at the North Carolina Department of Agriculture, as well as a TI board of director member. Cyrus was a consultant over a six year period between 1982 and 1988 and coordinated the program in North Carolina (Table 4). Following 1983, John Cyrus was only retained at a part-time basis,<sup>47</sup> a decrease likely related to the expansion of TAN.

Through this coalition, each district contact determined his legislator’s position on tobacco issues before each legislative session began. In addition, each district contact was available to be called upon to activate grassroots pressure as needed.<sup>69</sup>

## **RJR's Smokers' Rights Campaign**

Throughout the 1980s, tobacco companies began to recognize that they needed to develop a smokers grassroots movement to counter the increasingly successful tobacco control movement that was passing local ordinances regulating tobacco use across the country.<sup>26</sup> Both Philip Morris and RJR engaged and organized smokers' rights groups as opposition to state and local tobacco control proposals without the appearance of direct tobacco industry involvement.<sup>72, 73</sup>

In 1983, RJR established a Public Issues Division within its State Government Relations Department to create an "informed and visible 'public voice' speaking out against biased and emotional rhetoric, unfair discrimination, and harassment of smokers."<sup>74</sup> RJR coordinators set out to develop a smokers' rights movement that would be viewed as a national grassroots movement independent of RJR and the tobacco industry as a whole, and mobilized as an effective political force to oppose regulation of smoking, which capitalized on perceived smoker alienation and anger at anti-smoking legislation.<sup>74</sup>

This effort was coordinated under RJR's "Partisan Project" starting in 1987, with RJR employees working to "identify, educate and motivate selected smokers to actively voice their opposition to unfair anti-smoking actions." In 1988, the "Partisan Movement" was launched, to foster nominally independent local grassroots smokers' rights groups in major localities across the country. State coordinators paid by RJR were contracted to lead and provide technical assistance to these groups in opposing tobacco control policy efforts.<sup>74</sup>

In 1990, John Rainey was hired as the state field coordinator for North Carolina, Virginia and Maryland and helped the movement gain ground.<sup>74</sup> Rainey and RJR cooperated with TI to leverage this grassroots network to write letters to legislators opposing tobacco tax increases throughout the 1990s<sup>75</sup> and thanking legislators for keeping taxes low in the state in 1991.<sup>7</sup> In North Carolina, the movement created awareness and disseminated information through the published "Choice Smokers' Rights Newsletter", "Choice Action Alerts" and a toll-free hotline beginning in January 1991 through at least 1998.<sup>74, 76-78</sup> Unlike TI and TAN, the RJR Public Issues staff made direct contact with tobacco growers in the state throughout the 1990's, organizing them in opposition to federal excise tax increase proposals, state legislation on clean indoor air and youth access, and local clean indoor air activity through letter writing and contacts with state and local representatives.

The coordination of the RJR-organized grassroots smokers' rights movement notably declined in 1998 when the Public Issues Division was folded into RJR's general State Government Relations Department in response to the MSA.<sup>77, 78</sup> While lobbyists continued to engage third-party<sup>77</sup> groups in the state against tobacco control legislation in 2010, the industry no longer directly coordinated a grassroots movement in the state.

## **RJR Presence in North Carolina**

While the other major tobacco companies, focused on engaging in political activities throughout the state, RJR was the only tobacco company in North Carolina that sought to improve the company's overall image specifically among North Carolinians. RJR began developing a NC Presence Campaign in December of 1990 to improve the perception of the tobacco industry's importance in the state as well as to improve the perception of RJR as a

“responsible corporate citizen” in North Carolina.<sup>79</sup> RJR implemented the campaign based on economic importance and identified events and activities throughout the state that provided an opportunity to promote and convey the message of its presence and importance.

RJR believed the perception of the tobacco industry’s importance and responsibility in the state was on the decline as a result of the growing anti-smoking movement groups becoming more vocal and organized to create awareness, nationally and within the state as discussed below. In addition to the growing anti-smoking sentiment, RJR also felt that the company’s diversification with the acquisition of Nabisco and Planters LifeSavers, and the brief move of their company headquarters from Winston-Salem, NC, to Atlanta, GA, in the late 1980s<sup>79</sup> hurt their perception by North Carolinians as well.

In 1987, Ross Johnson, a former food industry executive became chairman of the combined tobacco and food company; RJR Nabisco was labeled as “no respecter of RJR traditions”, in a newspaper article, especially after his decision to relocate company headquarter from Winston-Salem, NC, to Atlanta, GA.<sup>80</sup> He also reorganized RJR Nabisco into free standing units in an attempt to “segregate the potential liabilities” and protect shareholders and profits from “cancer claimant trusts”.<sup>80</sup> The media criticized the move as a waste of time, because the profit from cigarette sales exceeded “twice the profit on nearly half of food sales” for RJR Nabisco.<sup>80</sup> This business decision not only hurt the perception of RJR among North Carolinians, but also indicated the industry may have had some foresight in what was to come in the future for the industry, leading up to the 1998 Master Settlement Agreement.

RJR began developing a NC Presence Campaign in December of 1990 to improve the perception of the tobacco industry’s importance in the state as well as to improve the perception of RJR as a “responsible corporate citizen” in North Carolina.

## **Tobacco Industry Allies**

### ***Trade Associations***

In addition to active lobbying, improving relations with growers and nominal grassroots advocacy in North Carolina, TI was also active in public relation activities to foster relationships with allies by making contributions to influential groups and organizations in the state. The tobacco industry has historically used reputable third-party organizations as allies in their efforts to influence tobacco-related policy.<sup>81</sup> Table 5 outlines the additional expenditures TI made in North Carolina to improve its overall reputation and align with allies through public relations. TI believed that the tobacco industry influence in North Carolina blanketed a wide variety of business interests such as banking, retail trade, chemical companies, and paper manufacturers throughout the state. The North Carolina Citizens for Business and Industry Association (NCCBIA) represented business interest in the state legislative matters and was considered a strong ally by TI.<sup>69</sup>

In addition the tobacco industry also created alliances with additional associations such as the NC Retail Merchants Association (NCRMA) and hospitality industry trade associations.

**Table 5:** Other Tobacco Institute Expenditures to Key Organizations in North Carolina <sup>50-</sup>  
<sup>52</sup>

Year	North Carolina Free	North Carolina Farm Bureau	NC Citizens for Business & Industry Association	NC Retail Merchants Assn	NC Legis. Black Caucus Foundation
1991	-	-	-	-	
1992	-	-	-	-	
1993	-	-	-	-	
1994	-	-	-	-	
1995	\$2,000	\$2,000	\$1,000	\$500	\$500
1996	\$2,000	\$2,000	\$1,000	\$500	\$500
1997	\$2,000	\$2,000	\$1,000	\$500	\$500

“-“ denotes amount not listed for contribution, although it is likely a contribution was made. The blank cell indicates a year no contribution was made.

Nationally, Philip Morris became the first tobacco company to initiate a campaign to recruit hospitality industry groups to assist in advocating for the industry developed “accommodation” rhetoric.<sup>81, 82</sup> The industry also manipulated these organizations into being more credible spokespersons for the industry’s positions, which

pressured lawmakers to weaken the language of proposed restrictions.<sup>81</sup> Likewise, 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.<sup>81, 83, 84</sup>

An example of TI using a trade association occurred in 1995, when the tobacco industry used the NCRMA as an ally to weaken youth access legislation. The tobacco industry and association lobbied to include the word “knowingly” and to not require proof of identification

The tobacco industry and association lobbied to include the word “knowingly” and to not require proof of identification into the state legislation adopted to prevent minors from purchasing tobacco products from retail establishments... This language made the youth access law impossible to enforce until 1997...

into the state legislation adopted to prevent minors from purchasing tobacco products from retail establishments. By including the word knowingly the state law prohibited “knowingly” selling tobacco to youths under 18. This language made the youth access law impossible to enforce until 1997 when state tobacco control advocates mobilized to strengthen the law, as discussed at length later in this report.

In North Carolina, the legislative interests of the hospitality industry were generally represented by the North Carolina Restaurant and Lodging Association (NCRLA). The Association traditionally aligned with the tobacco industry position in opposition to mandated restaurant, bar and lodging smoking prohibitions and restrictions. It wasn’t until 2009, when tobacco control advocates strategically became an ally with the NCRLA, that the association changed its position to support clean indoor air legislation that would create a level playing for all sectors within the hospitality industry represented by the NCRLA.<sup>85, 86</sup>

The alignment of tobacco control interests with restaurant and bar owners, while historically unusual, became increasingly effective in the late 2000s.

The alignment of tobacco control interests with restaurant and bar owners, while historically unusual, became increasingly effective in the later 2000s. As restaurateurs’ became more aware of the overall profitability, cost and health benefits of being smoke-free,<sup>87</sup> they began to embrace smoke-free laws.<sup>82</sup> The unique dynamic that occurred in North Carolina also occurred in Florida in 2010 between

tobacco control advocates and the restaurant association, where the association wanted a level playing field.<sup>88</sup>

### Tobacco Growers' and Growers Associations in North Carolina

All segments of the tobacco industry exist in North Carolina, and in particular tobacco growing historically has had a significant presence throughout the state. The growers' organizations and associations in North Carolina are listed in Table 6. Throughout the 1980s the tobacco growers and growers associations, for the most part, operated independent of TI; however they collaborated with the other sectors of the tobacco industry such as manufacturers and the TI as needed. One of the reasons that the TI waited to implement TAN in tobacco growing states, and particularly in North Carolina, was because of its reliance on the political infrastructure that tobacco grower groups and associations had already established.

Moreover, the tobacco grower lobby and influence on public opinion was significantly more influential than the manufacturers in North Carolina. The perspective of the individual tobacco farmer influenced the policy positions taken by the grower interest groups which, subsequently helped set the agenda for policy discussions involving tobacco control and rural development,<sup>90</sup> and likewise influenced policymakers.<sup>37</sup> The tobacco manufacturers were keenly aware of this fact in North Carolina as well as in other tobacco growing states.<sup>26, 82</sup>

<b>Table 6:</b> North Carolina Tobacco Growers' Organizations <sup>89</sup>
N.C. Farm Bureau
N.C. Grange
Tobacco Growers Information Committee
The Tobacco Growers Association of N.C.
Flue-Cured Tobacco Cooperative Stabilization Corp.
Leaf Tobacco Exporters Association, Inc
Tobacco Associates
Tobacco Association of the U.S.

All segments of the tobacco industry exist in North Carolina, and in particular tobacco growing historically has had a significant presence throughout the state.

A Philip Morris analysis of the "Tobacco Constituency Group" on an integrated approach to "Agricultural, Plant Community, Government and Public Affairs" explained, "local growers have more credibility in legislatures than do hired guns."<sup>91</sup>

In addition to lobbying tobacco grower interest and having more credibility with the General Assembly and constituency in North Carolina, the grower groups also developed and implemented smokers' rights initiatives as well. For example, in 1984, the Tobacco Growers Association of North Carolina (NCGA) developed and copyrighted the, "My Pleasure, My Choice" campaign to promote, "an individual's right to smoke" (Figure 7).<sup>92</sup> NCGA implemented the campaign throughout the 1990s as a part of the tobacco industry's continuous effort to normalize smoking in North Carolina and throughout the nation arguing, "smoking is an adult custom people do to derive pleasure".<sup>92</sup>

The tobacco grower lobby and influence on public opinion was significantly more influential than the tobacco manufacturers in North Carolina.

In North Carolina, the NCGA also wanted to create a ongoing awareness among North Carolinians about the importance of tobacco believing that "[t]hey [North Carolinians] have some understanding of the importance of tobacco to the farmer and the cigarette manufacturer, but they

overlook the thousands of other businesses that furnish supplies, materials, machinery, packaging, and other products used and the people who receive a good portion of their income from the wholesale and retail distribution of tobacco products...there are not enough people that appreciate the 'ripple effect' of the tobacco dollar".<sup>92</sup>

These efforts were a strategy of the "tobacco family" in North Carolina to prevent and minimize cigarette excise tax increases for over a twenty-year period up to the mid 2000s.<sup>93</sup> In 1991, TI worked with the North Carolina Growers Association, the N.C. Farm Bureau, and the Tobacco Growers Information Committee (TGIC) to develop consistent messages about the economic impact of tobacco in North Carolina. In a 1991 TI memo from

Dick (Richard) Morgan, Regional Vice President for the Southeast Area Region, to George Minshew, TI Vice President for Regions VI through XI,<sup>94, 95</sup> Morgan emphasized the importance of using the same economic contribution numbers to manipulate public opinion in favor of the industry agenda "...currently in preparation and the industry needs [the total tobacco family] to use the same numbers in public communication...and the basing of media statements on the economic report product".<sup>93</sup> The strategy also included using farm economists and growers on personal visits to the media to put a face to the message, pull on the heart strings and further manipulate the public opinion about the importance of tobacco and the damage that excise taxing would bring.<sup>93</sup> Overall, these efforts minimized the cigarette excise tax increase from two-cents to five cents in 1991.

TI and tobacco manufacturers in particular, maintained this alliance throughout the late 1990s, until manufacturers increasingly began to purchase foreign grown tobacco. This fact, along with the increasing state tobacco control movement, led tobacco farmers in North Carolina to begin breaking alliances with manufactures and fearing threats to their livelihoods from both the industry and health advocates. Interestingly, in a 1998 randomized survey (that took place before the MSA) of 1,200 North Carolina tobacco farmers representing 14 of the largest tobacco producing counties Altman et al., found that nearly half of the participants (47 percent) used either cigarettes and or smokeless tobacco, and tobacco use was a predictor of "higher commitment, defensiveness about, or psychological investment in tobacco", however personal use did not influence interest in crop diversification.<sup>90</sup> In addition 90 percent agreed that the number of tobacco farms would decrease over the next 10 years (1998-2008) and were concerned about their viability; a substantial majority believed that public health advocates (84 percent) and tobacco manufacturers (81 percent) wanted to put them out of business through tobacco control policies and foreign tobacco purchasing.<sup>90</sup>

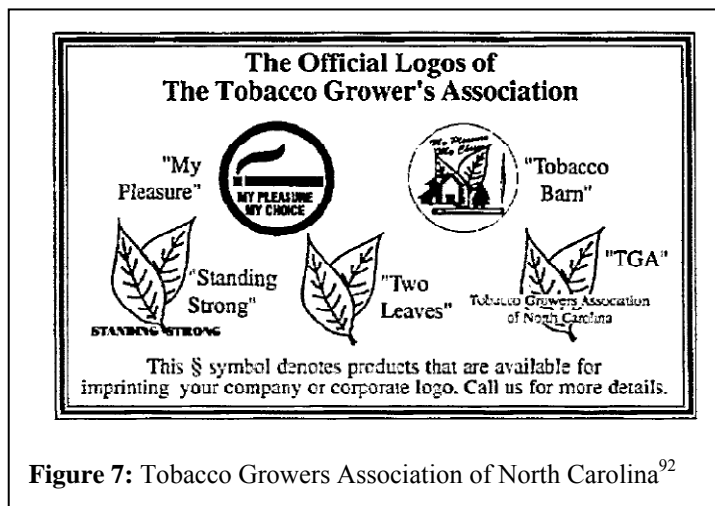


Figure 7: Tobacco Growers Association of North Carolina<sup>92</sup>

## Tobacco Area Legislators

Traditionally, tobacco area legislators were considered strong allies of the tobacco industry. Across the state, tobacco area legislators represented 57 of the 100 counties. The strong tobacco industry presence in the state gave the tobacco industry little reason to worry about tobacco control legislation having any success at the state level.<sup>96</sup>

“There are few members of the North Carolina General Assembly who would increase the cigarette tax ... there are also few who would place restrictions on the use of our product in North Carolina...we have friends on both sides of the fence in the House ... tobacco should not be greatly affected.”

Likewise, in the 1987 Tobacco Institute State of the State report on North Carolina, TI reported, “there are few members of the North Carolina General Assembly who would increase the cigarette tax ... there are also few who would place restrictions on the use of our product in North Carolina ... we have friends on both sides of the fence in the House...tobacco should not be greatly affected.”<sup>96</sup> This position remained the case for several years and even in the 2009 NCGA legislative session, when the statewide clean indoor air law passed by only six votes, as a result of the tireless work of legislative leadership champions and a strong statewide tobacco control coalition.

## Commissioners of Agriculture

Commissioners of Agriculture in tobacco growing states have traditionally been allies of the tobacco industry.<sup>26, 82, 96</sup> In North Carolina, the Commissioner of Agriculture is a four-year term elected official that serves as the head of the North Carolina Department of Agriculture and the chair of the State Board of Agriculture.<sup>97</sup> Additionally, like the North Carolina General Assembly elected officials, this elected official is not subject to term limits.

James (Jim) Graham (D), also known as the “Sodfather” among North Carolinians, served as the North Carolina Commissioner of Agriculture for 36 years from 1964 until 2001 when he retired, making him the nation’s longest serving state agriculture commissioner at the time.<sup>98</sup> Graham was appointed commissioner in 1964 by Gov. Terry Sanford (D) when Commissioner L.Y. Ballentine died in office, which was the same year U.S. Surgeon General Luther Terry reported that, “the use of cigarettes ‘contributes substantially to mortality from certain specific diseases and the overall death rate’”.<sup>98, 99</sup> Commissioner Graham and the N.C. Department of Agriculture worked to defend the state’s cash crop<sup>98-101</sup> and were considered staunch advocates of tobacco by the Tobacco Institute.<sup>96</sup> Graham received \$1,400 in tobacco-related campaign contributions during his 1996 re-election campaign.

Commissioner Graham and the N.C. Department of Agriculture worked to defend the state’s cash crop and were considered staunch advocates of tobacco by the Tobacco Institute.

## Conclusion

In an effort to influence public policy and minimize federal, state, and local restrictions on tobacco products the tobacco industry began organizing their interest nationally in the early 1900s. Subsequently the tobacco industry formed their key lobbying organizations the Tobacco Tax Council and the Tobacco Institute in the mid 1900s. The tobacco industry’s primary goals



were to keep tobacco excises taxes low and prevent restrictions that affected the use of tobacco products.

For decades the political climate in North Carolina was one that was favorable to the tobacco industry and the tobacco industry maintained a strong presence and political influence in North Carolina. Tobacco growers in North Carolina had a stronger influence than tobacco manufacturers and the Tobacco Institute in the state. As a result of the strong tobacco grower presence and influence the Tobacco Institute relied on grower organizations to influence policy, waited to expand their national efforts into the state, and instead looked for opportunities to collaborate with tobacco growers to promote the industry's political and public interest in the state.

### Chapter 3: Tobacco Industry Campaign Contributions

- *The tobacco industry made significant political campaign contributions to strengthen their influence among elected officials in North Carolina.*
- *Between the 1996 and 2008 election cycles, the tobacco industry contributed nearly \$1.3 million, to North Carolina political parties and individual candidates for state-level office; RJ Reynolds made the largest campaign contributions contributing nearly half of all tobacco industry campaign contributions; candidates for governor and key legislative leadership were among the largest recipients.*
- *Despite being nicknamed “tobacco-country,” 84 (49 percent) of the 170 General Assembly legislators never received any tobacco industry contributions (64 Representatives and 20 Senators) from 1996-2008.*

In addition to active lobbying and public relations activities, the tobacco industry has also utilized political campaign contributions to strengthen their influence among policymakers in North Carolina. Campaign contribution data from 1996 through 2008 were collected by the National Institute on Money in State Politics from the filings of candidates and political parties with the relevant state disclosure agency.<sup>6</sup> Contributions from tobacco companies, tobacco trade organizations, lobbyists and other employees of tobacco companies, as well as tobacco warehouses and tobacco growers were considered to be tobacco-related contributions and were included in the 1996 to 2008 contributions data.

In addition to active lobbying and public relations activities, the tobacco industry has also utilized political campaign contributions to strengthen their influence among policymakers in North Carolina.

Details of tobacco industry campaign contributions for 1996 to 2008 can be found in the following appendices: by candidate in Appendix A, by contributor in Appendix B and by political party in Appendix C. Public health groups active in tobacco control did not report making any contributions to candidates or political parties in North Carolina during this period and instead relied on grassroots advocacy and coalition building to make significant changes on tobacco control policies.

According to the North Carolina General Statute 163-278.13, the campaign contribution limits in North Carolina for all candidates and political committees is \$4,000 per election cycle,<sup>102</sup> where primary and general are considered separate elections and can be contributed to as such.<sup>103</sup>

#### Total Tobacco Industry Campaign Contributions

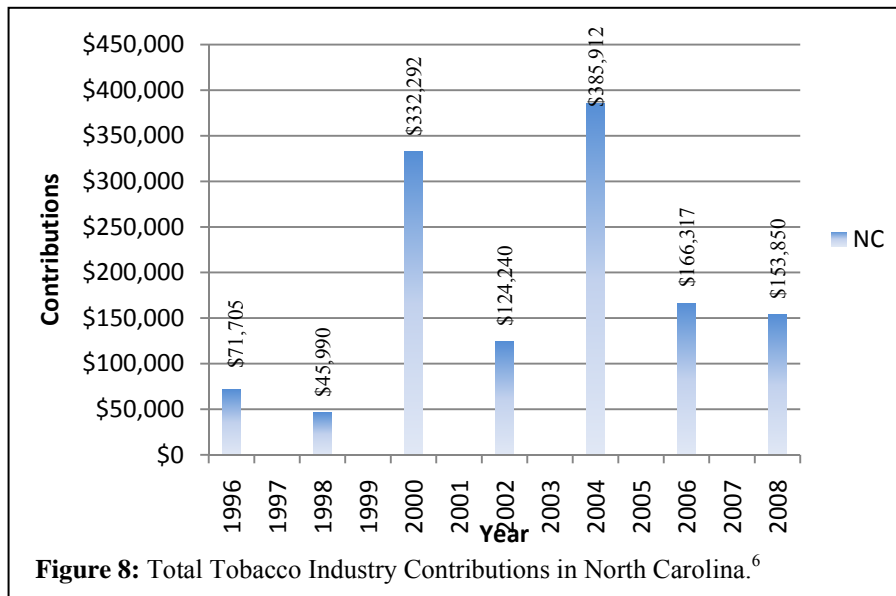
Between 1996 and 2008, the tobacco industry as a whole contributed nearly \$1.3 million, to North Carolina political parties and individual candidates for state-level office. Of the total tobacco industry contributions \$1,229,556 came directly from tobacco distribution, trade, and production companies listed in Table 7, while \$50,750 came from individuals affiliated with the tobacco industry, such as tobacco lobbyists, and are included in Appendix A.

The tobacco industry campaign contributions in North Carolina peaked in 2000 and increased again in 2004 as illustrated in Figure 8. The increases during these time periods may have been related to the 2000 and 2004 gubernatorial elections of Mike Easley (D), and the

<b>Table 7: Summary of Tobacco Industry Contributions by Election Cycle<sup>6</sup></b>								
	<b>1996</b>	<b>1998</b>	<b>2000</b>	<b>2002</b>	<b>2004</b>	<b>2006</b>	<b>2008</b>	<b>Total</b>
<b>Tobacco Companies</b>								
Altria/Phillip Morris	\$13,250	\$15,565	\$31,000	\$25,600	\$31,500	\$19,000	\$4,000	\$139,915
Brown & Williamson			\$11,200					\$11,200
Central Companies					\$7,000			\$7,000
Central Tobacco Exchange		\$4,500	\$18,850		\$18,850			\$42,200
Commonwealth Brands						\$5,142		\$5,142
Export Leaf Tobacco Co.		\$250	\$1,700	\$3,432				\$5,382
Liggett Vector Brands			\$8,000	\$13,130	\$13,800	\$5,200		\$40,130
Lorillard	\$1,850	\$1,575	\$13,025	\$13,330	\$18,550	\$45,000	\$39,000	\$132,330
R.J. Reynolds	\$55,450	\$3,350	\$139,652	\$28,000	\$151,913	\$78,600	\$89,000	\$545,965
S&P Tobacco Co.				\$5,000	\$2,000			\$7,000
Standard Commercial Tobacco	\$800	\$500	\$16,600	\$2,650	\$15,913			\$36,463
US Smokeless Tobacco			\$2,500	\$5,200	\$15,300	\$9,000		\$32,000
Other (1)	\$500	\$3,525	\$8,350	\$3,800	\$5,520	\$1,000		\$22,695
<b>Tobacco Trade Organizations</b>								
Cigar Association of America						\$4,000		\$4,000
<b>Tobacco Production and Agriculture</b>								
Barnes Farming Corporation		\$2,750	\$33,000					\$35,750
Carolina Tobacco Warehouse		\$4,000	\$2,250					\$6,250
Golden Leaf Farms				\$27,000	\$82,000			\$109,000
Hudson Farms			\$3,000	\$700	\$4,250			\$7,950
Tobacco Warehouse		\$1,200	\$1,520	\$1,650	\$500			\$4,870
W.S. Clark Farms			\$15,100	\$2,000				\$17,100
Other (2)		\$1,375	\$8,520	\$3,819	\$3,500			\$17,214
<b>Total</b>	<b>\$71,850</b>	<b>\$38,590</b>	<b>\$314,267</b>	<b>\$135,311</b>	<b>\$370,596</b>	<b>\$166,942</b>	<b>\$132,000</b>	<b>\$1,229,556</b>
Notes:								
(1) Includes: American Tobacco Co., B&W Export Leaf Tobacco Co., Carolina Leaf Tobacco Co., Coastal Plains Gin Co., Conway Company LLC, Conwood Co., Friends of Tobacco, Diamond Tobacco, Dimon Inc., Premium Tobacco Stores, Renegade Tobacco, Thorpe Ricks Tobacco Co., Thorpe Ricks Tobacco Co., Tobacco Associates, Tobacco Market, Tobacco Trust Fund, Universal Leaf Tobacco Co., Vectory Tobacco Company, Wholesale-Distributor, Individual " C.B. Griffin Jr.", "Mike Little", "Lawrence McDougald", "Robert Minor", "Roy Tew III", and "Ann Thornton" Tobacco Distributor.								
(2) Includes: Beef and Tobacco Farm, Bob Clark Warehouse, Columbus County Tobacco Warehouse, Farmers Tobacco Wholesale, Gold Leaf Tobacco Warehouse, Hall Brothers Farms, Larry Sampson Farms, Planter Warehouse, Raynors Tobacco Warehouse Royster Fertilizer, Sampson Tobacco Warehouse, Smother Brothers Warehouse, XXX, and Yeargin Warhouse								

tobacco-related legislation introduced during the subsequent sessions. The preliminary legislation ranged from the allotment of the Master Settlement Agreement payments to tobacco growers,<sup>104</sup> the exemption of tobacco farmers, workers and allotment holders from state income tax,<sup>105</sup> a resolution to federally mandate a tobacco quota buyouts,<sup>106</sup> to tobacco control activities like increasing the tobacco excise tax<sup>107</sup> and clean indoor air legislation, restricting smoking in the state legislative building, state owned vehicles, prisons, government buildings, and restaurants<sup>108-110</sup> respectively.

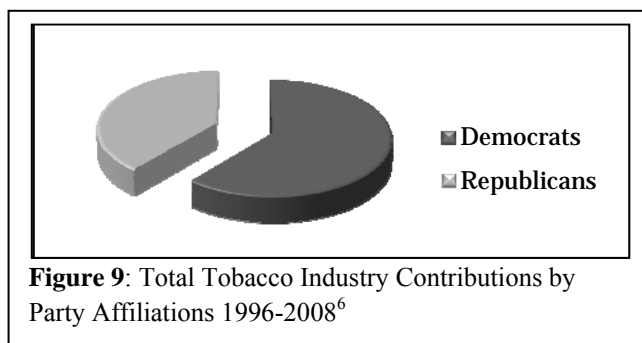
RJ Reynolds made the largest tobacco industry campaign contributions in the state from 1996 to 2008 contributing \$545,965, nearly half of all tobacco industry campaign contributions, followed by Lorillard contributing \$153,630, Phillip Morris contributing \$146,490, and Golden Leaf Farms contributing \$109,000. Philip Morris, RJ Reynolds and Lorillard were the only three tobacco companies to continuously make campaign contributions in each election cycle beginning in 1996, and the only three tobacco companies to make campaign contributions during the 2008 election cycle.



There were no tobacco trade organization contributions until the 2004 election cycle. Cigar Association of America was the only tobacco trade organization to make a campaign contribution of \$4,000 during the 2004 election cycle.

In contrast, contributions being made from tobacco production and

agriculture associated organizations were sizable (\$198,314 total North Carolina tobacco production and agriculture, from 1996 to 2008) when compared to tobacco trade organizations. Over half (57 percent) of all 100 North Carolina counties currently produce either flue-cured (52 counties) or burley tobacco (11 counties), while six counties produce both<sup>111</sup> yet the tobacco production and agriculture contributions only made up 16 percent of all tobacco industry contributions in the state. Interestingly, despite the smaller proportion of political campaign contributions made by the agricultural sector of the tobacco industry, the Tobacco Institute believed that tobacco growers and the agricultural sector, had more political influence among policymakers and the public, then other tobacco industry sectors such as manufacturing as discussed above. Golden Leaf Farms, Barnes Farming Corporation, and WS Clark Farms were the three largest contributors in this category from 1998 to 2004. All political campaign contributions in the category stopped after 2004, the same year that the tobacco quota buyout occurred.



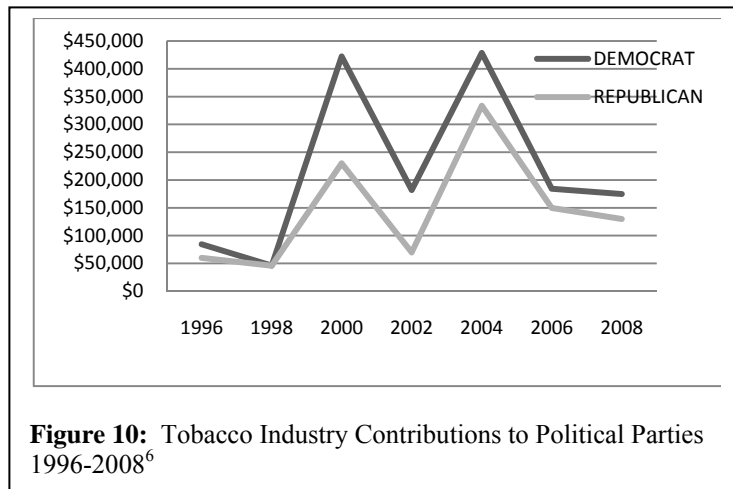
Total contributions to Democrat candidates and party organizations outweighed those made to Republicans. Democrats received over 60 percent of total tobacco industry contributions between 1996 and 2008, with \$840,140 in contributions compared to \$533,406 to Republican candidates and party organizations Figure 9. In 2009, Democrats made up 59 percent of the North Carolina state legislators.

### Tobacco Industry Contributions to Political Parties

Tobacco industry contributions to political parties and party organizations in the state were consistently higher for Democrats than Republicans between 1996 and 2008. The

Democrat organizations received 61 percent of all contributions made to political parties in North Carolina (Figure 10).

The organizations included as political parties in this data were; the North Carolina Democratic Party and the North Carolina Republican Party. Together, the two dominate political parties received over \$2.4 million dollars in tobacco industry related campaign contributions over a 12 year period. A detailed breakdown of tobacco-industry contributions to political parties appears in Appendix C.



### Tobacco Policy Scores

In order to test the relationship between political expenditures by the tobacco industry and actual legislative behavior on tobacco control issues, “tobacco policy scores” were created for each member of the General Assembly during the 2009/2010 session. These scores were obtained by asking four knowledgeable individuals to rate legislators’ receptiveness to tobacco control policies on a scale of 0 to 10, with 0 being extremely pro-tobacco and 10 being extremely pro-tobacco control. We were able to collect data on all 170 legislators (Appendix D).

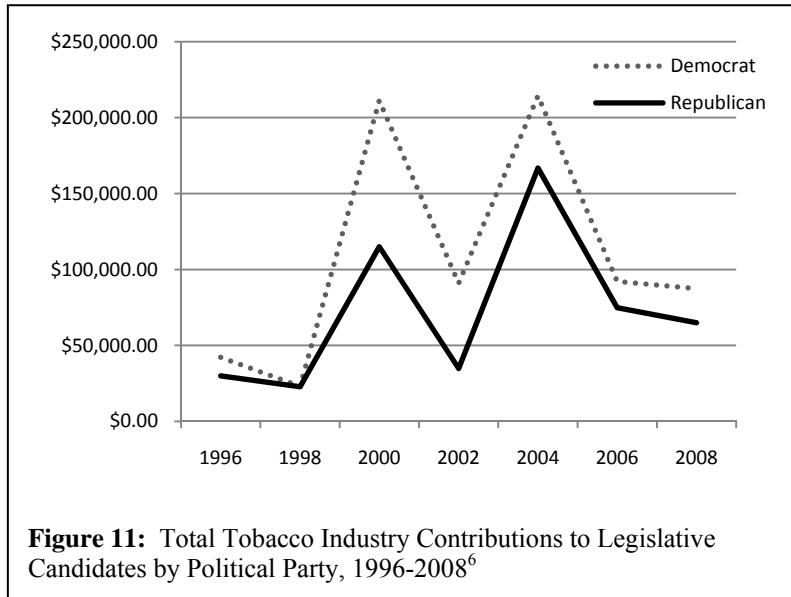
In the tables presented below, data on legislators from the 2009/2010 session are accompanied by the average policy score for that legislator. Legislators with scores ranging from 0.0 to 3.9 were considered pro-tobacco industry, scores ranging from 4.0 to 6.0 were considered neutral, and scores ranging from 6.1 to 10.0 were considered pro-tobacco control. The average policy score for the 2009/2010 North Carolina General Assembly was 4.81, with Senators rated as on average more tobacco control receptive than Representatives (the average Senate score was 5.06 compared with 4.78 for the House). Democratic legislators were notably more tobacco control receptive than Republicans, with average scores of 6.45 and 2.67 respectively. Tables, 8 and 9 list the 2009/2010 legislators with the lowest and highest tobacco policy scores.

### Tobacco Industry Contributions to Legislative Candidates

The North Carolina General Assembly is made up of the Senate (50 members) and House of Representatives (120 members), all members are elected for two-year terms and meet biennially.<sup>112</sup> Tobacco-related contributions over the twelve year period from 1996 to 2008 were made to both Democratic and Republican candidates (Figure 11).

Throughout the twelve year (six election cycles) period, Democratic legislative candidates’ consistently received more in contributions than the Republican candidates. During the 2000 election cycle, Democratic legislative candidates received nearly \$100,000 more in contributions than Republican candidates (\$211,195 for Democrats compared with \$114,947); at the time, there was a Democratic majority in both the House and Senate, and a Democratic

governor. Correspondingly, the Democratic candidates held the majority in the Senate over all twelve years, and the majority in the House in all but two years, 1996 and 2002, when the Republicans held the majority by a narrow margin 59 -61 during those years respectively.



### Legislators Who Received Substantial Campaign Contributions from the Tobacco Industry

From 1996 to 2008 there were a total of 25 individual legislators who received more than \$8,000 in total campaign contributions from the tobacco industry (Table 10). The individual legislator with the largest amount of total campaign contributions from the tobacco industry was Rep. James B. Black (D, Mecklenburg, TTICC \$62,900), an optometrist who

served as a Representative in the House starting in 1986. Rep. Black was also a four-term Speaker of the House from 1999 through 2005. Rep. Black did not seek re-election for Speaker of the House for what would have been a record setting fifth-term during the 2006-2007 Session,

**Table 8 :** 2009/2010 Legislators with the Most Tobacco Control Favorable Policy Score<sup>613</sup>

Name	Party	Office	Dist.	Policy Score	Total Tobacco Industry Campaign Contributions 1996-2008
Alma Adams	D	H	58	9	\$0
Martha B. Alexander	D	H	106	9.4	\$250
Jeff Barnhart	R	H	82	9.4	\$5,350
Marc Basnight	D	S	1	9.2	\$42,000
Angela R. Bryant	D	H	7	9	\$0
Bob England, M.D.	D	H	112	9.6	\$0
Susan C. Fisher	D	H	114	9.4	\$0
Rick Glazier	D	H	45	9.8	\$0
Ty Harrell	D	H	41	9	\$0
Hugh Holliman	D	H	81	10	\$500
Verla Insko	D	H	56	9.8	\$0
Eleanor Kinnaird	D	S	23	9.6	\$0
Paul Luebke	D	H	30	9.4	\$0
Grier Martin	D	H	34	9.4	\$0
William R. Purcell	D	S	25	10	\$400
Joe Sam Queen	D	S	47	9.6	\$0
Deborah K. Ross	D	H	38	9.2	\$0

and soon resigned from his seat as a representative in General Assembly on February 14, 2007, before pleading guilty on February 15, 2007 to federal charges of political corruption.

Subsequent to Rep. Black's re-election in 2006, state election officials began investigating Rep. Black's fundraising activities with chiropractors, optometrists and video poker interest groups.<sup>114</sup> In 2007, Rep. Black began serving a concurrent 5-year federal and state prison sentence.<sup>115</sup> This corruption conviction led to a shift in leadership that allowed tobacco control legislative champion, Rep. Hugh Holliman (D, Lexington, TTICC \$500, Policy Score 10.0) to become the House Majority

Leader in 2006. It was both historic and monumental for ranking legislator to be a tobacco control political champion in North Carolina. As the majority leader in 2009, Rep. Holliman strategically worked to number his sponsored clean indoor legislation bill as HB 2,<sup>29</sup> which

established priority and precedence<sup>116</sup> during the 2009/10 legislative session as discussed at length later in this report.

**Table 9:** 2009/2010 Legislators with the Least Tobacco Control Favorable Policy Score<sup>6113</sup>

Name	Party	Office	Dist	Policy Score	Total Tobacco Industry Campaign Contributions 1996-2008
Carry D. Allred	R	H	64	0.2	\$500
Tom Apodaca	R	S	48	0.6	\$10,500
Marilyn Avila	R	H	40	0.6	\$0
Phil Berger	R	S	26	0.4	\$17,900
John M. Blust	R	H	62	0.6	\$900
Harold J. Brubaker	R	H	78	0.8	\$11,300
Nelson Cole	D	H	65	0.4	\$17,242
Leo N. Daughtry	R	H	26	0	\$47,845
Linda Garrou	D	S	32	0.8	\$45,300
Mark K. Hilton	R	H	96	0.6	\$0
Bryan R. Holloway	R	H	91	0.8	\$4,850
Jim Jacumin	R	S	44	0.6	\$0
James H. Langdon Jr.	R	H	28	0.6	\$500
David R. Lewis	R	H	53	0.6	\$4,500
Earline W. Parmon	D	H	72	0.8	\$6,000
Bob Rucho	R	S	39	0.8	\$4,900
Paul Stam	R	H	37	0.8	\$2,000
Thom Tillis	R	H	98	0.6	\$0

As shown in Tables 10 and 11, both Democrats and Republicans have received significant contributions from the tobacco industry. The tobacco industry campaign contributions in North Carolina were concentrated on General Assembly and key committee leadership, and legislators who represented tobacco industry districts, such as Sen. Linda Garrou (2<sup>nd</sup> highest recipient of tobacco industry contributions) who represents Winston-Salem, the home of RJ Reynolds headquarters.

During the 2008 election cycle, 20 legislators received over \$1,500 from the tobacco industry (Table 11). The top two recipients Sen. Linda Garrou (D, Forsyth, TTICC \$45,300, Policy Score 0.8) Co-Chair of Ways and Means, and Sen. David Weinstein

(D, Lumberton, TTICC \$17,350, policy score 2.6) Vice-Chair of Appropriations.

Despite being nick named “tobacco-country”, 84 (49 percent) of the 170 General Assembly legislators never received any tobacco industry contributions (64 Representatives and 20 Senators) from the 1996-2008 period (Table 12). Of the legislators who never received political campaign contributions from the tobacco industry, 19 served in leadership positions during the 2009-2010 Legislative Session on relevant key committees targeted by the industry.

From 1996 to 2008 there were a total of 25 individual legislators who received more than \$8,000 in total campaign contributions from the tobacco industry...largest amount of total campaign contributions from the tobacco industry was Rep. James B. Black.

While there were a number of legislators in North Carolina who did not receive tobacco industry campaign contributions, it is clear that the tobacco industry focused their contributions to their key legislative priorities (1) cigarette excise tax (2) preemption and accommodations and (3) tobacco-control spending.<sup>117</sup> The industry targeted the House and Senate leadership (Table 13) and the leadership and members of related key committees for the majority of their contributions which included the House and Senate Appropriations, Finance, Judiciary and Ways and Means committees.

The tobacco industry campaign contributions... were concentrated... key committee leadership, and legislators who represented tobacco industry districts.

In 2008, \$66,600, or 59 percent of the total tobacco industry contributions to legislative candidates, went to the Senate and House leadership and to the leadership and members of the key legislative priority committees, with the exception of House Majority Leader Rep. Hugh

Holliman (D, Lexington, TTICC \$500, Policy Score 10.0) and Senate Majority Leader Martin Nesbitt Jr. (D, Asheville, TTICC \$0, Policy Score 7.8).

**Table 10:** Top Twenty-Five (>\$8,000) Recipients of Tobacco Contributions from 1996-2008<sup>6, 113</sup>

Name	Party	Relevant Office	Dist.	Total Amount 1996-2008	Policy Score
James B. Black	D	H, Former Speaker of the House	100	\$62,900	n/a
Linda Garrou	D	S, Co-Chair Appropriations	32	\$45,300	0.8
Marc Basnigh	D	S, President Pro-Tem	1	\$42,000	9.2
Richard T. Morgan	R	H, Former Chair House Finance	52	\$22,200	n/a
Leo Daughtry	R	H, Minority Leader	26	\$22,050	0.0
Walter H. Dalton	D	S, Former Co-Chair Appropriations	46	\$17,050	n/a
Phillip E. Berger	R	S, Minority Leader	26	\$17,900	0.4
David F. Weinstein	D	S, Vice-Chair Way and Means	13	\$17,350	2.6
Nelson Cole	D	H, Vice Chair Appropriations	65	\$17,242	0.4
David W. Hoyle	D	S, Co-Chair Finance	43	\$15,400	2.2
Roy Cooper	D	S, Former Majority Leader, 2001 Attorney General	10	\$14,800	n/a
Pryor Gibson	D	H, Chair of Finance	69	\$13,900	6.6
John Kerr	D	S, Former Co-Chair of Finance	5	\$13,900	n/a
Anthony E. Rand	D	S, Former Vice-Chair Commerce	19	\$13,500	9.4
Charles W. Albertson	D	S, Democratic Caucus Secretary	10	\$12,210	6.8
Julia C. Howard	R	H, Vice-Chair Finance	74	\$12,000	1.8
Kay R. Hagan	D	S, Former Chairwoman Appropriations	32	\$11,750	n/a
Harold, Brubaker	R	H, Former Speaker of the House	78	\$11,300	0.8
Fred Smith	R	S, Former Member Appropriations and Finance	12	\$11,250	n/a
A.B. Swindell IV	D	S, Co-Chair Appropriations	11	\$11,000	1.8
Tom Apodaca	R	S, Member Appropriations and Finance	48	\$10,500	0.6
Phil Baddour, Jr.	D	H, Former Majority Leader	11	\$9,970	n/a
Joe Hackney	D	H, Speaker of the House	54	\$9,000	7.8
Gordon P. Allen	D	H, Former Chair Finance	55	\$8,900	n/a
Fletcher L. Hartsell, Jr	R	S, Former Vice-Chair Finance	36	\$8,700	7.6

**Table 11:** Top 20 (>\$1,500) Recipients of Tobacco Contributions in 2008 Election Cycle<sup>6, 113</sup>

Name	Party	Office and Relevant Committee	Dist	Total 2008	Policy Score
Linda Garrou	D	S, Co-Chair Appropriations	32	\$10,000	0.8
David F. Weinstein	D	S, Vice-Chair Way and Means	13	\$5,000	2.6
David Hoyle	D	S, Co-Chair Finance	43	\$4,500	2.2
Tom Apodaca	R	S, Member Appropriations	48	\$4,500	0.6
Pete Brunstetter	R	S, Vice-Chair Judiciary	48	\$4,500	5.2
Earline W. Parmon	D	H, Member Appropriations and Ways and Means	72	\$4,000	0.8
Dale R. Folwell	R	H, Member Finance	74	\$3,500	1.4
Neal Hunt	R	S, Member Appropriations and Finance	15	\$3,500	1.6
Bill McGee	R	H, Member Finance	75	\$3,500	1.2
David Rouzer	R	S, Member Appropriations, Finance and Judiciary	12	\$3,100	1.2
Philip E. Berger	R	S, Minority Leader	26	\$3,000	0.4
Bryan Holloway	R	H, Member Appropriations	91	\$2,500	0.8
Nelson Cole	D	H, Vice-Chair Appropriations	65	\$2,500	0.4
Louis M. Pate Jr.	R	H, Chair Ways and Means	5	\$2,000	n/a
Jim Crawford	D	H, Chair Appropriations	32	\$2,000	2.8
Harold J. Brubaker	R	H, Former Chair Rules Calendar and Operations	78	\$2,000	0.8
Leo Daughtry	R	H, Member Appropriations	26	\$2,000	0.0
Paul Stam	R	H, Vice-Chair Judiciary	37	\$2,000	0.8
Marc Basnigh	D	S, President Pro-Tem	1	\$2,000	9.2
Don R. Vaughn	D	S, Vice-Chair Judiciary II	27	\$2,000	5.0

**Table 12:** 2009 Legislators Who Never Received Contributions from the Tobacco Industry During 1996-2008<sup>6, 113</sup>

Name	Party	Office and Relevant Committee	Dist	Policy Score
Adams, Alma	D	H, Chairwoman of House Appropriations Committee	58	9.0
Alexander, Kelly M., Jr.	D	H	107	7.0
Alexander, Martha B.	D	H, Chairwoman of House Appropriations Committee	106	9.4
Allen, Lucy	D	H	49	5.0
Atwater, Bob	D	S	18	5.8
Avila, Marilyn	R	H	40	0.6
Bell, Larry M.	D	H	21	8.2



Name	Party	Office and Relevant Committee	Dist	Policy Score
Blackwell, Hugh	R	H	86	2.2
Boles, James L., Jr.	R	H	52	2.0
Bordsen, Alice L.	D	H, Vice Chairwoman of House Appropriations Committee	63	8.4
Boseman, Julia	D	S	9	5.8
Braxton, R. Van	D	H	10	n/a
Bryant, Angela R.	D	H	7	9.0
Burr, Justin P.	R	H	67	6.6
Burris-Floyd, Pearl	R	H	110	8.0
Carney, Becky	D	H	102	8.8
Cotham, Tricia Ann	D	H	100	8.4
Current, William A., Sr.	R	H	109	5.8
Dannelly, Charlie Smith	D	S, Co-Chairman of Senate Appropriations (Base Budget) Committee	38	7.6
Davis, Don	D	S	5	6.0
Dickson Highsmith, Margaret	D	H	44	7.6
Dorsett, Katie G.	D	S	28	8.8
Earle, Beverly M.	D	H, Vice Chairwoman of House Appropriations Committee	101	3.4
England, Bob, M.D.	D	H, Vice Chairman of House Appropriations Committee	112	9.6
Farmer-Butterfield, Jean	D	H	24	6.6
Fisher, Susan C.	D	H, Vice Chairwoman of House Appropriations Committee	114	9.4
Floyd, Elmer	D	H	43	6.8
Foriest, Tony	D	S	24	8.8
Gill, Rosa U.	D	H	33	7.0
Glazier, Rick	D	H, Vice Chairman of House Appropriations and House Judiciary II Committee	45	9.8
Goodall, W. Edward	R	S	35	1.2
Goodwin Wade, Melanie	D	H, Vice Chairwoman of House Judiciary I Committee	66	8.8
Goss, Steve	D	S	45	6.0
Graham, Malcolm	D	S	40	7.2
Guice, W. David	R	H	113	2.2
Gulley, Jim	R	H	103	1.4
Hall, Larry D.	D	H	29	8.6
Harrell, Ty	D	H	41	9.0
Heagarty, Chris	D	H	41	5.2
Hilton, Mark K.	R	H	96	0.6
Hughes Spaulding, Sandra	D	H	18	7.4
Hurley, Pat B.	R	H	70	6.2
Iler, Frank	R	H	17	5.2
Ingle, Dan W.	R	H	64	4.2
Jackson, Darren G.	D	H	39	6.6
Jacumin, Jim	R	S	44	0.6
Jones, Ed	D	S, Vice Chairman of Senate Judiciary II Committee	4	6.6
Killian, Ric	R	H	105	1.4
Kinnaird, Eleanor	D	S	23	9.6
Love, Jimmy L. Sr.	D	H, Vice Chairman of House Appropriations Committee	51	4.0
Lucas, Marvin W.	D	H	42	6.4
Luebke, Paul	D	H, Chairman of House Finance Committee	30	9.4
Mackey, Nick	D	H	99	8.2
Malone, Vernon	D	S	14	9.4
Martin, Grier	D	H, Vice Chairman of House Appropriations and Finance Committee	34	9.4
McCormick, Darrell G.	R	H	92	1.2
McKissick, Floyd B., Jr.	D	S	20	8.4
Mills, Grey	R	H	95	2.0
Mobley, Annie W.	D	H	5	8.0
Moore, Tim	R	H	111	1.4
Nesbitt, Martin L., Jr.	D	S, Senate Majority Leader	49	7.8
Neumann, Wil	R	H	108	8.2
Pierce, Garland E.	D	H, Chairman of House Appropriations Committee	48	6.0
Queen, Joe Sam	D	S	47	9.6
Randleman, Shirley B.	R	H	94	5.4
Rapp, Ray	D	H, Vice Chairman of House Appropriations Committee	118	7.4
Rhyne, Johnathan Jr.	R	H	129	1.4
Ross, Deborah K.	D	H, Chairwoman of House Judiciary Committee	38	9.2
Sager, Efton M.	R	H	11	1.4
Samuelson, Ruth	R	H	104	2.0
Setzer, Mitchell S.	R	H	89	2.0

Name	Party	Office and Relevant Committee	Dist	Policy Score
Shaw, Larry	D	S	21	6.8
Snow, John	D	S	50	6.2
Stein, Josh	D	S, Vice Chairman of Senate Judiciary I Committee	16	9.4
Stevens, Sarah	R	H	90	2.2
Tarleton, Cullie M.	D	H	93	6.4
Tillis, Thom	R	H	98	0.6
Tucker, Russell E.	D	H	4	1.4
Walters, Michael P.	D	S	13	4.6
Warren, Ray	D	H	88	5.8
Weiss, Jennifer	D	H	35	8.8
West, Roger	R	H	120	1.6
Whilden, Jane	D	H	116	7.4

**Table 13:** Tobacco Industry Contributions to 2009 House and Senate Leadership <sup>6, 113</sup>

Position	Name	Party	Dist	Total Received 1996-2008	2008 Total	Policy Score
<b>House</b>						
Speaker of the House	Joe Hackney	D	54	\$9,000	\$1,000	7.8
House Majority Leader	Hugh Holliman	D	81	\$500	\$0	10.0
House Minority Leader	Paul Stam	R	37	\$2,000	\$2,000	0.8
Vice Chair of House Judiciary Committee and House Finance Committee Member						
Senior Chairman of House Appropriations Committee	Henry Michaux Jr.	D	31	\$1,150	\$500	5.0
Chairman of House Appropriations Committee	Jim Crawford Jr.	D	32	\$6,750	\$2,000	2.8
Vice Chair of House Appropriations Committee	Nelson Cole	D	65	\$17,242	\$2,500	0.4
House Appropriations Committee Member	Earline Parmon	D	72	\$6,000	\$4,000	0.8
House Appropriations Committee Member	Bryan Holloway	R	91	\$4,850	\$2,500	0.8
House Appropriations Committee Member	Leo Daughtry	R	26	\$47,845	\$2,000	0.0
House Finance and Judiciary Committee Member	Dale Folwell	R	74	\$4,500	\$3,500	1.4
House Finance Committee Member	Bill McGee	R	75	\$4,500	\$3,500	1.2
Chairman of House Ways and Means Committee	Bill Faison	D	50	\$6,500	\$500	5.6
<b>Senate</b>						
Senate President Pro Tempore	Marc Basnight	D	1	\$42,000	\$2,000	9.2
Senate Majority Leader	Martin Nesbitt Jr.	D	49	\$0	\$0	7.8
Senate Minority Leader, Senate Appropriations Base Budget, Senate Finance and Senate Judiciary I Committee Member	Phil Berger	R	26	\$17,900	\$3,000	0.4
Chairman of Senate Appropriations (Base Budget) Committee	Charles Albertson	D	10	\$12,210	\$500	6.8
Co-Chair of Senate Appropriations (Base Budget) Committee	Linda Garrou	D	32	\$45,300	\$10,000	0.8
Senate Appropriations (Base Budget), Senate Finance and Senate Judiciary II Committee Member	Tom Apodaca	R	48	\$10,500	\$4,500	0.6
Senate Appropriations (Base Budget) and Senate Finance Committee Member	Neal Hunt	R	15	\$9,500	\$3,500	1.6
Senate Appropriations (Base Budget), Senate Finance and Senate Judiciary I Committee Member	David Rouzer	R	12	\$7,400	\$3,100	1.2
Senate Appropriations (Base Budget) Committee Member	Don Vaughn	D	27	\$2,750	\$2,000	5.0
Chairman of Senate Finance Committee	David Hoyle	D	43	\$15,400	\$4,500	2.2
Co-Chairman of Finance Committee	Daniel Clodfelter	D	37	\$3,000	\$0	8.2
Chairman of Senate Judiciary I	Martin Nesbitt Jr.	D	49	\$0	\$0	7.8
Vice Chair of Senate Judiciary I Committee, and Senate Appropriations (Base Budget) Committee Member	Pete Brunstetter	R	48	\$8,250	\$4,500	5.2
Vice Chair of Senate Ways and Means Committee	David Weinstein	D	13	\$17,350	\$5,000	2.6

## Tobacco Control Policy Scores for Tobacco Area Legislators

<b>Table 14:</b> Tobacco Control Policy Scores for Tobacco Area Legislators			
	Leading Tobacco Production Counties Average	Statewide Average	Statewide Average without Leading Counties
House	3.97	4.82	4.99
Senate	4.81	5.10	5.15
Combined General Assembly	4.39	4.89	5.03

Tobacco Control Policy Scores indicated that the average policy scores for legislators from the 18 leading tobacco growing counties (producing at least 145,000 pounds of

tobacco in 2008) (Table 14) including the coastal plain region counties, and north piedmont and mountain region counties, were about the same as those of the rest of the state's legislators. The same dynamic occurred in South Carolina in 2007, when legislators in the 11-county tobacco producing Pee Dee region were about the same as the rest of the state's legislators.<sup>26</sup>

### The Effect of Tobacco Industry Campaign Contributions on Legislative Behavior

Cumulative tobacco industry-related campaign contributions varied significantly by party for the 2009-2010 members of the legislature (P<0.005) in a multiple regression analysis. Democrats' policy scores were significantly more pro-health (by 3.75 ± .0365 P<0.005) than were Republicans; greater cumulative campaign contributions from the tobacco industry were also associated with lower (more pro-tobacco industry policy score (by -.1 ± 0.028 P<0.005) points independent of the house (Table 15). Industry contributions were associated with more pro-industry behavior by legislators.

**Table 15:** Predictors of Campaign Contributions and Tobacco Control Policy Scores for Members of the 2009-2010 North Carolina Legislature

Predictor	Coefficient	Standard Error	P
Dependent variable: Cumulative Campaign Contributions (thousands of dollars)			
Constant	2.85	.306	0.000
Cumulative Campaign Contributions (per \$1,000)	-0.1	0.028	0.000
House (Rep 0 / Sen 1)	0.419	0.405	0.305
Dem	3.75	0.365	0.000
N=177			

### Tobacco Industry Contributions to Constitutional Officer Candidates

Tobacco-related contributions for statewide office of Governor more than tripled after 1996 (Table 16). In November 1996, North Carolina became the last state in the nation<sup>118, 119</sup> to give veto power to the governor, when the citizens voted to amend the State Constitution to allow for a gubernatorial veto (Article II, Section 22, North Carolina Constitution).<sup>112</sup> The referendum was a result of the 1995 North Carolina Republican Party “Contract for North Carolina”, modeled the Newt Gringrich’s “*House Republican Contract with America. A Program for Accountability*”.<sup>120-122</sup> By utilizing the governor veto as a mechanism, the Republicans in NC wanted to “[b]egin to control government spending to provide more tax relief to the people of North Carolina”.<sup>123</sup> The Republican “Contract for North Carolina” strategy won Republicans control of the State House for the first time in the 20<sup>th</sup> century during the 1995 legislative session. Small government and less spending is a tobacco industry supported platform to create barriers for state tobacco control.<sup>124</sup>

In November 1996, North Carolina became the last state in the nation to give veto power to the governor, when the citizens voted to amend the State Constitution to allow for a gubernatorial veto.

Governor Michael Easley (D, Governor from 2001 to 2009) received significant contributions (\$100,100) from the tobacco industry.

Son of a Rocky Mount, North Carolina tobacco warehouse owner Alexander Easley,<sup>125</sup> Governor Michael Easley (D, Governor from 2001 to 2009) received significant contributions (\$100,100) from the tobacco industry. Michael Easley was also the North Carolina Attorney General from 1992 to 2000, who worked with the

tobacco industry<sup>126</sup> and was referred as one of the “lead negotiators” of the 1998 MSA.<sup>127</sup>

Governor Easley was succeeded by the first woman to be elected Governor in North Carolina, Beverly Perdue (D, 2009) who received only a fraction (\$20,350) of tobacco industry contributions in her political career, when compared to former Governor Easley. Governor Perdue had an extensive 20 year career as a politician in North Carolina to receive a relatively small amount of tobacco industry contributions and has served as Lieutenant Governor (2001 to 2009), a State Senator (1991 to 2000) and a House of Representative (1987 to 1991). Finally, in 2001, while Lieutenant Governor, Beverly Perdue was elected chair, by the 18 original politically appointed members, of the North Carolina Health and Wellness Trust Fund. The HWTF is one of the three commissions created by the General Assembly to oversee one-fourth of the North Carolina’s Master Settlement Agreement funds as discussed later in this report.

**Table 16:** Tobacco Industry Contributions to Gubernatorial Candidates, 1996-2008<sup>6</sup>

Year	Party	Candidate	Won/Lost	Contribution in Election Cycle	Cumulative Contribution 1996-2008
1996	Democrat	James Hunt	Won	\$11,750	\$11,750
2000	Democrat	Michael Easley	Won	\$43,300	\$100,100
	Republican	Richard Vinroot	Lost	\$5,225	\$5,225
2004	Democrat	Michael Easley	Won	\$48,250	\$100,100
	Republican	Patrick Ballantine	Lost	\$46,400	\$53,400
2008	Democrat	Beverly Perdue	Won	\$4,000	\$19,000
	Republican	Robert Orr	Lost	\$250	\$250

**Tobacco Industry Contributions to Council of the State Candidates**

In North Carolina, the Council of the State is made up of nine, four-year term, popularly elected executive offices; Lieutenant Governor, Secretary of State, Attorney General, Commissioner of Agriculture, Commissioner of Insurance, Commissioner of Labor, Superintendent of Public Instruction, State Treasurer, and State Auditor. Like the Governor, these constitutional offices are not subjected to term limits. The Council of the State is separate from the Governor’s Cabinet, which is appointed by the Governor, and makes up the Jacksonian-era system of a divided executive power in the state. The Governor serves as chair to the Council of the State. In general, the Council of the State meets periodically to allow for coordination and exchange of information across executive branch agencies and to vote on certain decisions, such as the sale of state property or borrowing money. The Council of the State powers and duties also include impeachment of the Governor when the General Assembly is not in session.<sup>128</sup>

In North Carolina, Lieutenant Governor is elected separately from the Governor and may be of a different party. The Lieutenant Governor acts as the President of the Senate and may vote only if the Senate is equally divided (Article III, Section 6, North Carolina Constitution) and assumes the role of Governor if the Governor was unable to perform his or her duties (Article III, Section 3, North Carolina Constitution).<sup>128</sup> The tobacco industry made contributions to candidates from both parties for this office as well (Table 17).

The Council of the State is separate from the Governor’s Cabinet, which is appointed by the Governor, and makes up the Jacksonian-era system of a divided executive power in the state.

Year	Party	Candidate	Won/Lost	Contribution in Election Cycle	Cumulative Contribution 1996-2008
1996	Democrat	Dennis Wicker	Won	\$800	\$6,700
	Republican	Steve Arnold	Lost	\$250	\$250
2000	Democrat	Beverly Perdue	Won	\$8,750	\$20,350
	Republican	Betsy Cochrane	Lost	\$1,750	\$2,250
2004	Democrat	Beverly Perdue	Won	\$6,250	\$15,000
2008	Democrat	Walter Dalton	Won	\$6,000	\$23,050
	Republican	Hampton Dellinger	Lost	\$7,100	\$7,100

Other statewide offices for which candidates received tobacco-related contributions between 1996 and 2008 included Attorney General (Table 18) a relevant office due to its responsibility for pursuing and subsequently monitoring the MSA. Interestingly, former Attorney General Michael Easley (total tobacco-related campaign contributions \$100,100) played a very active role in the formation of the MSA even before North Carolina signed on to the multi-state settlement (see Master Settlement Agreement).<sup>126, 127</sup> Attorney General Easley was elected Governor in North Carolina in 2001, and was succeeded as Attorney General by Roy Cooper (D) who also received significant tobacco industry contributions (\$66,150) from 2000 to 2008.

Year	Party	Candidate	Won/Lost	Contribution in Election Cycle	Cumulative Contribution 1996-2008
1996	Democrat	Michael Easley	Won	\$4,550	\$100,100
2000	Democrat	Roy Cooper	Won	\$28,850	\$66,150
	Republican	Daniel Boyce	Lost	\$500	\$500
2004	Democrat	Roy Cooper	Won	\$19,000	\$66,150
2008	Democrat	Roy Cooper	Won	\$10,000	\$66,150

The Commissioner of Agriculture is a member of the Council of State and serves as the head of the North Carolina Department of Agriculture and Consumer Services, as well as the chairman of the State Board of Agriculture.<sup>97</sup> The tobacco-related contributions received between 1996 and 2008 for the statewide office candidates running for Commission of Agriculture are listed in Table 19.

The 2010 Commissioner of Agriculture and tobacco farmer, Steve Troxler (R) received the highest tobacco related campaign contributions (\$37,754) among all state commissioners of agriculture. Troxler, was serving his second four year-term in this office in 2010, after losing in 2000 to, Meg Scott Phipps (D, TTICC \$3,950) who had never held an elected office before. Commissioner Phipps resigned in 2003, and was sentenced to a four-years in prison after pleading guilty to five federal charges related to campaign fraud in 2004.<sup>129</sup> Steve Troxler, won this seat by only 2,000 votes in defeating Britt Cobb (D, total tobacco related campaign contributions \$12,595), appointed by

Only three other offices included in the Council of State received campaign contributions from the tobacco industry between 1996 and 2008... the Superintendent of Public Instruction, the Secretary of State, and the State Treasurer.

Governor Easley to replace Commissioner Meg Phipps after she resigned. Troxler had never before held an elected office and was the first Republican Commissioner of Agriculture in state history.

**Table 19: Tobacco Industry Contributions to Candidates for Commissioner of Agriculture 1996-2008<sup>6</sup>**

Year	Party	Candidate	Won/Lost	Contribution in Election Cycle	Cumulative Contribution 1996-2008
1996	Democrat	James (Jim) Graham	Won	\$1,400	\$1,400
2000	Democrat	Graham Boyd	Lost in Primary	\$3,250	\$3,250
	Democrat	Meg Scott Phipps	Won	\$500	\$3,950
	Democrat	Norris Tolson	Lost in Primary	\$2,000	\$2,250
	Republican	Tom Davidson	Lost in Primary	\$3,500	\$3,500
	Republican	Bill Guthrie	Lost in Primary	\$300	\$300
	Republican	Steve Troxler	Lost	\$16,500	\$37,754
2002	Democrat	Meg Scott Phipps	Did not run	\$3,450	\$3,950
2004	Democrat	Britt Cobb	Lost	\$12,595	\$12,595
	Republican	Steve Troxler	Won	\$17,754	\$37,754
2008	Republican	Steve Troxler	Won	\$3,000	\$37,754

Only three other offices included in the Council of State received campaign contributions from the tobacco industry between 1996 and 2008 (Table 20). The tobacco industry made campaign contributions to candidates for the elected office of Superintendent of Public Instruction, the Secretary of State, and the State Treasurer. The office of the State Treasurer candidate, Richard Moore (D, 2001-2009, TTICC \$17,763) received the highest tobacco industry campaign contributions out of all the Council of the State campaign contributions between 1996 and 2008. The State Treasurer is responsible for managing the states assets and receives the state's Master Settlement Agreement monies before disbursing them as directed by the General Assembly. The Superintendent of Public Instruction heads the Department of Public Instruction in implementing the State's public school laws and the State Board of Education's policies and procedures governing pre-kindergarten through 12th grade public education. Although minimal, the last tobacco industry campaign contribution to the Superintendent of Public Instruction office was in 2004. It is speculated that the tobacco industry did not make a contribution to the office of the Superintendent of Public Instruction in 2008, because the General Assembly adopted a law to make schools 100 percent tobacco free in 2007 as discussed later in this report.

**Table 20: Tobacco Industry Campaign Contributions to Other Council of the State Candidates<sup>6</sup>**

Year	Office	Candidate	Party	Won/Lost	Contribution in Election Cycle	TTICC 1996-2008
1996	Superintendent of Public Instruction	David Hunter Diamont	D	Lost in Primary	\$50.00	\$50.00
	Secretary of State	Elaine Marshall	D	Won	\$100.00	\$1,100
	Secretary of State	Richard Petty	R	Lost	\$1,300	\$1,300
	State Treasurer	Harlan Boyles	D	Won	\$4,000	\$4,000
2000	Superintendent of Public Instruction	Mike Ward	D	Won	\$200.00	\$200.00
	State Treasurer	Richard Moore	D	Won	\$9,850	\$17,763
2004	Superintendent of Public Instruction	J.B. Buxton	D	Lost in Primary	\$750.00	\$750.00
	Secretary of State	Jay Rao	R	Lost	\$100.00	\$100.00
	State Treasurer	Richard Moore	D	Won	\$7,913	\$17,763
2008	Secretary of State	Elaine Marshall	D	Won	\$1,000	\$1,100
	State Treasurer	David Young	D	Lost in Primary	\$1,000	\$1,000

## **Conclusion**

The tobacco industry made significant political campaign contributions in North Carolina between 1996 and 2008. Despite the significant contributions made between 1996 and 2008, 84 (49 percent) of the 170 legislators in the General Assembly never received tobacco industry-related campaign contributions.

Tobacco industry campaign contributions peaked during the 2000 gubernatorial which concurred with a pivotal legislative moment in 2000 when North Carolina became the last state to give the Governor Veto power. Tobacco industry campaign also notably increased in 2004 again concurring with the gubernatorial election and preceding 2005 legislation adopted to make the State Prisons and General Assembly 100 percent smokefree as discussed later in this report. In spite of receiving significant tobacco industry-related campaign contributions many legislators still voted in favor of tobacco control legislation such as clean indoor air.

## Chapter 4: The First Cigarette Excise Tax in North Carolina

- *For years leading up to 1969, the North Carolina general fund experienced unprecedented surpluses, creating a desirable political environment that protected tobacco from being taxed.*
- *Nearly fifty years after the first two-cent tobacco excise tax was enacted in Iowa, North Carolina became the last state in the nation to enact a two-cent excise tax on tobacco in 1969.*
- *The first tobacco excise tax in North Carolina was enacted as a measure to generate revenue for the state.*

### The 1969 Cigarette Tax Act

In North Carolina the state constitution mandates that the state operate under a balanced budget.<sup>29, 130, 131</sup> For years leading up to 1969, the North Carolina biennium budget experienced

For years leading up to 1969, the North Carolina biennium budget experienced unprecedented surpluses.

unprecedented surpluses, so much so that in 1966, Governor Dan Moore (D, 1965-1969) recommended a “general and broad” reduction in taxes to the 1967 North Carolina General Assembly. The expected 1967-1968 biennium surplus revenue was \$150 million.<sup>132</sup>

The surplus protected North Carolina tobacco interests as there was little need to generate additional revenue by levying a tobacco excise tax in the tobacco growing state where many legislators and state officials were afraid to tax tobacco and argued against taxing the states crop citing, “California doesn’t tax grape vineyards”.<sup>132</sup> Further entrenched into the anti-tobacco excise tax climate was Bill O’Flaherty, executive director of the Tobacco Tax Council warning NCGA legislators in 1967, “if North Carolina were to impose a cigarette tax, it would encourage cigarette tax rates to soar to unbelievable heights...if producing states succumb, to cigarette excise taxes, and it makes the job of the Tobacco Tax Council that much harder throughout the nation”.<sup>131-133</sup>

However, when the 1969 budget came in \$1.3 billion higher than the preceding year (\$2.7 in 1968 vs. \$4.0 billion in 1969), the North Carolina Budget Advisory Committee explained that “it simply takes more money to provide a continuation of present state services, especially with the strong inflationary pressures of today...and the tax revenue dollars earned from the state highway tax buys less than half as much highway per dollar as it did in 1950”.<sup>131</sup> Governor Scott wanted the tobacco excise tax to help alleviate the state’s \$1.3 billion budget short fall, but he knew that he would have to get the tobacco industry to agree before a tax could be passed in the state legislature.

Governor Scott wanted the tobacco excise tax to help alleviate the state’s \$1.3 billion budget short fall, but he knew that he would have to get the tobacco industry to agree before a tax could be passed in the state legislature.

In a 2010 interview, Peg O’Connell, North Carolina Alliance for Health Tobacco Prevention Policy Committee Chair recalled that “in 1969, Governor Scott [D, 1969-1973], met with tobacco and beverage lobbyists in the basement



of the governor's mansion and would not let anyone leave until they agreed to an excise tax",<sup>134</sup> resulting in the 1969 "Cigarette Tax Act".<sup>135</sup>

The first cigarette excise tax in North Carolina was a part of HB 296, sponsored by Representative Gregory (D), designed to raise extra revenues for North Carolina's General and Highway funds.<sup>136</sup> State tobacco control advocates did not begin forming until 1974, and exclusively advocated for public smoking restrictions as throughout the early 1990s as discussed below.

Nearly 50 years after the first two-cent excise cigarette tax was imposed in Iowa in 1921,<sup>137</sup> North Carolina became the last state (50<sup>th</sup>) in the nation to enact a tobacco tax (behind Oregon 49<sup>th</sup>).<sup>138</sup> when Governor Robert Scott (D, 1969-1973) worked to pass a two-cent excise cigarette tax in 1969.<sup>131</sup> The *Fayetteville Observer* reported in 1989 that Governor Scott was not re-elected to a second-term and was defeated 12 years later when he ran for governor again in 1985, after he pushed to increase the cigarette excise tax by two cents.<sup>139</sup>

Following the enactment of the first state cigarette excise tax in 1969, the General Assembly adopted legislation to require licensing for the wholesale distribution of cigarettes from the Secretary of Revenue as a measure to collect the newly adopted state excise tax. The licensing did not create a barrier for distribution because there was not a fee attached. In an effort to enforce state licensing requirements for the distribution of cigarettes, operating without appropriate licensing was considered a Class One misdemeanor as a result of legislation that passed in 1973.

## Conclusion

The first tobacco excise tax and licensing legislation in North Carolina was adopted merely to generate revenue for the state and not as a tobacco control measure. TI increased its lobbying presence in 1972 to keep the excise tax minimal and in hope of using the tobacco growing state to help control excises taxes in other states throughout the nation. Ironically however, tobacco excises taxes were only the beginning of the tobacco industry's worries in North Carolina.

North Carolina became the last state in the nation to enact a tobacco tax when Governor Robert Scott worked to pass a two-cent excise cigarette tax in 1969.

## Chapter 5: Early Tobacco Control Movement in North Carolina

- *The early tobacco control movement in North Carolina began in the mid-to-late 1970s at the local level building on the impetus of the fire-safety community.*
- *Although local grassroots movement to restrict public smoking did make headway the sentiment of restricting smoking was not inclusive of decision makers at the state level. North Carolina was one of a few states that had the opportunity to participate in both the NCI COMMIT and ACS ASSIST studies; these national activities laid the foundation for tobacco control in North Carolina and the U.S.*
- *The early tobacco control movement activities in North Carolina built a strong coalition and community capacity infrastructure that would have lasting effects for years to come.*

### The Beginning: 1964-1993

As a result of the first U.S. Surgeon General's report confirming the hazards of smoking in 1964<sup>140</sup> and the statement by the U.S. Health Education and Welfare Secretary, Joseph Califano that "[t]here can be no doubt smoking is truly a slow-motion suicide" in the 1979 U.S. Surgeon General's Report "Smoking and Health,"<sup>140</sup> North Carolina began to identify its golden leaf as a dilemma. A 1979 *Charlotte Observer*, special report stated that "tobacco has become our dilemma, a matter of stark contradictions: it is a positive part of cultural norms and economic lives whose end product cigarettes kills some of us".<sup>140</sup> These two reports began the shift in the culture among North Carolinians that led to the formation of the first Group Against Smoking Pollution (GASP) chapter in 1976.<sup>141</sup> GASP was a loosely coordinated, nationwide network of

In 1979 the *Charlotte Observer* reported, tobacco has become our dilemma, a matter of stark contradictions: it is a positive part of cultural norms and economic lives whose end product cigarettes kills some of us.

independent grassroots organizations that sprang up across the country in the early 1970s. The GASP chapter in North Carolina was responsible for the earliest tobacco control activity at the local level.

The first phase of tobacco control events in North Carolina began in the mid-to-late 1970s and continued through 1993. The first chapter of GASP was formed in Charlotte (largest city in North Carolina) in 1976 by Larry Stearns, a biology instructor at Piedmont Community College,<sup>142</sup> and William McCracken, a postal worker allergic to cigarette smoke who quit his job with the postal service to avoid working in a cigarette smoke filled room, after suing a co-worker for assault by blowing cigar smoke in his face.<sup>143, 144</sup> Mr. McCracken's chose an alternative route of secondhand smoke control as his case was dismissed in both the lower court and Court of Appeals, with the court citing insufficient evidence to support a claim for civil assault,<sup>145</sup> further igniting his passion to advocate for non-smokers' rights through GASP.

The Charlotte chapter of GASP was initiated to advocate for better enforcement of the first North Carolina city "no-smoking" ordinance written as a fire safety measure, and adopted in 1969.

The Charlotte chapter of GASP was initiated to advocate for better enforcement of the first North Carolina city "no-smoking" ordinance<sup>146</sup> written as a fire safety measure,<sup>147</sup> and

adopted in 1969.<sup>146</sup> The Charlotte City Ordinance 8-12,<sup>148</sup> prohibited smoking in shopping areas of retail stores that accommodated more than 200 people or employed more than 25 people,<sup>147</sup> exempting “smoking rooms, restrooms, restaurants, executive offices or beauty parlors in retail stores when specifically approved by the fire inspector”.<sup>148</sup> The proposed ordinance was the result of a fire in a Charlotte Belk’s store. “Someone put a lit cigarette down on a pile of sweaters,” Sally Herndon recalled. “Since the mayor of Charlotte at the time was the store owner, he was able to get the ordinance passed.”<sup>116</sup> The Charlotte city ordinance was adopted to prevent fires and reduce “cigarette damage to clothes”.<sup>146</sup> GASP capitalized on this opportunity to create awareness and began “urging for no-smoking signs to be posted where smoking was illegal”<sup>146</sup> and by developing and implementing three awareness sticker decal campaigns: “Smokers have everything – cancer, emphysema, heart disease”, “I don’t spit in your face, please don’t blow smoke in mine”, and “Thank You for Not Smoking” decals to place on the doors of businesses where smoking was prohibited and stores that were in violation of the ordinance.<sup>143,</sup><sup>148</sup> Through the sticker campaign, that was innovative for its time, and consistently filing complaints with the Fire Marshall<sup>144</sup> for establishments that were in violation, Charlotte GASP encouraged better enforcement of the existing no-smoking ordinance.<sup>147</sup>

Building on the momentum of the fire safety community,<sup>62</sup> the efforts of the Charlotte GASP proved to be effective in building awareness and creating the foundation for a grassroots movement. In 1976, Charlotte City fire marshals started to inspect for smoking violations and no smoking signs during regular inspections,<sup>146</sup> as store managers began to post new ‘non-smoking’ signs.<sup>144</sup> In addition (while not required to do so in 1976) many theaters, auditoriums, restaurants, hospitals and clinics in the city of Charlotte began to implement voluntary smoking restriction policies as a result of the GASP movement in Charlotte.<sup>146</sup>

Building on the momentum of the fire safety community the efforts of the Charlotte GASP proved to be effective in building awareness and creating the foundation for a grassroots movement.

However the smoking restriction sentiment that was beginning to take root in Charlotte was not shared throughout the state, and in particular at the state level. For example, in 1977, the

The smoking restriction sentiment that was beginning to take root in Charlotte was not shared throughout the state.

*Charlotte News* reported that the North Carolina American Cancer Society voted not to help the national society bring legislative pressure on the tobacco industry, because tobacco was one of the state’s biggest industries.<sup>149</sup> In the same report, Ms. Sheryll Kincaid, public education director of the North Carolina American Cancer Society, stated:

[T]he majority of the people In North Carolina are directly or indirectly working with tobacco. This is our mainstay...we feel like it's a person’s choice (whether to smoke or not). We could spend all our money wiping out the tobacco industry and where would that leave us? They would just turn around and start importing it. There's no way we can wipe out so much demand. We're just trying to inform people that they are hazardous. We never say, you've got to quit smoking.<sup>149</sup>

It was common in the early 1970s to find little support from the voluntary health organizations like the American Cancer Society, to advocate for non-smokers' rights nationally.<sup>150</sup> The North Carolina ACS was the only one out of 58 ACS Chapters in the United States that voted not to participate in the national legislative campaign to restrict public smoking and focus on education rather than legislation during the 1970s.<sup>149</sup>

Coinciding with the North Carolina ACS, the General Assembly adopted legislation to allow smoking on the floor of the legislature during the same year in 1977.<sup>151</sup> Likewise, the General Assembly did not take action to place any restrictions on smoking until 1979, when Senate Finance Committee Chairman Gamble (D) divided the committee meeting room into smoking and non-smoking sections,<sup>145</sup> two years after S627 was adopted to allow smoking. It is unclear why the Senate committee room was divided into smoking and non-smoking sections two years after smoking was adopted. Perhaps the action was taken to appease non-smoking legislators or as a way to support the tobacco industry accommodation tactic discussed earlier in this report.

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Additionally, in 1978 Council of State official and tobacco industry ally, Commissioner of Agriculture Jim Graham, contested the rising national and local movement by placing “Smoking is Welcome” signs in the office of his department.<sup>99</sup> In addition to placing signs in his department, Graham also called for the entire tobacco industry to fight against the anti-tobacco forces,<sup>101</sup> and dedicated time and staff to the protection of tobacco.<sup>96</sup> Graham's behavior was a demonstration of his strong support for the tobacco industry and done in collaboration with the RJR to support the “Pride in Tobacco” program.<sup>101</sup>

Despite the attitudes and behaviors being exercised at the state level, the Charlotte Chapter of GASP continued on in its fight for public smoking restrictions at the local level.

### **1979 Charlotte GASP sues Mecklenburg County**

In 1979, the Charlotte GASP filed a lawsuit against Mecklenburg County (County seat Charlotte) for failing to protect individuals living with various handicaps, a protected class under the N.C.G.S.168-1, from exposure to secondhand smoke in public buildings and facilities.<sup>152</sup> Tobacco Institute Senior Vice President and Counsel J.C.B. Ehringhaus Jr. reached out to the Mecklenburg County District Attorney, Peter Gilchrist, to give unspecified assistance on the case.<sup>153</sup> The case was dismissed by both the Superior Court and NC Court of Appeals on the grounds that the plaintiffs “failed to state a claim upon which relief can be granted”<sup>145, 154</sup> with Judge Edward B. Clark of the Court of Appeals stating that “[t]he laws covering the handicapped were not intended to cover people with any

“The laws covering the handicapped were not intended to cover people with any pulmonary problem, however minor, or all people who are harmed or irritated by tobacco smoke.”

pulmonary problem, however minor, or all people who are harmed or irritated by tobacco smoke”<sup>145</sup>.

Regardless of tobacco control advocates not being able to win the Mecklenburg County case in court, public support for smoking restrictions continued to grow at the local level throughout North Carolina.

### **1986: Public Support Grows for Clean Indoor Air Continues to Grow**

The anti-smoking sentiment in North Carolina was growing and was evident in a 1986 *Charlotte News Observer* public opinion survey which found that 80 percent of North Carolinians favored banning or controlling smoking in public places.<sup>56</sup>

The Research Triangle Institute, headquartered in the capital city Raleigh, became one of eleven partnering research organizations selected to participate in the national Community Intervention for Smoking Cessation (COMMIT).

Likewise, beginning in 1986, county commissions and city councils began restricting public smoking in publically owned government buildings.<sup>57</sup> Under the leadership of the Wake County (county seat and state capital Raleigh) Board of Health Director, Dr. Leah Devlin, the Wake County Board of Health was the first public health governing body in North Carolina to make their health department smoke-free in 1986.<sup>155</sup> In a 2010 interview, Dr. Devlin recalled that “one of the first things I did as Wake County Health Director was create the smoke-free policy in the Health Department, not really understanding how inflammatory that was going to be but I had the support of the county manager and the board of health...and then we began to work with the city of Raleigh to adopt a city ordinance...”.<sup>155</sup> However, the city of Raleigh did not adopt an ordinance until 1992.

In addition to public smoking restrictions beginning to take place, the early tobacco control movement was also about helping smokers quit. Helping smokers quit worked hand and hand with building awareness about the dangers of tobacco. At the time of the 1964 U.S. Surgeon General landmark report on the hazards of smoking, the U.S. adult smoking rate averaged 42 percent.<sup>140</sup> During the late 1980’s the National Cancer Institute set out to find the most effective way to provide resources that helped smokers quit in an organized manner. North Carolina was fortunate to be one of the 11 states to host match communities, in the U.S., and participate in the first study to provide cessation resources for smokers to quit.

A 1986 *Charlotte News Observer* public opinion survey found that 80 percent of North Carolinians favored banning or controlling smoking in public places.

### **1986-1995: North Carolina Participates in the Community Intervention Trial for Smoking Cessation (COMMIT)**

In response to the 1986 National Cancer Institute (NCI) Request for Proposals,<sup>156</sup> the Research Triangle Institute (RTI), headquartered in the capital city Raleigh, became one of eleven partnering research organizations selected to participate in the national Community

Intervention for Smoking Cessation (COMMIT).<sup>157</sup> Using a protocol developed by NCI, the primary goal of the COMMIT intervention study was to increase quit rates among heavy cigarette smokers ( $\geq 25$  cigarettes per day) by a minimum of 10 percent over control communities not receiving the intervention.<sup>156</sup> Utilizing a systematic, multifaceted community based strategy, the efficacy of the research driven intervention being implemented by individual communities with limited external assistance and resources needed to be evaluated.<sup>156</sup>

The COMMIT intervention was administered in 11 matched communities (10 in the United States and 1 in Canada).<sup>156-158</sup> The matched communities in North Carolina (Table 21) included Raleigh (*COMMIT to a Healthier Raleigh*, intervention site) and Greensboro (control site).<sup>157</sup> Dr. Tyler Hartwell of RTI served as the principal investigator for the North Carolina COMMIT intervention.<sup>156</sup>

**Table 21:** Sociodemographic characteristics of North Carolina COMMIT community pairs at the time of intervention<sup>157</sup>

Community/Area	Population	White (percent)	Female (percent)	Ages 25-64 (percent)	High School Graduate (percent)	Low Income (percent)
Greensboro	251,208	71.2	52.7	53.4	79.0	21.0
Raleigh	232,652	70.8	51.5	54.8	86.5	18.9

Beginning in September 1986, the COMMIT intervention was implemented in three phases.<sup>157</sup> During Phase I (October 1986 through October 1988) baseline measures were obtained, the developed intervention and evaluation procedures were standardized, and the community was mobilized to deliver the intervention.<sup>157</sup> During Phase II (October 1988 through December 1992) the intervention was implemented, and during Phase III (January 1993 through March 1995) the final survey and impact and outcome analysis were conducted.<sup>157</sup>

The primary goal of the COMMIT intervention was to improve cessation rates among heavy smokers, and NCI identified process goals and impact objectives that needed to take place in order to achieve the primary goal. The process goals included: increase the priority of smoking as a public health issue; increase the community capacity to modify smoking behavior; increase within a community the influence of existing policy and economic factors that discourage smoking; and increase social norms and values supporting nonsmoking.<sup>157</sup>

In a synergistic, population-based approach, the COMMIT intervention impact objectives worked to mobilize the community around tobacco control issues ... increase access and awareness to cessation services..., facilitate tobacco prevention and control social marketing campaigns...

In a synergistic, population-based approach, the COMMIT intervention impact objectives worked to mobilize the community around tobacco control issues, involve health care providers in cessation activities, increase access and awareness to cessation services in both worksites and community settings, facilitate tobacco prevention and control social marketing campaigns, and foster relationships to include diverse community and faith-based organizations and schools in the intervention.<sup>157</sup> Finally, while each COMMIT intervention community was given mandated activities to complete, the organizations were given some autonomy on how to implement the mandated activities.<sup>157</sup>

## COMMIT Intervention Activities

### *Community Mobilization*

The overarching activity of COMMIT was to become established within the community infrastructure, and to sustain the community capacity to address and maintain smoking control issues and activities.<sup>157</sup> The COMMIT research team identified 12 activities that each community had to complete to facilitate community mobilization (Table 22).

The Community Planning Group was made up of key individuals selected to represent the essential priority community sectors identified in the intervention design, and it provided oversight to the Community Task Forces representing the four relevant community channels responsible for carrying out the implementation activities: Public Education, Healthcare Providers, Work-sites and Other Organizations, Cessation Resources.<sup>156, 157</sup> The Field Director served as the liaison between the Community Board and the Community Task Forces. In Raleigh, the RTI research planning group hired Beth Maraco<sup>159</sup> who worked on the project for nine months as the Project Director before being replaced by established RTI researcher David Austin<sup>160</sup> as a prelude to establishing the Community Planning Board. Mr. Austin, never met Ms. Maraco, and it is unclear why she was replaced so quickly. Nevertheless, Project Director was essential in assisting the planning group with the formation of the Community Board, and facilitating activities to foster relationships between the research institution and the community, and generating buy-in and ownership among the voluntary members serving on the Board and the Task Forces.<sup>157</sup>

“Programs such as the Quit Smoking Clinic... are very effective ... if he (Dr. Shipley) can get them into his clinic he is very successful ... COMMIT will help motivate them.”

COMMIT to a Healthier Raleigh implemented an annual smoking cessation contest to encourage smokers to quit.

The North Carolina “COMMIT to Quit and Win” contest was a specific activity that fostered buy-in and ownership among the Board and Task Force members.<sup>157</sup> Beginning in 1989,<sup>161</sup> COMMIT to a Healthier Raleigh implemented an annual smoking cessation contest to encourage smokers to quit. To participate in the contest, participants had to quit smoking for at least one month, live or work in Wake County (Raleigh is the county seat), be 18 years old, and take a breath test to verify that they had stopped smoking. To prepare to quit, participants could go to public libraries in Wake County, drug stores and grocery stores to pick up contest entry forms, to attend a free workshop at the Wake County Public Health Center during a designated day and time to get assistance, and educational materials. The grand prize was \$1,000 and the winner of the contest was randomly selected from all successful contestants in a celebration on a designated day at the state fair grounds. For example, in 1992 participants had to quit smoking between January 1 and 12 and remain smoke-free until February 13, the day of the celebration at the state fairgrounds that year.<sup>161</sup> Each year, the contest was promoted through earned media and flyers distributed throughout the community.

The contest required extensive planning and collaboration from a number of community partners. The Board and task force members worked together to distribute promotional

brochures to traditional and nontraditional community channels such as healthcare provider offices, worksites, churches, grocery stores, and malls.<sup>157</sup> In addition to soliciting prizes and spokespersonship from local radio disc jockey and basketball coach celebrities, they collaborated with the larger community as well.<sup>157</sup> As a result of their concerted efforts, more than 1,000 smokers participated in the contest, making the Board and task force members proud of their work.<sup>157</sup> The last year of the contest was held in 1992, corresponding with the last year of the COMMIT intervention phase. However, because of the intervention success and established community presence, in addition to Sally being a COMMIT volunteer, it was quite natural for the American Stop Smoking Intervention Study (ASSIST) project to pick up and continued the contest<sup>162</sup> throughout the ASSIST project (1991-1998). ASSIST was the subsequent National Cancer Institute and American Cancer Society intervention study, to implement a comprehensive tobacco control program at the state level, discussed at length later in this report.

To maintain momentum, the Community Board also established a 2-year replenishing recruitment process for both the Board and Task Force members, and developed ad hoc committees to prevent burnout.<sup>157</sup> This foresight also contributed to the growth of the mobilized community base. Finally, the North Carolina COMMIT continuously involved all community members at various levels and used the documented progress of the process objectives to instill pride among members for meeting and exceeding the goals.<sup>157</sup>

### ***Healthcare Providers***

Healthcare providers were seen as the means to deliver the COMMIT intervention to heavy smokers and as catalysts for smoke-free policy change within health care facilities and provider offices.<sup>157</sup> To achieve these objectives, the COMMIT intervention activities with health care providers involved recruiting physicians and dentists to participate on the Community Planning Board and the Task Forces, being trained and facilitating train-the-trainer smoking cessation sessions, and distributing public health education and promotion materials through provider offices. During the COMMIT intervention, the 11 communities had an average of 83 physicians and 66 dentists per community, with 80 percent and 65 percent respectively, completing some level of training and participating in the intervention activities<sup>157</sup> (Table 23). Furthermore, NCI reported that at the end for the 4 year COMMIT intervention, 96 percent of participating medical offices and 88 percent of participating dental offices were completely smoke-free.<sup>157</sup>

In North Carolina, the required activities and objectives listed in Table 23 were completed. The medical community was mobilized to promote quitting among patients who were smokers in the intervention site. Additionally, a number of cessation clinics, such as the Quit Smoking Clinic at Duke University directed by Dr. Robert Shipley (at the time of the COMMIT trial), were already established and well under way when the COMMIT intervention commenced. In a Charlotte Observer article, Dr. Tyler Hartwell (the North Carolina COMMIT PI) explained, "...[p]rograms such as the Quit Smoking Clinic...are very effective...if he (Dr. Shipley) can get them into his clinic he is very successful...COMMIT will help motivate them".<sup>163</sup>



<ol style="list-style-type: none"> <li>1. Establishment of Community Planning Group</li> <li>2. Planning for Program Office and Staff</li> <li>3. First Community Board Meeting</li> <li>4. Creation of Task Force Member List and Recruitment</li> <li>5. Writing of By-laws</li> <li>6. Field Site Management Plan</li> </ol>	<ol style="list-style-type: none"> <li>7. Smoking Control Plan</li> <li>8. First Annual Action Plan</li> <li>9. Second Annual Action Plan</li> <li>10. Third Annual Action Plan</li> <li>11. Fourth Annual Action Plan</li> <li>12. Transition Plan</li> </ol>
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### ***Worksites and Community Organizations***

Worksites and diverse influential community and faith-based organizations such as civic groups, Rotary Clubs, recreation centers and churches, were seen as venues that could adopt smoke-free policies, as well as being vehicles that could reach low income and heavy smokers with health promotion smoking cessation information and resources, and recruit volunteers for the COMMIT intervention.<sup>157</sup> The COMMIT intervention identified four goals to support smoking cessation and change social norms in business community and impact the overall community at large: Increase smoking cessation among workers who smoke, produce changes in worksite norms to support no-smoking, increase adoption and effective implementation of comprehensive worksite nonsmoking policies, and enhance support for no-smoking in the business and labor sectors of the community.<sup>157</sup> In addition, the required activities to achieve the identified goals were developed as well (Table 24).<sup>157</sup>

The North Carolina COMMIT deployed strategic promotion strategies to engage the business community in the rigorously designed activities, and in particular, the required annual smoking policy workshops. To avoid repetition, encourage participation, and attract new participants in the annual workshops, the North Carolina COMMIT capitalized on timely issues, such as health and safety in 1989 and 1990, and promoted the workshop as “Avenues to a Safe and Healthy Workplaces: Exploring Worksite Policy Options.” Later workshops focused on the cost to business owners of workplace smoking and promoted the workshop “Is Smoking Affecting Your Bottom Line?” resulting in better overall worksite participation and turnouts.<sup>157</sup>

<ol style="list-style-type: none"> <li>1. Presentation to business groups</li> <li>2. Annual workshop for worksites</li> <li>3. Compile resource list for smokefree worksites</li> <li>4. Distribute resource list to worksites annually</li> <li>5. Policy consultations to worksites</li> <li>6. Promotional activities to worksites</li> <li>7. Distribute incentive guidebooks to worksites</li> <li>8. Three between worksite competitions</li> <li>9. Distribute self-help cessation materials to worksites</li> <li>10. Promote smokers network in worksites</li> </ol>
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In a 2010 interview for this report, Carol Woodell, Community Intervention Analyst at RTI recalled, “it took longer to get started in North Carolina with worksites and community organizations because of fear and the idea of not wanting to put the tobacco farmers out of business...tobacco executives were also board members in many worksites...because these dynamics, worksites did not want to publicize their participation and faith-based organizations did not want to pick out one sin over the other. GlaxoSmithKline was one of the first worksites to go smoke-free during the COMMIT. It was a slow process; it took about two years into COMMIT before the attitudes of worksites begin to shift as it affected their bottom line”.<sup>159</sup>

To continue the mobilization of the community around the tobacco issue and promote smoking cessation, the COMMIT intervention developed related organizational activities (Table 25).<sup>157</sup> These activities, however, received limited successes. In Raleigh, a seminar incorporating tobacco with substance abuse was designed for faith-based organization leaders. Issues arose regarding the view by some major religious denominations that alcohol and drug use is a sin and individual smoker's need for the church's help would be viewed as an admission of sinning.<sup>157</sup>

<b>Table 25:</b> Activities and process objectives for organizations <sup>157</sup>
<ol style="list-style-type: none"> <li>1. Short presentations to organizations targeted for intervention</li> <li>2. Comprehensive seminars to organizations targeted for intervention</li> <li>3. Promotional activities in organizations targeted for intervention</li> <li>4. Distribution of self-help materials in organizations targeted for intervention</li> <li>5. Distribution of promotional materials to organizations targeted for intervention</li> <li>6. Annually involve organizations targeted for promotion in magnet events</li> </ol>

The COMMIT intervention experienced limitations working with other community-based organizations as well, including the time commitment needed to foster and nurture relationships with community organizations institutionalizing the COMMIT purpose, resulting in the most impact coming from COMMIT volunteers as the speaker of the week at community organization meetings.<sup>157</sup> In Raleigh, community-based organizations were a more useful target for dissemination for materials and information rather than direct involvement with activities.<sup>157</sup>

***Cessation Resources and Services***

Working to mobilize the community around smoking as a public health issue and increase smoking cessation, the COMMIT intervention aimed to increase the demand for access to cessation services and the social supports that provided the related services.<sup>157</sup> The goals of the cessation resources and services included increasing smokers' awareness of cessation resources in their community, assisting smokers in identifying cessation assistance, and promoting participation in community cessation programs and services.<sup>157</sup>

<b>Table 26:</b> Cessation resources activities and process objectives <sup>157</sup>
<ol style="list-style-type: none"> <li>1. Produce cessation resources guide</li> <li>2. Annually deliver cessation resources guide to physicians, dentist, targeted worksites and targeted organizations</li> <li>3. Semiannually produce and distribute newsletters</li> <li>4. Develop network recruitment plan</li> <li>5. Recruit heavy smokers into a network</li> </ol>

Like the other COMMIT intervention activities, the cessation resources and services had overall goals, impact objectives, and a set of activities (Table 26) designed to meet these objectives if they were successfully implemented.<sup>157</sup> The COMMIT communities developed Cessation Resources Guides (CRG) which also included listings of healthcare providers who completed the COMMIT cessation trainings.<sup>157</sup> The community-specific CRG was the most popular and successful COMMIT activity across all 11 communities, and the North Carolina COMMIT led the way by distributing 191,830 guides (2.5 times higher than the 2<sup>nd</sup> highest community, Vallejo, California, which distributed 76,575 CRGs) throughout the community.<sup>157</sup>

## Public Education and Schools

Population-based public education activities were essential to the COMMIT intervention. The public education effort provided a coordinated promotion effort of all the related COMMIT activities, in addition to media campaigns that created tobacco awareness and prevention, and promoted smoking cessation. The overall goals included promoting social norms and actions towards a smoke-free community, promoting the importance of smoking as a public health issue, and enhancing the effectiveness of smoking control in other program areas.<sup>157</sup> The mandated activities (Table 27) to achieve these goals focused on earned media, such as press releases, press conferences and media advocacy.<sup>157</sup>

**Table 27:** Activities and process objectives for involving the public<sup>157</sup>

- |  |
|--|
| 1. Nationally, train one person in media advocacy  |
| 2. Train minimum of eight community members in advocacy  |
| 3. Hold new conference for smoking control plan  |
| 4. Hold annual news conference for annual action plan  |
| 5. Annually provide eight local news releases on tobacco issues  |
| 6. Develop campaigns to publicize availability of cessation resources guide and other aspects of smoking cessation |
| 7. Annually (from 1989) design and implement two magnet events   |

While North Carolina COMMIT was in the heart of tobacco country, they experienced a few successes by receiving media attention. The North Carolina COMMIT donated 100 oak tree saplings (a symbol of Raleigh’s “turning over a new leaf”) to the City of Raleigh to coordinate the kickoff media event with the Raleigh Downtown Beautification Project.<sup>157</sup> During the well-received media event, the COMMIT volunteers tied construction paper leaves with the names of recent quitters on them to the oak tree-saplings.<sup>157</sup> Sally Herndon recalled in a 2010 interview the other media successes included several community youth-buying operations, which led to banning cigarette vending machines in City of Raleigh locations accessible to youth.<sup>116, 157, 164</sup> Interestingly, this success occurred before the enactment of the 1992 federal Synar Amendment that improved the problem of minors purchasing tobacco products by requiring states to enact such youth access laws and withholding federal grants if they did not.

The COMMIT intervention aimed to involve youth at varying levels and in activities.<sup>157</sup> The goals of the COMMIT school activities included, increasing the percentage of public schools that are tobacco-free, increasing the percentage of heavy smokers in the community who perceive social pressure from their children to quit smoking, and decreasing the prevalence of smoking among youth.<sup>157</sup>

To enhance the likelihood of community change, the North Carolina COMMIT conducted an essay contest, in the intervention site city Raleigh, on the theme “Smoking Restrictions and Their Associated Benefits” and the winning essays were printed in the local paper.<sup>157</sup> In addition, students, faculty and staff began replicating the COMMIT trial “Quit and Win” (discussed above) contest during the Great American Smoke-Out (GASO) every year in Raleigh schools.<sup>157</sup>

## COMMIT Intervention Results

While the 11 COMMIT intervention communities were successful at implementing the externally designed NCI protocol, there were no statistically significant differences in quit rates and cessation maintenance rates among the priority heavy smokers in intervention and control communities.<sup>156-158</sup> There were however significant differences in the quit rates and cessation

In North Carolina the COMMIT study was ground breaking in that it began to mobilize the community in Raleigh around tobacco use and cessation, and began to create a model to build upon and disseminate tobacco control resources to help smokers quit.

maintenance among light-to-moderate smokers in the corresponding communities.<sup>156-158</sup> There was also a positively associated increase in tobacco control activities recall and awareness of cessation resources in the pre- and post-survey intervention communities.<sup>156, 157</sup> Carol Woodell, Community Intervention Analyst at RTI, recalled in a 2010 interview that there was a reduction in the prevalence of light to moderate smokers but not heavy smokers in North Carolina,<sup>159</sup>

consistent with the overall national study results.<sup>156</sup>

The tobacco industry wanted to counter the COMMIT intervention in North Carolina by trying to focus the dialogue around the economic impact of tobacco. The tobacco industry used economics to create awareness about the importance of tobacco to the state. The North Carolina Growers Association worked with TI to create a ongoing awareness about the importance of tobacco among North Carolinians believing that “[t]hey [North Carolinians] have some understanding of the importance of tobacco to the farmer and the cigarette manufacturer, but they overlook the thousands of other businesses that furnish supplies, materials, machinery, packaging, and other products used and the people who receive a good portion of their income from the wholesale and retail distribution of tobacco products...there are not enough people that appreciate the ‘ripple effect’ of the tobacco dollar”.<sup>92</sup>

In addition, during the COMMIT intervention phase, cigarette manufacturer R.J. Reynolds, began implementing the RJR Presence Campaign developed specifically for North Carolina.<sup>79</sup> RJR implemented the campaign based on economic importance and identified events and activities in Raleigh and throughout the state that provided an opportunity to promote and convey the message of its presence and importance. These tobacco industry strategies were discussed at length earlier in this report.

### **Impact of COMMIT Intervention on the Tobacco Control Infrastructure in North Carolina**

Although the COMMIT intervention did not result in a statistically significant difference in smoking rates among heavy smokers in Raleigh, or in the other 10 intervention communities in the national trial, but the intervention did have an influence on future tobacco control in North Carolina.

In North Carolina the COMMIT study was ground breaking in that it began to mobilize the community in Raleigh around tobacco use and cessation, and began to create a model to build upon and disseminate tobacco control resources to help smokers quit. The COMMIT study expanded the early tobacco control dialogue in North Carolina around smoking restrictions to also include smoking cessation.

COMMIT helped lay the groundwork for the future of tobacco control programs in the state. Since the COMMIT intervention took place in the state capital of Raleigh, both State Health Department and Wake County Health Department leaders, like Sally Herndon and Dr. Leah Devlin, were able to partake and volunteer in COMMIT intervention activities. Likewise

state leaders built upon the COMMIT experience to apply and receive funding for the state to participate in the subsequent NCI and ACS ASSIST intervention in 1991 as discussed below.

### 1987: Tri-Agency Council

The North Carolina Tri-Agency Council (TAC) was formed in 1987, while the COMMIT study was in its second year, and while there was strong public support for smoking restrictions. TAC consisted of the three voluntary health organizations, American Cancer Society, American Heart Association, and American Lung Association.<sup>165</sup> The formation of TAC continued to strengthen the early tobacco control movement by adding pro-health policy advocacy and activities<sup>166</sup> to the local smoking restriction and smoking cessation activities that were already taking place. During the late 1980's the policy activities of TAC revolved around education and awareness which were in line with the North Carolina ACS position in 1977 and later evolved to include smoking restrictions when TAC wrote a position statement in support of local clean indoor air ordinances in 1992 as discussed below.

TAC, with ACS as the lead agency, generated media attention during the early tobacco control movement by implementing the “Smoke-Free Class of 2000” project, and within three years of the initial implementation had garnered the participation of 120 schools and 85,000 North Carolinian first-grade children pledging to be smoke-free and to be ambassadors of smoke-free generation by 2000 (which was when the students graduated from high school).<sup>165</sup>

The formation of TAC continued to strengthen the early tobacco control movement by adding pro-health policy advocacy and activities to the local smoking restriction and smoking cessation activities that were already taking place.

This tobacco prevention program was a successful education program intervention in North Carolina due to the support of state officials, such as Bobby Ethridge, the State Superintendent of Public Instruction. Dr. Robert Blackburn, who volunteered with TAC as the State Task Force Chairman at the time, recalled in 2010, “the success of the Smoke Free Class 2000 project led to the State Board of Education integrating the tobacco prevention and awareness curriculum into the comprehensive school health program” which provided long-term sustainability of anti-smoking sentiment being fostered in North Carolina, in addition to the program continuing without the need of the TAC.<sup>167</sup>

During the same year that TAC was formed in 1987, the TI retained two lobbyists, Thomas White for \$50,000 per year;<sup>53</sup> and Roger Bone of Bone and Associates at \$45,000 per year,<sup>54</sup> to represent TI with the General Assembly, in hopes of stifling the rise in tobacco control activity taking place at the state level. In the 1987 Tobacco Institute State of the State report on North Carolina, TI reported, “there are few members of the North Carolina General Assembly who would increase the cigarette tax...there are also few who would place restrictions on the use of our product in North Carolina...we have friends on both sides of the fence in the House...tobacco should not be greatly affected”.<sup>96</sup>

Despite TI's intentions, the local tobacco control movement continued to move forward, as evident in the citywide referendum that passed in Greensboro in 1989, while the COMMIT intervention was taking place and two years after the formation of TAC and the retention of TI

lobbyist Roger Bone. Ironically, Greensboro was the comparison site in the North Carolina COMMIT study, and did not receive the intervention to create awareness and mobilize around tobacco cessation while Raleigh was the intervention site and did not pass a citywide ordinance until 1992, the last year of the COMMIT intervention phase. It was through the work of local citizens and the Greensboro chapter of GASP, Greensboro was the first city to pass citywide ordinance as the citizens of North Carolina continued to work toward passing smoking restrictions.

“There are few members of the North Carolina General Assembly who would increase the cigarette tax...there are also few who would place restrictions on the use of our product in North Carolina...we have friends on both sides of the fence in the House...tobacco should not be greatly affected.”

smoking section.<sup>70, 71</sup> After enduring a number of challenges, including grassroots mobilization to gather the required 10,000 signatures to initiate and submit a petition to the City Council, going before the City Council to present and testify a number of times, anonymous threats and a lawsuit that ordered the Greensboro GASP chapter to stop using the four-letter GASP acronym seven days before the election, the grassroots movement that GASP mobilized upheld, and the citywide referendum initiated by local tobacco control advocates passed by 173 votes out of 29,809 cast.<sup>70, 71</sup> Non-smokers’ rights tobacco control activity was powerful at the local level due to the general popularity of tobacco control smoking restrictions and the tobacco control advocates ability to mobilize grassroots efforts.<sup>44</sup> This was the case in regards to local tobacco control activity throughout the nation. Until the non-smokers’ rights movement, tobacco control activity was at the federal or state levels, which was where the tobacco industry dominated,<sup>168</sup> however at the local level, grassroots advocacy for tobacco control dominated.

As a citizen of Greensboro, Lori Faley started the grassroots movement to initiate a referendum after becoming frustrated when local grocery store owners would not address her complaint about having smoke blown on her in the check-out line;<sup>70</sup> “[w]hen I asked the grocery store to impose their own ban, they looked at me funny...and the restaurants said we can’t enforce it because there is no ordinance so why don’t you go get an ordinance”.<sup>71</sup>

### **1989: Greensboro Passes the First City Ordinance to Protect its Citizens from Public Smoking Pollution**

On November 7, 1989, the citizens of Greensboro passed a city ordinance through a citywide referendum (Greensboro is the only N.C. city allowed to use referenda without legislative permission) that ended smoking in all large retail establishments, elevators and public places, and required restaurants seating more than 50 people to create a minimum 25 percent non-

On November 7, 1989, the citizens of Greensboro passed a city ordinance through a citywide referendum that ended smoking in all large retail establishments, elevators and public places, and required restaurants seating more than 50 people to create a minimum 25 percent non-smoking section.

Greensboro was home to the cigarette manufacturer Lorillard Inc., which was well known for the Newport, Kent, and True cigarette brands and employed 2,300 Greensboro citizens during 1989.<sup>70</sup> This fact, however, did not stop Faley from gathering 500 signatures before first approaching the City Council on June 16, 1988, which then held a public hearing on September 19, 1988 before referring the proposal to a committee to be studied for nine months.<sup>70</sup> During that time, Faley joined forces with Greensboro to Alleviate Smoking Pollution (GASP), led by David Hudgins,<sup>70</sup> and gathered 10,000 signatures on a petition submitted to the City Council to either adopt a non-smoking ordinance or let the voters decide in a citywide referendum.<sup>70</sup>

On September 28, 1989 the city refused to adopt the non-smoking ordinance, and

The special election cost the city of Greensboro \$35,000, and seemed to inspire voter resentment against Lorillard when 70 percent ... voted against repealing the ordinance.

Lorillard (headquartered in Greensboro) activated a Tobacco Action Network (TAN) front group initiative, “Greensboro Citizens for Fairness,” to campaign against the ordinance.<sup>70</sup> The industry used front groups to conceal its involvement because public knowledge of the industry's involvement increased support for legislation controlling smoking.<sup>169</sup> The tobacco industry also tried to create allies with the

Greensboro Restaurant Association; however, an internal memo by Dick Morgan, a regional Vice President for the Tobacco Institute, informed the Tobacco Institute that the Greensboro Restaurant Association “...[d]ecided not to hold a press conference to express their opinion

The Guilford County Association of Scuba Personnel, a 21 member volunteer search and rescue team, claimed prior rights to the GASP name.

about the referendum...for fear of retaliation by GASP and being identified as pro tobacco.”<sup>70</sup> During this time however, Lori Farley started to receive unidentified threats and moved to Wisconsin with her family before giving birth to her child,<sup>70, 71</sup> leaving GASP to continue the fight.

Within one week of Election Day (November 7), Guilford District Court Judge Joe Turner ordered Greensboro to Alleviate Smoking Pollution to stop using the four letter GASP acronym and to remove it from all correspondence and campaign materials immediately.<sup>70</sup> The Guilford County Association of Scuba Personnel, a 21 member volunteer search and rescue team, claimed prior rights to the GASP name due to filing notices with the Secretary of State's office in Raleigh and the Guilford Clerk of Court stating in their suit that “...[t]he dual use of the acronym created confusion and complicated its own-fundraising efforts,” and seeking monetary damages from Greensboro to Alleviate Smoking Pollution for lost potential donations and for the cost of correcting the public-relations confusion.<sup>70</sup> Hudgins, the leader of Greensboro to Alleviate Smoking Pollution, believed that the complaint was “[u]nderwritten by the tobacco industry to hamper the anti-smoking effort”.<sup>70</sup> The Lorillard documents in the Legacy library did not show a connection to this suit. However, in addition to this tobacco industry tactic, and campaigning against the ordinance through the “Greensboro Citizens for Fairness,” front organization initiative, Lorillard stationed employees at the 45 voting locations on election-day to campaign in opposition to the ordinance.<sup>70</sup>

Despite the 17 month ordeal and the relentless industry tactics, David Hudgins expressed to the media “[t]he citizens of Greensboro finally realized that they can speak out and there can be some pride in not supporting tobacco. It’s not a stigma, just because we’re from North Carolina”.<sup>70</sup> However, the industry did not stop there. Before the ordinance went into effect on January 1, 1990,<sup>70</sup> Lorillard, in collaboration with TAN, created yet another TAN initiative front organization called Voluntary Ordinance Insures Choice for Everyone (VOICE), and collected 28,000 signatures in an effort to repeal the clean indoor air ordinance in a special election<sup>170</sup> held three months after the general election on February 26, 1989. During the non-smokers’ rights movement, if the tobacco industry’s counter tactics did not work to defeat an ordinance the tobacco industry would initiate a referendum petition drive to suspend it to pressure local elected officials to repeal or weaken it.<sup>169</sup> The special election cost the city of Greensboro \$35,000, and, “seemed to inspire voter resentment against Lorillard”<sup>171</sup> when 70 percent of the 31,000 citizens who turned out to vote in the special election voted against repealing the ordinance.<sup>171</sup> Greensboro became the first North Carolina city to enact a clean indoor air ordinance.<sup>172</sup> The tobacco industry's strategy was to hinder the passage of local tobacco control ordinances, however when tobacco control advocates remained active and committed, the industry's efforts have failed and the ordinances have been upheld.<sup>169</sup>

Local smoking restriction activity and smoking cessation activity through COMMIT continued to take place. Before the last year of the COMMIT Study, the state of North Carolina was one of 17 states throughout the U.S. awarded to participate in the National Cancer Institute and American Cancer Society, American Stop Smoking Intervention Study (Project ASSIST) in 1991. Participating in Project ASSIST again strengthened the early tobacco control movement in the state by adding another layer to the early tobacco control movement. Project ASSIST added statewide programming for tobacco control while the local smoking restriction and smoking cessation activities were taking place.

### **1990: Durham Quits Smoking Project**

The tobacco control momentum in North Carolina continued to grow throughout the 1990s. In addition to the COMMIT intervention taking place and Greensboro becoming the first city to pass a smoking restriction ordinance, there was also a cessation study going on in the city of Durham as well. In 1990, the National Cancer Institute funded a two-year \$3.5 million<sup>173</sup> four city research study conducted by the University of Massachusetts, aimed at developing cessation interventions for smokers in Black communities.<sup>165</sup> Two of the four cities selected to participate in the study were in tobacco growing states and included Columbia, SC,<sup>174</sup> and Durham, NC.<sup>165,</sup><sup>173</sup> Blacks made up approximately 22.9 percent of the population in North Carolina (7<sup>th</sup> largest black population in the United States)<sup>175</sup> during the time of the study.

The intervention included a media campaign, and quit smoking workshops modeled after the American Lung Association’s “Freedom from Smoking” cessation program.<sup>165</sup> The project also completed a community assessment and found willingness among businesses in the intervention communities to collaborate by hanging “Durham Quits Smoking” posters and placing cessation resources in their stores, despite the high prevalence of billboards promoting tobacco use in the minority communities.<sup>165</sup>



This project also illustrated the growing community support and social norm change around tobacco control that was taking place in North Carolina during the early tobacco control movement.

### **1991-1998: The American Stop Smoking Intervention Study (Project ASSIST)**

Continuing to build on the lessons learned nationally and locally from the four-year COMMIT intervention, the National Cancer Institute collaborated with the American Cancer Society to develop and fund the eight-year American Stop Smoking Intervention Study (ASSIST) (1991-1998), which was the first comprehensive tobacco prevention and control intervention study of its scope to focus on policy change and community-based interventions to reduce tobacco use.<sup>9</sup> Additionally, the ASSIST program evolved into what is now the National Tobacco Control Program at the Center for Disease Control and Prevention (CDC).<sup>9</sup> The goals of the ASSIST intervention included eliminating exposure to secondhand smoke, promoting higher taxes for tobacco, limiting tobacco advertising and promotions, and reducing minors' access to tobacco products.<sup>9</sup>

While the American Cancer Society took the lead, the state advocates promoting health through tobacco prevention and cessation were health-related organizations and included the Tri-Agency Council, the North Carolina Medical Society, the academic health and medical communities, including the major cancer centers the UNC School of Public Health, COMMIT to a Healthier Raleigh, and the Local Health Director's Association.<sup>165, 166</sup> These organizations all played a role in the discussions that helped North Carolina apply for project ASSIST.<sup>165, 166</sup>

The ASSIST program evolved into what is now the National Tobacco Control Program at the Center for Disease Control and Prevention.

Differing from the research institution administration of the COMMIT program, the State Health Department was responsible for submitting the application and administering the ASSIST project. Being a state administered program, permission had to be requested and received from Republican Governor Jim Martin (1985-1993) for the State Health Department to apply for the ASSIST grant. In 1991 the North Carolina Secretary of State, who simultaneously served as the Director of the Department of Environment, Health and Natural Resources (DEHNR), was William Cobey (former UNC athletic director).<sup>165</sup> The Director of the State Tobacco Prevention and Control Branch, Sally Herndon, recalled in 2010 the process it took to get permission: "Governor Martin was a science teacher by background and Secretary Cobey was an athlete and a very committed Christian, the combination of those two things, and the advocacy from the American Cancer Society president, Dr. John Sessions, who went to the governor and Cobey and said, 'withholding Project ASSIST from the citizens of North Carolina would be like me as a physician withholding treatment that I know to be effective' and they had a sleepless night and then called us together the next day and said we could apply".<sup>116, 176</sup>

Capitalizing on her strong public health background and the experience with community-based interventions as a COMMIT volunteer, Sally Herndon, with her supervisor Leslie Brown, the Deputy Director of the Division of Adult Health in the Department of Environment, Health and Natural Resources, prepared a strong ASSIST proposal.<sup>116, 165</sup> North Carolina became one of 17 states to be selected to participate in the ASSIST program, and Herndon was promoted from the Risk Reduction Director to the ASSIST Program Manager and has maintained a leadership

North Carolina became one of 17 states to be selected to participate in the ASSIST program, and Herndon was promoted from the Risk Reduction Director to the ASSIST Program Manager and has maintained a leadership role in tobacco prevention and control for the state of North Carolina that began 1991 through the time this report was prepared in 2011.

role in tobacco prevention and control for the state of North Carolina that began in 1991 through the time this report was prepared in 2011. The state was awarded \$8.4 million, to be used over the 8 year program period; however, the actual amount allocated was a little over \$10 million (Table 28).<sup>177</sup> The funding was disbursed in two phases: Phase I (October 1991 to September 1993) which required planning and development of community-

based interventions including the formation of a community coalition; and Phase II (October 1993 to September 1998) which required the implementation of the interventions and advocacy.<sup>177</sup>

**Table 28: Annual ASSIST Allocations to North Carolina**<sup>178</sup>

Fiscal Year	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	Total 1991-1999
Amount	\$547,997	\$539,476	\$1,171,627	\$1,429,803	\$1,462,915	\$1,520,033	\$1,655,544	\$1,703,742	\$10,037,131

The Governor felt that North Carolina might be able to divert some of these funds from other states and use them for more constructive purposes like infant mortality studies ... everyone has viewed this as a no-win situation...

The tobacco industry began to monitor the efforts of the NC ASSIST project during the application period in 1990, and lobbied Governor Martin to divert the NCI funds into other public health related programs if awarded. In a 1990 internal R.J. Reynolds letter about Project ASSIST in North Carolina to James Johnston, Reynolds CEO (1989-

1995), from Pat Shore, TI Director in North Carolina, Shore stated: "Governor Martin has talked with the Department Secretary [William Cobey] about the grant application and they are keeping it very low key...he also discussed the application with Gene Ainsworth [Tobacco Institute lobbyist] several times, and the Governor felt that North Carolina might be able to divert some of these funds from other states and use them for more constructive purposes like infant mortality studies...the Tobacco Institute, Phillip Morris and RJR have done nothing to influence the state's decision to apply for ASSIST...everyone has viewed this as a no-win situation...I recommend that we continue to monitor the situation and urge Governor Martin to stay in close touch with the situation" [SIC].<sup>179</sup> However, the ASSIST grants were specific and funds could not be diverted.

"[I] think it's a waste ... if people want to drink too much or eat too much or smoke too much ... I think they can quit if they want to ... it appears to me this is just a way to spend more taxpayer dollars."

Additionally, not all state leaders were happy about the states' decision to participate in Project ASSIST. Commissioner of Agriculture Jim Graham disagreed with the state participating in the National Cancer Institute Project ASSIST to reduce smoking rates and continued to demonstrate his pro-tobacco support. In a 1991 *News and Observer* article, Graham stated: "[I]

think it's a waste...if people want to drink too much or eat too much or smoke too much...I think they can quit if they want to...it appears to me this is just a way to spend more taxpayer dollars".<sup>180</sup> Despite Graham's public disagreement North Carolina participated in Project ASSIST and achieved unprecedented successes in the state.

### **1991: NC Project ASSIST Builds a Solid Tobacco Control Infrastructure**

The ASSIST intervention was the first organized tobacco prevention and control program spearheaded by the State Health Department. In addition to the inception of ASSIST in 1991 and the COMMIT Intervention, the North Carolina State Health Department had been involved in tobacco control activities since 1986 as the Risk Reduction Program before becoming the Tobacco Prevention and Control Branch in 1999.

Sally Herndon (Director of the North Carolina Health and Human Services Tobacco Prevention and Control Branch in 2011) was hired as the State Risk Reduction Coordinator in 1986 (the first implementation year of COMMIT). Herndon and Dr. Leah Devlin (retired State Health Director), who at the same time in 1986 was the Wake County Board of Health Director, first began working together on tobacco control when they served as North Carolina COMMIT volunteer<sup>116</sup>,

<sup>157</sup> working to implement activities such as the "Commit to Quit" contest. Tobacco prevention and control programming, for residents in a state that received a major economic contribution from tobacco production, was recognized as a "sensitive issue", yet there was strong and committed leadership at varying levels supportive of the program, such as Dr. Georjean Stoodt, who was the Director of the DEHNR Division of Adult Health Services.<sup>116, 165, 166</sup>

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The mission of the NC Project ASSIST was to reduce death and health problems from tobacco use in North Carolina, while specifically focusing on tobacco prevention among youth and pregnant women, assisting tobacco users with cessation, in addition to making tobacco control both a public and private health priority.<sup>166</sup> The NC Project ASSIST organizational structure consisted of an executive committee, an overall statewide coalition, and 10 local community-based coalitions.<sup>166, 181</sup> The State Health Department and the state division of the American Cancer Society served as the lead agencies providing staff in forming the coalitions and designing and implementing statewide tobacco control initiatives.<sup>181</sup>

The executive committee, made up of leaders from the state's public health system, the state division of American Cancer Society, and statewide coalition officers, provided oversight to the project.<sup>181</sup> Many of the statewide coalition committee chairs were also involved in the COMMIT program. For example, David Austin, the COMMIT program project director, was the ASSIST statewide coalition chairman of the Worksites Task Force Committee. Adam Goldstein, ASSIST statewide coalition chairman of the Tobacco Free Youth Action Team, and Dr. Leah Devlin, chairwoman of the Clean Indoor Air Action Team, also worked on the preceding COMMIT program before holding leadership positions in the Project ASSIST.<sup>166</sup> In addition, many of the TAC members became leaders in the NC ASSIST Coalition and provided

legislative skills and expertise to the overall progress of tobacco control in the NC ASSIST project. Together, the executive committee, statewide coalition officers and staff developed the NC Project ASSIST goals and objectives (Table 29).

In a 2010 interview, Sally Herndon recalled exercising her strategic insight when she recruited Charles Blackman to serve as the Chair of the NC Project ASSIST statewide coalition “because an actuary understands why people die, and the intervention needed a trusted avenue to reach African Americans in the south”.<sup>116</sup> Mr. Blackman was C.E.O. of the North Carolina Mutual Life Insurance Company, the largest black-owned enterprise in the United States.<sup>182, 183</sup>

The public health leaders in North Carolina were not the only interest group to court the North Carolina Mutual Life Insurance Company. In 1982, R.J. Reynolds (headquartered in Winston-Salem, NC) signed a \$300 million dollar agreement with the North Carolina Mutual Insurance company and four other minority owned insurance in the United States (the Golden State Mutual Life Insurance Company headquartered in Los Angeles, CA, the United Mutual Insurance Company of New York, and the Supreme Life Insurance Company of Chicago) to provide life insurance for one-fourth of R.J. Reynolds’ employees and represented the largest amount of employee life insurance to be placed with minority owned insurance companies by a consumer goods company.<sup>182</sup>

The tobacco industry has historically established relationships with influential African American business and leadership organizations to build longstanding social connections within the black community to create a tolerance and increase in tobacco use and a political alliance among African Americans.

increase in tobacco use and a political alliance among African Americans.<sup>184</sup>

Table 29: Objectives of NC Project ASSIST 1991-1998 <sup>166</sup>	
Community environment:	<ul style="list-style-type: none"> <li>• Increase cues and messages that promote a healthy, tobacco-free lifestyle</li> <li>• Increase, strengthen, and demonstrate support for public and private policies that promote clean air, restrict minors’ access to tobacco products, increase economic incentives to discourage tobacco use and restrict tobacco advertising and promotion that appeals to minors</li> </ul>
Healthcare Settings:	<ul style="list-style-type: none"> <li>• Increase to at least 75% of the proportion of primary medical and dental care providers who will routinely advise patients to quit smoking and provide assistance and follow-up</li> <li>• Ensure that all public health facilities( public or private out and inpatient clinics and acute care hospitals will be smoke-free)</li> </ul>
Schools:	<ul style="list-style-type: none"> <li>• Ensure that 100% of schools serving grades K through 12 and public vocational/technical/trade schools will be tobacco-free</li> <li>• Ensure that 100% of all schools serving grades K through 12 will use a tested, efficacious tobacco-use prevention curricula</li> </ul>
Worksites:	<ul style="list-style-type: none"> <li>• Increase to at least 75% the proportion of worksites with comprehensive no-smoking policies</li> <li>• Ensure that worksites will devise and maintain strategies that help employees quit smoking and using tobacco</li> </ul>
Community Groups:	<ul style="list-style-type: none"> <li>• Encourage community groups and organizations to become involved in ASSIST activities</li> </ul>

While this appeared to be just a business deal between R.J. Reynolds and North Carolina Mutual Insurance company there were vast political overtones. Not only were the businesses respected among the black community, the businesses were also located in states with the largest black populations in the U.S. Research suggests that the tobacco industry has historically established relationships with influential African American business and leadership organizations to build longstanding social connections within the black community to create a tolerance and

By 1995, NC Project ASSIST state and local coalition membership had grown from the original 24 members (Table 30) to over 270 organizations. The project utilized the statewide and local coalitions to actively involve a broad range of groups and individuals, to legitimize and elevate tobacco use prevention and control priority, to help change social norms about tobacco use, maximize resources by working together from organizational and individual strengths, and to build capacity in existing groups and organizations.<sup>185</sup> In addition to continuing to build the coalition base, the project developed a mini-grants program to “seed involvement of organizations” that targeted and involved youth.<sup>185</sup> NC Project ASSIST created an anti-smoking infrastructure from the state level down to the local level, and for the first time, provided resources to tap into the anti-smoking network at the national level.<sup>186</sup>

**Table 30:** Original 24 Organizational Members of the NC Project ASSIST Statewide Coalition<sup>166</sup>

Type of Organization	Name of Organization
University Medical Centers	Bowman Gray School of Medicine of Wake Forest University, Winston-Salem, NC Duke University of Comprehensive Cancer Center, Durham, NC East Carolina University of Medicine, Greenville, NC University of North Carolina School of Medicine (UNC), Chapel Hill, NC
Health Care Provider	North Carolina Association of Local Health Directors, Raleigh, NC North Carolina Hospital Association, Raleigh, NC North Carolina Medical Society, Raleigh, NC North Carolina Nurses Association, Raleigh, NC North Carolina Public Health Association, Raleigh, NC Old North State Medical Society, Raleigh, NC
Voluntary Health (Tri-Agency Council)	American Cancer Society, North Carolina Division, Raleigh, NC American Heart Association, North Carolina Affiliate, Chapel Hill, NC American Lung Association, Raleigh, NC
State Agencies	Division of Dental Health, Raleigh, NC Division of Epidemiology, Raleigh, NC Division of Maternal and Child Health, Raleigh, NC Division of Statistics and Information Services, Raleigh, NC North Carolina Department of Public Instruction
Public Health and Medical Education and Research Organizations	Area Health Education Centers: University of North Carolina (UNC) Chapel Hill, NC School of Public Health: University of North Carolina (UNC) Chapel Hill, NC
Business and Community	COMMIT to a Healthier Raleigh North Carolina Mutual Insurance Company, Durham, NC Wellness Council of the Piedmont, Greensboro, NC NC Council of Churches

The state-level NC Project ASSIST staff also served as liaisons to the statewide coalition committees and Task Forces. For example, Sally Herndon in the state health department, was the state level NC ASSIST Project Manager and staff liaison to the Community Environment Task Force.<sup>166</sup> In addition to strategically recruiting NC Project ASSIST Statewide Coalition members, Herndon also hired COMMIT intervention staff as NC ASSIST Project staff, “I knew I wanted to hire some of the COMMIT staff, and several of them are still here and doing collegial things, but Jim Martin,” (who in 2010 was the North Carolina Tobacco Prevention and Control Branch Policy Director) “was one of the first hires that I made,” as the Field Director,<sup>166</sup> “because it was nice to pull in people from the COMMIT staff”.<sup>116</sup>

The 10 local community-based coalitions, recruited and funded by the state coalition and the NC ASSIST project (Table 31), were comprised of the local county health departments in partnership with local ACS chapter serving as the lead agencies<sup>166, 181</sup> In total, the statewide

NC Project ASSIST established an effective and efficient infrastructure to execute Project ASSIST. The industry felt threatened by ASSIST and the NC Project ASSIST activities.

coalition and 10 local community-based coalitions mobilized over 300 organizations in 24 counties<sup>166</sup> interested in working on the tobacco prevention and control, to serve 35 percent of the state’s population.<sup>166</sup> Furthermore, most major cities, including the six major media markets, were covered by local

coalitions,<sup>166</sup> and enhanced the potential reach of NC Project ASSIST. NC Project ASSIST established an effective and efficient infrastructure to execute Project ASSIST. The industry felt threatened by ASSIST and, the NC Project ASSIST activities.

**1991-1993: Local Boards of Health Tobacco Control Activity and Project ASSIST**

States and localities have boards of health that can issue regulations to protect public health independent of legislative approval.<sup>81</sup> The North Carolina General Statutes defines both the responsibilities (policy-making, rule-making and acting as an adjudicatory body for a county health department), and the composition requirements of the 11 member (one physician, one dentist, one optometrist, one veterinarian, one nurse, one pharmacist, one county commissioner, one engineer, and three general public representatives) local boards of health.<sup>167, 188</sup> North Carolina has 85 county or multicounty Local Health Directors (LHD), representing all 100 counties in the state.<sup>189</sup> The local boards of health in North Carolina are made up mostly of non-elected officials,<sup>190</sup> insulated from political pressures faced by legislative and local elected officials “in order to ensure unbiased politically neutral decisions on issues of public health,”<sup>56</sup> which further lends support to the local board of health being a logical venue to issue tobacco control measures.<sup>191</sup>

**Table 31:** NC ASSIST Project Coalition Grants Distributed in 1995

Mecklenberg County Health Department	\$81,888
Wake County Health Department	\$67,809
Guilford County Health Department	\$51,784
Haywood County Health Department (Hi Top Coalition)	\$35,489
Buncombe County Health Department	\$33,429
New Hanover County Health Department (New Hanover/Brunswick Coalition)	\$33,307
Craven County Health Department (Craven/Pamlico Coalition)	\$33,000
Appalachian District Health Department (High County Coalition)	\$33,000
Onslow County Health Department	\$33,000
Pitt County Health Department	\$33,000
Total:	\$435,706
Source: Tobacco Institute <sup>187</sup>	

Coinciding with the first year of the state NC ASSIST program, Wake County became the first county to end smoking in all 92 county buildings in 1991 after 77 percent of surveyed county employees supported a smoking ban and designated smoking areas.<sup>60</sup>

Further strengthening the early tobacco control movement, the North Carolina Medical Society (NCMS) implemented a tobacco free task force initiated by state tobacco control advocate Dr. Adam Goldstein to promote tobacco free policies. The task force put tobacco control on the agenda of organized medicine in North Carolina and helped to bring dozens of physician advocates into the fray. Throughout the 1990s the NCMS task force adopted and promoted tobacco control resolutions such as public smoking restrictions and tobacco excise taxes discussed below.<sup>189</sup>

Additionally, by 1991, the statewide North Carolina Group to Alleviate Smokers Pollution (NC GASP) had expanded to 100 NC GASP members statewide, with the membership

being concentrated in the Triangle (Raleigh, Durham, and Chapel Hill) and Greensboro areas of North Carolina. The NC GASP evolved from the early isolated activities that took place in the local Charlotte and Greensboro chapters of GASP and was considered the most aggressive anti-smoking group in the state.<sup>192</sup> Led by Douglas Hodges through 1995, the first charge of the NC GASP was to lobby the Durham City and County governing bodies in 1991 to adopt an ordinance that restricted smoking in public places and specifically required retail stores and grocery stores to ban smoking and required non-smoking areas in restaurants.

Durham was known as the City of Medicine because of its medical institutions. The 1991 NC GASP President, Douglas Hodges wanted to make Durham the City of Medicine and health. In a 1991 interview in the *Durham News and Observer*, Mr. Hodges explained, "...medicine and health are two different things...I'd like to see it become the city of health as well".<sup>193</sup> In 1991, however the Durham County Board of Health passed a measure that only made all county buildings smoke-free.

While the local activity continued to increase, the TI wanted to extend its lobbying efforts to the local level and hired a local lobbyist, Kenneth Spaulding in 1991 for \$6,000 to lobby at the local level in the City of Durham.<sup>59</sup> The retention of Spaulding was a direct result of the City and Durham County Board of Health working to model the 1991 Wake County Board of Health ordinance banning smoking in all 92 county buildings.<sup>60</sup>

### **1991: The Tobacco Industry is accused of Backdoor Politics**

The tobacco industry wanted to put an end to the surge in local activity around smoking restrictions throughout the states nationwide. The tobacco industry's powerful lobbying techniques do not work as effectively at the local level as they do at the state or federal level.<sup>168</sup> In an effort to counter the local clean indoor air movement that began in communities throughout the U.S. in the 1970s<sup>194</sup> and became a tobacco control policy focus in the 1990s,<sup>195</sup> the tobacco industry began to work for preemption at the state level. Preemption removes the local governing authorities' power to adopt laws more stringent than state law.

In 1991, the Tobacco Institute identified the introduction and passage of preemption, framed as smokers' rights legislation, as the second goal of their 1991 NCGA legislative strategy,<sup>196</sup> with preventing an excise and manufacturers tax increase being the number one goal. Defending both fronts and seeking time-sensitive coordinated efforts with the "entire" industry in 1991, the Tobacco Institute believed that "[I]f tax increases become inevitable in North Carolina,

In 1991, the Tobacco Institute identified the introduction and passage of preemption, framed as smokers' rights legislation, as the second goal of their 1991 NCGA legislative strategy, with preventing an excise and manufacturers tax increase being the number one goal.

then stronger pre-emptive and smokers' rights legislation may become possible"<sup>196</sup> as a quid pro quo opportunity for the tobacco industry. Roger Bone was the Tobacco Institute lobbyist to pursue the tobacco industry goals during the 1991 legislative session; and he reported to Richard (Dick) Morgan, the director of the TI Region V.<sup>197</sup>

Roger Bone did not want the smoker's rights and preemption attempts to become a

bargaining tool for the excise tax increase<sup>130</sup> and waited until the budget was passed on July 12, 1991 to move forward with pushing smokers' rights and preemption legislation. After the budget had been approved, and reduce the risk of the tax increase becoming a "bargaining chip,"<sup>130</sup> Bone reported in his 1991 legislative summary to the Tobacco Institute that "...[a]ll parties in leadership positions have been made aware of our intentions to move privacy and preemption after the budget had passed".<sup>130</sup>

After the budget passed, Bone approached the tobacco industry "friendly Senate Judiciary II committee,"<sup>130</sup> chaired by Senator Sandy Sands, and convinced the committee to allow the privacy and preemption provision to be added to HB 149. Subsequent to his tenure as a state legislator, Sands became a lobbyist for Phillip Morris in 1995 and in 2010, he was ranked as the fourth most influential lobbyist by the N.C. Center for Public Policy Research list of "The 50 Most Influential Lobbyists in North Carolina".<sup>198</sup>

HB 149 was an education bill dealing with remediation, and originally titled "An Act to Increase the State Effort to Provide Remediation", sponsored by Rep. James Crawford (D, Oxford, TTICC 1996-2008 \$6,750) that had passed the House and moved forward to the Senate and assigned to the Senate Judiciary II committee.<sup>199</sup>

Interestingly, Mr. Bone also lobbied for the North Carolina Community College System as well during his tenure as a lobbyist, so it is not surprising that he would try to hijack a bill dealing with education. HB 149 was re-titled "An Act to Regulate Smoking in Public Places and to Prohibit Employment Discrimination Based on the Use of Tobacco Products"<sup>200</sup> in the Senate Judiciary II Committee substitute.<sup>130</sup> As written, the bill would create a statewide law that required 20 percent of all government buildings to be reserved for smoking, preempted local smoking restriction ordinances from being more restrictive than the state law and made it illegal for employers to not hire smokers.

Being an active force in state and local tobacco control policy advocacy in the early 1990s, the Tri Agency Council (TAC) discussed earlier in this report, implemented policy advocacy activities that were instrumental in blocking the passage of HB 149.<sup>200</sup> HB 149 was the tobacco industry's first attempt to pass preemption in North Carolina, in response to the local ordinance grassroots movement gaining headway discussed above. TAC, which was a member of the NC Project ASSIST Coalition, strategically sent out three separate preemption alerts to all members of the House and Senate and the League of Municipalities. TAC actions resulted in Lieutenant Governor ruling the legislation out of order, based on the germaneness to the original community college bill, and stopped the bill from moving forward.<sup>130, 166</sup> Likewise, TAC's strategic decision to alert the League of Municipalities that the tobacco industry was secretly trying to take away their power to govern public smoking created a new alliance between state tobacco control advocates and the League. As a result, when HB 149 surfaced on the Judiciary Committee calendar, the League of Municipalities and the Association of County Commissioners "became livid",<sup>130</sup> and accused Bone and the tobacco industry of "underhanded, back-door politics"<sup>130</sup> and alerted the media.

HB 149 was the tobacco industry's first attempt to pass preemption in North Carolina, in response to the local ordinance grassroots movement gaining headway.



Mr. S. Ellis Hankins, lobbyist for the North Carolina League of Municipalities, reported to the media that "...[i]t's arrogant" that the industry would try to quietly produce legislation that would establish a statewide smoking policy and supersede local ordinances on smoking, "...[w]e [League of Municipalities] don't intend to be a sacrificial lamb to a sacred cow...local elected officials have sense enough to adopt appropriate local regulations."<sup>130</sup> During 1991 the Chapel Hill City Council was considering a clean indoor air ordinance, and Mayor Jonathan B. Howes weighed in: "Our council is not taking aim at the industry, we are just trying to look out for the

"[I]t's arrogant that the industry would try to quietly produce legislation that would establish a statewide smoking policy and supersede local ordinances on smoking, ...[w]e [League of Municipalities] don't intend to be a sacrificial lamb to a sacred cow ... local elected officials have sense enough to adopt appropriate local regulations."

best interest in our community...I understand the politics of it and I know where the legislators are coming from...I think they generally represent the tobacco interest in the tobacco growing parts of the state."<sup>130</sup> Mr. Bone, TI lobbyist responded to the media backlash by saying, "we were simply trying to protect ' from discrimination in hiring practices and conditions of employment."<sup>130</sup>

Following the outcry by local interests and the backlash in the media, HB 149 was debated on the Senate floor, and the question of "germaneness" was raised, since the bill originally dealt with education and remediation.<sup>130</sup> Lt. Governor James Gardner (R, 1989-1993) asked for the opinion of the Rules Chairman Senator Winner, who, according to Bone "...[w]as never a real friend to the tobacco industry"; Sen. Winner recommended the bill be ruled "non-germane" and sent back to the Senate Judiciary II Committee,<sup>130</sup> where the preemption and smokers' rights privacy provision died in the 1991 session, but not for long.

## 1992: State Tobacco Control Advocates Continue to Push the Local Movement

Despite the Tobacco Industry trying to put an end to the local ordinances in 1991, the local tobacco control smoking restriction movement continued to maintain its steady course. The tobacco industry felt threatened by the infrastructure that NC ASSIST created. A 1992 Tobacco Institute document titled "Overview of the State ASSIST Programs" stated that the ASSIST programs were going to "hit us in our most vulnerable areas, the localities and private work place...and have the potential to peel away historical allies of the industry".<sup>186</sup>

In 1992, TAC developed a position statement advocating for local ordinances that restricted smoking in public schools, licensed health care facilities, elevators, retail stores, government offices, convention facilities and 40 percent of the seats in restaurants with a capacity greater than 50 people, and 25 percent of hotel and motel rooms<sup>165</sup> and provided technical assistance to facilities and organizations that wanted to implement voluntary policies.

"The ASSIST programs were going to hit us in our most vulnerable areas, the localities and private work place ... and have the potential to peel away historical allies of the industry."

Following the TAC position statement Wake County became the first Board of Health to adopt a clean indoor air policy that modeled the 1992 TAC position statement in 1993. The

Wake County ordinance was the most comprehensive ordinance for its time to control smoking in public places across the entire county.<sup>190, 201</sup>

The Wake County Board of Health adopted a rule to “[p]rotect and promote the public health and welfare by regulating smoking in public places, eating establishments, and places of employment to minimize the public’s exposure to environmental tobacco smoke”<sup>56</sup> and was the most stringent of its time in North Carolina. The clean indoor air rule passed on June 23, 1993 and went into effect on June 30, 1993.<sup>190</sup> The county rule ended smoking in art and entertainment facilities, shopping malls, educational facilities, public transportation vehicles and public areas of businesses, and required restaurants (which included bars in the definition) to immediately reserve one-third of seating as non-smoking.<sup>57</sup> Additionally, the Wake County clean indoor air rule required restaurants to become 100 percent smokefree in incremental steps by requiring 50 percent of seating to be non-smoking by 1995, and then 100 percent of seating to be non-smoking by 1996 unless the establishment installed a separate ventilation system for designated smoking areas. Workplaces were also required to provide a written smoking policy if smoking was allowed, with defined and designated smoking areas for employees, as well as providing a smokefree work area for non-smoking employees. Again if smoking was allowed workplaces were also required to install separate ventilation system for designated smoking areas by 1996 as well.<sup>57, 190</sup> Provisions for separate ventilation were the standard for this time however separate ventilation systems were increasingly proven to be an ineffective protection from exposure to secondhand smoke overtime and in 2006 the U.S. Surgeon General confirmed that ventilating buildings could not eliminate exposures of non-smokers’ to secondhand smoke.<sup>202</sup> The Wake County rule exempted state and federal buildings located within its jurisdiction.<sup>57, 190</sup> County Commissioner Merrie Hedrick, reiterated to the media: “[I]t’s [the clean indoor air rule] very strong...I think it will set a standard that other counties might follow”.<sup>190</sup>

The infrastructure that NC ASSIST created enhanced the local tobacco control movement. Following the Wake County Ordinance in 1993, NC Project ASSIST developed and distributed a “Resource Guide on Local Smoking Restrictions in North Carolina” which included the Wake County clean indoor air ordinance, adopted in 1993, as an example for local boards of health to use as a model.<sup>166</sup>

The infrastructure that NC ASSIST created enhanced the local tobacco control movement.

The Durham County Board of Health became the second governing public health body to adopt a countywide public smoking ordinance behind Wake County to in 1993. The Durham clean indoor air rule was somewhat less restrictive than the Wake County rule, as it only required 50 percent of restaurants seating more than 30 patrons to be reserved for non-smoking and smokefree work areas, as opposed to 100 percent of seating and separate ventilation systems within three years required in the Wake County ordinance. Interestingly although not surprising because of the weakness of the law; not a word of protest was heard at the public hearing in Durham, home of Liggett & Myers Tobacco Company, and the smoking regulations were passed unanimously by the Durham County Board of Health.

By 1993, Durham was known as the “City of Medicine”,<sup>203</sup> health-related professions replaced the tobacco industry as the dominant employer,<sup>203</sup> and Duke University Medical Center was the largest employer in Durham in 2010.<sup>204</sup> In a 2010 interview, Deborah Bryan recalled

“people used to say, ‘Durham is the City of Medicine, but there’s a statue of Mr. Duke smoking a cigar upon entering in the City of Medicine’ and she would reply, ‘yes, but he is outside’”.<sup>204</sup>

The increased community capacity to adopt smoke-free ordinances and regulations that NC ASSIST created, threatened the tobacco industry. In 1993, the tobacco industry tried for the second time to pass statewide preemption to put an end to local activity. Being aware that the tobacco industry would try to gain preemption in 1993, state tobacco control advocates also worked to pass a statewide clean indoor air measure during the 1993 legislative session.

“...people used to say, ‘Durham is the City of Medicine,’ but there’s a statue of Mr. Duke smoking a cigar upon entering in the City of Medicine and she would reply, ‘yes, but he is outside.’”

**1993: Competing Statewide Clean Indoor Air Bills Introduced**

In 1993, two competing clean indoor air bills were introduced in the North Carolina General Assembly: HB 957 “*An Act to Regulate*

*Smoking in Public Places and to Establish Standard for Local Governments Electing to Regulate Smoking*”<sup>205</sup> and, HB 1058 “*An Act to Prohibit Smoking in Public Areas except in Designated Smoking Areas*”<sup>206</sup> (Table 32). While HB 1058 was a straightforward and comprehensive clean indoor air bill, HB 957 was nominally titled to imply that it would provide protections from exposure to second hand smoke and in reality thwarted the goals of public health by requiring smoking sections.<sup>56</sup> Introducing a weak preemptive competing look-a-like clean indoor air legislative measure presented as a reasonable alternative,<sup>207</sup> is a tobacco industry tactic to create confusion and ultimately avoid strict regulation.<sup>208, 209</sup>

In a 2010 interview, Dr. Leah Devlin, retired North Carolina State Health Officer and tobacco control advocate, recalled: “that [HB 957] was a direct result of all of these county boards of health passing these local smoking restriction ordinances.”<sup>155</sup> From 1989 to 1993, several communities in North Carolina adopted regulations to protect the public from exposure to second hand smoke, and in response the tobacco industry worked to obtain preemption.<sup>56</sup>

HB 957 required 20 percent of all government, with the exception of local health departments, to be set aside as smoking areas; it also included a provision to fine individuals who smoked outside of the designated areas \$25, and it explicitly

**Table 32:** Comparison of Competing 1993 Clean Indoor Air Legislation: HB 957 and HB 1058<sup>205, 206</sup>

Provisions	HB 957	HB 1058
Preemption	Yes	No
Public Government Buildings	20 percent set aside for smoking	Smoking prohibited
Schools	Exempt, except for teacher’s lounges	Smoking prohibited, except in teacher lounges and enclosed offices
Healthcare Facilities	Exempt, except state-controlled mental facility	Smoking prohibited, except in designated smoking areas
Elevators	Exempt	Smoking prohibited
Public transportation and vehicles	20 percent set aside for smoking	Smoking prohibited
Arenas, Auditoriums and Theaters	20 percent set aside for smoking	Smoking prohibited
Restaurants (seating ≥ 50)	20 percent set aside for smoking	No Provision
Penalty	Individual fine ≤ \$25	Individual fine ≥ \$10 but ≤ \$25

stated “any local ordinance, law, or rule that regulates smoking...shall not contain restrictions regulating smoking which exceed those established in this Article”.<sup>205</sup> In 2010, Dr. Devlin explained that “we called it [HB 957] the dirty air law because it required 20 percent of all government buildings to be set aside for smoking”.<sup>155</sup>

Most importantly, Rep. Michaux (primary sponsor of HB 957) admitted in the media, “[I] had some help. The tobacco industry had input.”

Tobacco control advocates and opposing legislators smelled smoke when HB 957 was introduced on April 15, 1993.<sup>56</sup> HB 957 essentially guaranteed the right of smokers to smoke in all public places.<sup>211</sup> Speaker Pro-Tempore Marie W. Colton (primary sponsor of

HB 1058 discussed below) stated to the media that HB 957 “[i]s a smokers’ rights bill,”<sup>212</sup> because it required 20 percent of government buildings to be designated for smoking. Most importantly, Rep. Michaux (primary sponsor of HB 957) admitted in the media, “[I] had some help. The tobacco industry had input.”<sup>212</sup> Buying into the tobacco industry’s deceit and effort to create confusion, Rep. Michaux stated: “[w]ithout the bill, cities and counties don’t have the authority to pass anti-smoking ordinances...the bill will save cities, counties and others the expense of potentially costly lawsuits.”<sup>212</sup>

Michaux was misrepresenting local authority to enact clean indoor air legislation because, before HB 957, local boards of the health were adopting smoking restrictions. The tobacco industry backed these lawsuits, which Rep. Michaux referred to, on the primary basis of violating equal protection of the law under the 14<sup>th</sup> Amendment of the U.S. Constitution, and explicit or implied state pre-emption, claiming local governing bodies don’t have the authority to regulate public smoking in order to overturn or delay the implementation of clean indoor air laws.<sup>81, 168, 194, 208</sup> Prior to 1993 and HB 957, there was neither implied nor explicit pre-emption in North Carolina. As discussed later in the report, the tobacco industry backed four lawsuits like the ones described above against local North Carolina boards of health to contest the local smoking ordinances.

In 1993, the Tobacco Institute lobbyist Roger Bone was responsible for assisting Rep. Michaux in drafting HB 957,<sup>213</sup> however, it is unclear if Bone drafted the entire bill for Michaux. In his annual package of statistics and information to NCGA legislators remind them of the importance of the tobacco industry to North Carolina, Bone stated: “[T]his proposed legislation

The Tobacco Institute lobbied on one hand for smokers’ rights and the right to choose using the Tobacco Association of North Carolina’s, “My Pleasure, My Choice” campaign, while at the same time lobbying to take from local governing bodies the choice to decide what is best for their own community.

[HB 957], is a more comprehensive bill than HB 1058 [which also seeks to regulate smoking in public], and is supported by the tobacco industry. The industry, with reluctance, but in the spirit of compromise, has agreed to grandfather in the existing smoking ordinances in an effort to establish a uniform smoking policy across the state of North Carolina”.<sup>214</sup> While there is little evidence to support the reasoning behind the tobacco industry’s grandfathering actions, the tobacco industry probably agreed to grandfather the

The Tobacco Institute viewed the North Carolina Black Caucus as a viable vehicle to disseminate their “regressive taxes” message and Tobacco Institute lobbyist Roger Bone consulted with Rep. Blue to get advice about how to reach and work with the established grassroots minority groups on “regressive taxes” and “smokers’ rights legislation.”

existing smoking ordinances either because they were planning to sue the local boards of health as discussed below or because they were afraid of repeating the media backlash that occurred in 1991 and discussed below. Once again, the Tobacco Institute lobbied on one hand for smokers’ rights and the right to choose using the Tobacco Association of North Carolina’s, “My Pleasure, My Choice” campaign,<sup>92</sup> while at the same time lobbying to take from local governing bodies the choice to decide what is best for their own community.<sup>213, 215, 216</sup>

### ***Tri-Agency Council Pushes for Statewide Clean Indoor House Bill 1058***

In contrast to the preemption bill (HB 957), HB 1058 entitled “An Act to Prohibit Smoking in Public Areas Except in Designated Smoking Areas” primarily sponsored by the first (1991-1994) female Speaker Pro-Tempore, Marie W. Colton (D, Asheville, 1978-1994), was introduced four days after the introduction of HB 957. With the assistance of the politically active Tri-Agency Council and building on the impetus of the 1986 Surgeon General’s Report on secondhand smoke,<sup>206</sup> Rep. Colton drafted HB 1058 to prohibit smoking in public indoor areas, did not require a smoking section and provided a fine for individual violators at least \$10 but not more than \$25. Additionally, Rep. Colton believed residents should be able to initiate strict local anti-smoking ordinances if they so choose<sup>212</sup> and therefore HB 1058 did not include a preemption measure and explicitly stipulated: “[T]his Article does not restrict the rights of cities or counties to adopt ordinances authorized by law, except such ordinances may not make lawful any act made unlawful by this Article.”<sup>206</sup>

Speaker of the House Rep. Dan Blue (D, Wake, TTIC 1998-2008 \$150), was the first African American Speaker of the House (1991-1994), referred the bills to the respective committees. HB 1058 was referred to the House Committee on Courts and Justice<sup>206</sup> where it never received a calendar date and died.<sup>56</sup> While HB 957 was referred to the House Judiciary Committee which was chaired by its author Rep. Michaux.

Rep. Blue was also a member of the North Carolina Black Caucus during that time. While the total tobacco industry contributions to the North Carolina Black Caucus is unknown, the Tobacco Institute was a co-sponsor (\$500 equivalent to \$778 purchasing power of 2010 dollars) of the North Carolina Black Caucus Weekend during the summer of 1992 (June 18-20, 1992).<sup>217</sup> The Tobacco Institute viewed the North Carolina Black Caucus as a viable vehicle to disseminate their “regressive taxes” message<sup>218</sup> and Tobacco Institute lobbyist Roger Bone consulted with Rep. Blue to get advice about how to reach and work with the established grassroots minority groups on “regressive taxes” and “smokers’ rights legislation”.<sup>218</sup>

Research suggests that the tobacco industry has an extensive history of creating alliances with minority groups such as the Black Caucus and the Coalition of Labor Union Women (CLUW) to assist in shifting the debate from the effects of tobacco to the person who is unfairly paying the taxes or being discriminated against by not being allowed to smoke in public

places.<sup>219</sup> The tobacco industry exploits groups such as these and uses them to become front groups to disseminate their message.<sup>81</sup>

### ***Evolution of House Bill 957 “The 1993 Dirty Air Law”***

HB 957 was referred to the House Judiciary Committee, chaired by Rep. Michaux, and reported favorably to the House on May 5, 1993. State tobacco control advocates led by the Tri Agency Council were ready to testify during the hearing, however Rep. Michaux did not allow public testimony.<sup>56</sup> Nevertheless state tobacco control advocates together with the League of Municipalities and Durham County worked with legislators to propose two amendments during the floor debate. The first House floor amendment was offered by Rep. Paul Luebke (D, Durham, TTIC \$0, Policy Score 9.4), who proposed that the implementation date be changed from July 1, 1993 to October 1, 1993 to accommodate Durham city and county officials who had been “working on smoking control ordinance for months.”<sup>56</sup> The amendment failed 52-55.<sup>205</sup> The second amendment was offered by Rep. Colton (D, Ashville) who proposed to substitute the entire text of her non-pre-emptive bill to regulate smoking HB 1058.<sup>56</sup> The second amendment failed as well, 53-58.<sup>205</sup>

State tobacco control advocates together with the Durham County Commissioners, City Council, and Board of Health continued to lobby Rep. Michaux to extend the effective date,<sup>56</sup> as they had been working and “[p]ut in a year’s time”<sup>220</sup> on a local comprehensive smoking ordinance for the city and county of Durham. On May 12, an amendment sponsored by Representative Karen Gottovi (D, New Hanover, 1991-1994) passed 72 to 36 to extend the implementation date to October 1, 1993, and, on the same day HB 957 passed its third House reading 80-33 and was sent to the Senate.<sup>56</sup>

When the bill was heard in the Senate Judiciary Committee, tobacco control advocates, led by the Tri-agency Council, were once again prepared and gave public testimony from public health leaders at the June 23 and July 6 committee hearings, and issued action alerts and used earned media editorials to continue public awareness.<sup>56</sup> In the 1993 NC ASSIST third quarter report (April 1, 1993 through June 30, 1993), which the tobacco industry had obtained through Freedom of Information Act requests,<sup>221</sup> the ASSIST Project Director, Leslie Brown reported:

The Tri-Agency council has been actively lobbying pro-health tobacco control legislation and has broadened its legislative network, and worked in conjunction with the Local Health Directors Association, Association of Boards of Health, League of Municipalities, the Institute of Government, the Tobacco Control Task Force of the NC Medical Society and others in educating the public and local government officials about the health effects of passive smoke, the public desire for smoking regulations, and the local authority to protect and promote the health of citizens. The media, which began covering this bill (HB 957) as simply a bill “to restrict smoking in public places” was also educated and increased coverage of the tobacco industry’s support of the bill, the preemption of local authority, and the health related aspects of this bill. Most major newspapers’ editorial boards in the end recommended that HB957 be killed, including the *Durham Morning Herald*, hometown paper of the bill’s sponsor, Rep. Michaux.<sup>166</sup>

Despite the fact that HB 957 received no favorable public testimony, along with close scrutiny from the media,<sup>56</sup> it was reported favorably from the Senate Judiciary Committee and

Before HB 957, only 16 communities had smoking regulations; by the time it was implemented, 27 Boards of Health, 21 Boards of County Commission, and 41 City Councils had enacted 89 new local clean indoor air regulations more stringent than the state law to restrict smoking in public places prior to HB957 going into effect on October 15, 1993.

was placed on the Senate calendar. Which was an outcome attributed to the influence of the tobacco industry friend, Senator Sandy Sands (D, Redsville, 1986-1994).<sup>56</sup> The tobacco industry relied on the influential lawmaker to move their preemptive legislation forward. Committee amendments by Senator Wib Gulley (D, Durham, Granville, and Person, TTICC \$1,000) from the Senate extended the implementation date from

October 1, 1993 to October 15, 1993 and decreased the 25 percent smoking section requirement to 20 percent.<sup>56</sup> HB 957 passed the Senate 24 to 15 on July 15, 1993 and was signed by Gov. Hunt on July 17, 1993.<sup>222</sup> The preemptive legislation did not overturn local clean indoor ordinances that had been adopted prior to its enactment on July 15, 1993; however, it did prevent new local clean indoor ordinances more stringent than state law within their respective jurisdictions after October 15, 1993.<sup>213</sup>

The three month delay in preemption created an unnatural time frame for communities to organize, debate, and adopted smoking restrictions.<sup>223</sup> Never the less local Boards of Health and governing bodies, with the infrastructure and technical assistance provided by NC ASSIST, capitalized on the ninety day (July 15, 1993 to October 15, 1993) window of opportunity to adopt and enact clean indoor legislation more stringent than HB 957.<sup>205</sup>

The Tri-Agency Council, the North Carolina Association of Local Health Directors, under the leadership of Dr. Paul Williams,<sup>56</sup> and North Carolina Medical Society sent informational packets, including letters that stressed the need for immediate action, to all local public health and medical society officials urging them to take action in adopting a local clean indoor air rule before the October 15 deadline and included a copy of the Wake County clean indoor air rule as a model ordinance.<sup>56</sup> The NC Project ASSIST coalition members and as Clean Indoor Air Action Team, chaired by Dr. Leah Devlin, were able to serve as key facilitators of local efforts to pass and implement local clean indoor air regulations by the deadline.<sup>221</sup>

The efficacy of their approach was evident in the number of local measures and ordinances adopted to restrict public smoking. Before HB 957, only 16 communities had smoking regulations; by the time it was implemented, 27 Boards of Health, 21 Boards of County Commission, and 41 City Councils<sup>224</sup> had enacted 89 new local clean indoor air regulations more stringent than the state law to restrict smoking in public places<sup>56</sup> prior to HB957 going into effect on October 15, 1993.<sup>222</sup>

Table 33 outlines the chronological order of smoking restriction and clean indoor air ordinances before and after the implementation of HB 957 from 1969 to 1993. The isolated public smoking ordinances adopted between 1969 and 1985 were enacted as fire safety measures<sup>62</sup> and to prevent marijuana smoking during rock concerts.

Between 1988 through 1993, before the “dirty air law” HB 957 was introduced on April 15, 1993, 15 of North Carolina’s 100 counties, in addition to many cities, had already passed some type of smoking regulation that restricted smoking in many public places.<sup>56, 57</sup>

As discussed earlier in this report, Greensboro was the first city to enact what was the most comprehensive clean indoor air ordinance in North Carolina for its time, restricting smoking in most public places and requiring restaurants seating more than 50 patrons to designate 25 percent as non-smoking in 1989.<sup>57</sup> Burlington, North Carolina became the second city in North Carolina<sup>225</sup> to enact a smoking ordinance, as comparatively restrictive as the Greensboro ordinance, on March 2, 1993.<sup>57</sup>

In both, Greensboro and Burlington, the tobacco industry unsuccessfully tried to defeat the local ordinances. Greensboro was home to Lorillard Tobacco Company and Burlington is located in Alamance County next to Caswell County, both tobacco growing counties. The tobacco industry, through the Tobacco Institute, manufactures and grower groups, mobilized Lorillard employees in Greensboro and tobacco farmers in Alamance and Caswell counties into believing that smoking ordinances are “economically harmful to all tobacco workers” and used tobacco workers to create front groups to advocate against the local ordinances.<sup>225</sup> The *Greensboro News and Record* quoted David Ross Smith, a tobacco farmer, who wrote to the Burlington City Council that “[a]n enormous amount of tobacco is grown in Caswell and Alamance counties, and the farmers spend their tobacco dollars on a variety of goods and services in Burlington...we certainly hope that you will consider the thousands of Alamance and Caswell residents who enjoy tobacco or depend on it for their livelihood”.<sup>225</sup> The *Greensboro News and Record* ousted the industry “lie” and reported that “while domestic cigarette consumption has declined steadily for the past decade, exports of U.S. brands have increased much more sharply...last year (1992) for instance, domestic consumption fell 6.7 percent while exports rose 15.6 percent,” and concluded “smoking ordinances don’t hurt tobacco workers”.<sup>225</sup>

By April 1993, Tobacco Institute Attorney Ken Spaulding, claimed in the *Raleigh News and Observer*: “workable” smoking restriction solutions “limiting smoking in public places without making it impossible for smokers to indulge in their habit”<sup>226</sup> were enacted in Charlotte, Asheville, Greensboro, and Chapel Hill.<sup>225</sup> Even tobacco farmers were beginning to concede that smoking restrictions can be fair.<sup>226</sup>

The introduction and passing of HB957 preempting local activity after October 15, 1993 further prompted local activity on promoting policies on clean indoor air smoking control regulations.<sup>224</sup> In a state where tobacco is king, 89 new local clean indoor air ordinances were passed<sup>224, 227</sup> before the dirty air law (HB957) went into effect on October 15, 1993.<sup>205</sup> According to the *Charlotte Observer*, what started as the tobacco industry’s effort to prevent local clean indoor ordinances, backfired badly on the industry.<sup>227</sup>

Although weak by 2011 standards, eleven counties modeled the Wake County rule; eight counties adopted a modified version of the Wake County rule and five adopted rules that were less restrictive than the Wake County model<sup>57</sup> which gave them a clean indoor air law on the books. However eleven counties that wanted to appear to be concerned about public smoking (Alamance, Brunswick, Dare, Davidson, Iredell, Jones, Martin, Person, Richmond, Tyrell and Washington) opted to follow the ineffective state law HB 957 instead of adopting their own local clean indoor air rules.<sup>57</sup> In a 2010 interview, Dr. Leah Devlin recalled that “a number of county boards of health modeled and adopted the Wake County rule...and then we had the lawsuits...”<sup>155</sup>



**Table 33: Local Clean Indoor Air Ordinances 1969 - 1993<sup>37</sup>**

S - 100% smoke-free

P - Partially smoke-free, required no-smoking areas, exemptions

Date Passed	Location	Clean Indoor Air Provisions											Other Provisions
		Public Government Buildings	Other Publicly Owned Buildings	Public Meetings	Public Transportation	Elevators	Healthcare Facilities	Recreational Facilities	Public Schools	Restaurants	Retail Stores	Private Workplaces	
Jan-69	Charlotte											P	
Jun-84	Asheville					S	P						
May-85	Charlotte			P		S	P	P				S	Ordinance adopted to prevent marijuana smoking during rock concerts
Jan-88	Rowan Co.	S											
Feb-88	Gaston Co.	S											
Apr-88	Charlotte	S	S										
Apr-88	Orange Co.	S											
Apr-88	Raleigh					S							
Nov-89	Greensboro	S	S	S	S	S	S	S	S	P	S	P	Signs must be posted where it is unlawful to smoke. Restaurants seating >50 must designate 25% as non-smoking. \$25 fine.
Jul-90	New Hanover Co.									P	P	P	
Nov-90	Edgecombe Co.	P	P										
Dec-90	Thomasville	P											Misdemeanor for smoking in non-smoking areas
Dec-90	Willmington	P	P							P	P	P	Required designated smoking areas
Oct-91	Chapel Hill	S	S					S		P			Required restaurants seating >30 to designate 25% of seating as non-smoking. Employers must provide smokfree areas for nonsmoking employees to the extent that is possible.
Jan-92	Belmont	P	P					P					Allowed one designated smoking area in each city owned building.
Mar-92	Rutherford Co.	S	S										
Mar-92	Raleigh	S	S	S	S	S		S		P	P		Restaurants seating >30 must designate 33% of seating as non-smoking ; <30 may designate themselves as smoking or non-smoking establishments.
Mar-92	Havelock	S	S					S					
May-92	Warren Co.	P	P										
Jun-92	Granville Co.	P	P										Allows employees to smoke at their work stations if the area is not open to the public.
Jun-92	Morganton	S	S	S									
Jun-92	Statesville	S	S										
Jul-92	Siler City	S											Exempts public works garage, airport, and fire department
Aug-92	Hillsborough	S	S										
Oct-92	China Grove	P	P										
Dec-92	Valdese	S	S										
Dec-92	Pasquotank Co.	P	P										
Jan-93	Burnsville	S	S										
Jan-93	Richmond Co.	S	S										
Feb-93	Marion Co.	S	S										
Feb-93	Laurinburg	S	S										
Mar-93	Camden Co.	S	S										
Mar-93	Moore Co.	P	P										

Date Passed	Location	Clean Indoor Air Provisions											Other Provisions	
		Public Government Buildings	Other Publicly Owned Buildings	Public Meetings	Public Transportation	Elevators	Healthcare Facilities	Recreational Facilities	Public Schools	Restaurants	Retail Stores	Private Workplaces		
Mar-93	Red Springs	P	P											Designated smoking areas for employees only.
Mar-93	Taylorsville	P	P											Bans smoking in city-owned buildings, except basement of Town Hall
Mar-93	Burlington	S	S	S	S	S	S	P	S	P	P	P		Requires establishments that sell cigarettes to post signs stating prohibition of sales to minors.
Apr-93	Currituck Co.	P	P											Designated smoking areas assigned by County Manager.
Apr-93	Dare Co.	P	P											
Apr-93	Garner	S	S											
Apr-93	Alexander Co.	S	S											
May-93	Brunswick Co.	P	P											Designated smoking areas for employees only
Jun-93	Lexington	P	S					S						Smoking is permitted in designated break rooms in city-owned buildings
Jun-93	Wake Co.	S	S	S	S	S	S	P	S	P	P	P		Required designated smoking areas in workplaces. Required designated smoking area to have separate ventilation by 1/96.
Jul-93	Drexel	S	S											
Jul-93	Carolina Beach	S	S						P	P				Requires workplaces to have a written smoking policy that provides smoke-free air for nonsmoking employees to the extent possible.
Jul-93	Durham Co.	S	S	S	S	S	S	P	S	P	P	P		Required 50% non-smoking seating area in restaurants that seated >30.
Jul-93	Cary	P	P											
Aug-93	Black Mountain	S	S	S										
Aug-93	Tyron	S	S											
Aug-93	High Point					S	S		P	S				Exempts bars and lounges.
Aug-93	Fletcher	S	S											
Aug-93	New Bern	P	P											Designated smoking areas for city employees only
Aug-93	Kings Mountain	P	P											Designated areas in city-owned buildings. Bans smoking in city vehicles.
Sep-93	Boone	P	S	S	S	S	S	S	S	P	P	P		
Sep-93	Charlotte		S											Included Airports
Sep-93	Troutman	S	S											
Sep-93	Shelby	S	S											
Sep-93	Durham City	S	S	S	S	S	S	P	S	P	P	P		Required 50% non-smoking seating area in restaurants that seated >30.
Sep-93	Gastonia City	S	S											
Sep-93	Jacksonville	P	P											Designated smoking areas in city owned buildings.
Sep-93	Mecklenberg Co.	S	S											Exempts county jails.
Sep-93	Roanoke Rapids	P	P					P						Designated smoking areas.
Sep-93	Watauga Co.	S	S											
Sep-93	Aberdeen	S	S											
Sep-93	Chapel Hill	S	S		S									
Sep-93	Craven Co.	S	S	S	S	S	S	P	S	P	P	P		Required designated smoking areas in workplaces. Required designated smoking area to have separate ventilation by 1/96.
Sep-93	Macon Co.	S	S											

Date Passed	Location	Clean Indoor Air Provisions											Other Provisions	
		Public Government Buildings	Other Publically Owned Buildings	Public Meetings	Public Transportation	Elevators	Healthcare Facilities	Recreational Facilities	Public Schools	Restaurants	Retail Stores	Private Workplaces		
Sep-93	Pender Co.	P	P											Designated smoking areas must be < 20%.
Sep-93	Henderson Co.	S	S	S	S	S	S	P	S	P	P	P		Required designated smoking areas in workplaces. Required designated smoking area to have separate ventilation by 1/96.
Sep-93	Rockingham	S	S											
Sep-93	Ashe Co.	S	S											
Sep-93	Charlotte	P	P											Designated smoking areas.
Sep-93	Laurel Park	S	S											
Sep-93	Onslow Co.	S	S	S	S	S	S	P	S	P	P	P		Required designated smoking areas in workplaces. Required designated smoking area to have separate ASHRAE ventilation standards by 1/96.
Sep-93	Boone	S	S		S	S				S	P	P		Requires employers to have a written policy that provides smoke-free air for nonsmoking employees to the extent possible.
Sep-93	Guilford Co.	S	S	S	S	S	S	S	S	P	P	P		Bars and bars within restaurants seating >50 must designate 25% of seating as non-smoking; < 50 must designate themselves as smoking or non-smoking.
Sep-93	Ashville	P	P											
Sep-93	Burke	S	S	S	S	S	S	P	S	P	P	P		Required designated smoking areas in workplaces. Required designated smoking area to have separate ventilation by 1/96.
Sep-93	Chatham Co.	S	S	S	S	S	S	S	S	S	P	P		Required designated smoking areas in workplaces. Required designated smoking area to have separate ventilation by 7/96.
Sep-93	Cleveland Co.	S	S	S	S	S	S	S	S	P	P	P		Required reasonable accommodations in workplaces
Sep-93	Lee Co.	S	S	S	S	S	S	S	S	P	P	P		Required reasonable accommodations in workplaces
Oct-93	Orange Co.	S	S	S	S	S	S	P	S	P	P	P		Required designated smoking areas in workplaces. Required designated smoking area to have separate ventilation by 1/94.
Oct-93	Wilkes Co.	S	S	S	S	S	S	S	S	P				Allowed business to establish voluntary policies.
Oct-93	Lincoln Co.	S	S											
Oct-93	Scotland Co.	S	S											Bans smoking in childcare facilities
Oct-93	New Hanover Co.	S	S	S	S	S	S	P	S	P	P	P		Required designated smoking areas in workplaces. Required designated smoking area to have separate ventilation by 1/96.
Oct-93	Rowan Co.	S	S	S	S	S	S	S	S	P				Required workplaces to have separate ventilation systems and allowed establishments to post signs that say "ETS Causes Cancer in Man"

Date Passed	Location	Clean Indoor Air Provisions											Other Provisions
		Public Government Buildings	Other Publically Owned Buildings	Public Meetings	Public Transportation	Elevators	Healthcare Facilities	Recreational Facilities	Public Schools	Restaurants	Retail Stores	Private Workplaces	
Oct-93	Caldwell Co.	S	S	S	S	S	S	P	S	P	P	P	Required designated smoking areas in workplaces. Required designated smoking area to have separate ventilation by 1/96.
Oct-93	Davie Co.	S	S	S	S	S	S	S	S	P	P		Required restaurants to establish a smoking policy
Oct-93	Jackson Co.	P	P										Designated smoking areas.
Oct-93	Buncombe Co.	S	S	S	S	S	S	P	S	P	P	P	Required designated smoking areas in workplaces. Required designated smoking area to have separate ventilation by 1/96.
Oct-93	Gaston Co.	S	S	S	S	S	S	P	S	P	P	P	Required restaurants to establish 80% non-smoking areas by 7/96.
Oct-93	Randolph Co.	S	S	S	S	S	S	S	S	P			Restaurants seating < 50 may designate themselves as smoking or non-smoking
Oct-93	Carrboro	S	S	S	S	S	S	P	S	P	P	P	Required designated smoking areas in workplaces. Required designated smoking area to have separate ventilation by 1/94.
Oct-93	Catawba Co.	S	S	S	S	S	S	P	S	P	P	P	Required designated smoking areas in workplaces. Required designated smoking area to have separate ventilation by 1/96.
Oct-93	Cumberland Co.	S	S	S	S	S	S	P	S	P	P	P	25 feet minimum distance provision
Oct-93	Halifax Co.	S	S	S	S	S	S	S	S	P	P	P	Required 80% of restaurant seating to be smoke-free by 7/96.
Oct-93	Haywood Co.	S	S	S	S	S	S	P	S	P	P	P	Required designated smoking areas in workplaces. Required designated smoking area to have separate ventilation by 7/96.
Oct-93	McDowell Co.	S	S	S	S			P					
Oct-93	Polk Co.	S	S	S	S			P					
Oct-93	Cabarrus	S	S										
Oct-93	Elon	S	S										
Oct-93	Graham Co.	S	S	S									Bans smoking in public places, unless the public places registers with the BOH as an establishment that allows smoking.
Oct-93	Northampton	S	S	S	S	S	S	P	S	P	P	P	Required designated smoking areas in workplaces. Required designated smoking area to have separate ventilation by 1/96.
Oct-93	Swain Co.	S	S	S									Bans smoking in public places, unless the public places registers with the BOH as an establishment that allows smoking.
Oct-93	Dillsboro	S											

## 1993-1996: Tobacco Industry Backs Lawsuits against Local Board of Health Rules

Of the 89 local smoking regulations that passed before the implementation of preemption on October 15, 1993, 27 were adopted by boards of health. The tobacco industry strategically made a decision to go after the local boards of health due to the fact that the adopted local board of health rules applied to the entire county, whereas the adopted county commission ordinances (21) only applied to unincorporated areas of the county and the city ordinances (41) only applied to areas within the city limits.<sup>228</sup> Additionally, the tobacco industry argued that the boards of health did not have the authority to make decisions on matters that did not relate to health when they made distinctions between different sized restaurants it relied on economic factors rather than health factors, with emphasis on the fact that the board of health members' were not elected officials. When the local boards of health made exemptions for bars in their public smoking rules based on issues other than health, it played into the tobacco industry's winning argument.

Four law suits were brought in November 1993 against the four local boards of health in Wake County (county seat Raleigh), Guilford County (county seat Greensboro), Buncombe County (county seat Asheville), and Halifax County (county seat Halifax) counties.<sup>190, 221, 229</sup> While no monetary damages were sought, the law suits alleged that the boards of health exceeded their authority when they voted to restrict smoking in restaurants and other public buildings and sought declarations that the boards' public smoking regulations, were null and void, in addition to preliminary and permanent injunctions regarding the enforcement of the ordinances.<sup>230</sup> The lawsuits were filed by smokers' rights groups formed with the backing of R.J. Reynolds,<sup>231</sup> a collection of restaurants and tourism officials, and the Lorillard Tobacco Company.<sup>232</sup> It is unclear why the industry selected to go after these four counties first; however, the industry only needed one of the lawsuits to be tried as it would set a precedent against smoking regulations adopted by local boards of health.

While these were the first four lawsuits filed, other counties feared costly lawsuits<sup>231, 233</sup> and decided to delay the enforcement of their newly-adopted public smoking rules. For example, Orange County (Hillsboro and Chapel Hill) County Attorney Geoffrey Gledhill advised county and city officials to delay any legal action in enforcing the county's public smoking rules adopted in 1993 until a court ruling resolved "[t]he question of the authority of boards of health to adopt those rules".<sup>234</sup>

The tobacco industry argued that the boards of health did not have the authority to make decisions on matters that did not relate to health when they made distinctions between different sized restaurants it relied on economic factors rather than health factors, with emphasis on the fact that the board of health members' were not elected officials.

Such lawsuits<sup>168, 191, 194</sup> were the attack weapon of choice as it was an effective means for the tobacco industry to have influence over the non-elected officials who made up the boards of health, as the defense for the boards of health would have to come from the county commissions made up of elected officials. This tactic worked when the Wake County Board of Health lawsuit was dropped after the Board decided to withdraw the stricter public smoking regulations, when the county's commissioners refused to pay to defend the board of health in court.<sup>231</sup> The NC

Medical Society could only offer “to write amicus curiae briefs, if necessary, on behalf of the Boards of Health”.<sup>56</sup>

In 1993, the 2011 NC Commissioner of Agriculture Steve Troxler (R, total tobacco industry contributions 2000-2008 \$37,754) joined eleven other plaintiffs, to sue the individual members of the Guilford County Board of Health and Health Director “[a]lleging that the Board exceeded its authority when it adopted rules and resolutions [in September and October of 1993]

The Buncombe County rule was upheld when the Judge dismissed the case. However, despite the fact that they won, the Buncombe County Board of Health voted 9-1 to temporarily suspend enforcement until the Halifax county case was resolved in the state appeals court.

to ban and prohibit smoking in restaurants and other public buildings after December 31<sup>st</sup>, 1994”.<sup>235</sup> The Guilford County lawsuit was one of four, tobacco industry backed lawsuits against local North Carolina County Boards of Health adopting county ordinances to restrict smoking. In addition to the lawsuit, Troxler organized and led local farmers as they drove 147 tractors downtown to the Guilford County Courthouses and Health Department in the “Tractorcade” to protest the local clean indoor

ordinances in January of 1994.<sup>236</sup> Troxler received the 1997 Brown and Williamson Liberty Award for “[f]ighting to preserve the rights of Americans who grow tobacco, manufacture and sell tobacco and consume the legal product”.<sup>236</sup> Troxler credited his actions for preventing the ordinance from ever being enforced during his 1997 Brown and Williamson Liberty Award interview.<sup>236</sup>

State tobacco control advocates continued to educate the public and media about the effects of exposure to secondhand smoke and the ineffectiveness of the preemptive state law, through the NC Associations of Boards of Health, local health directors, the Medical Society, the League of Municipalities, the Tri-Agency, and North Carolina Project ASSIST. In addition, the North Carolina Medical Society has agreed to file amicus curiae briefs, if necessary, on behalf of the Boards of Health.<sup>56</sup>

Before even having a court hearing, the Guilford County Board of Health agreed to suspend enforcement of the county smoking rule on October 8, 1993, one week after it was adopted on September 27, 1993.<sup>237</sup> The Guilford County Board of Health made this decision after local elected officials, including the Greensboro and High Point mayors, complained and informed the Guilford County Board of Health Chairwoman, Trudy Wade, that “[t]heir city councils did not support the Guilford County smoking ordinance”.<sup>211</sup> Additionally two members of the Guilford County Board of Health retired and were replaced with members who were antipathetic to public smoking restrictions.<sup>56</sup> The Guilford County Board of Health decided to await a ruling in the Halifax County case and postponed the implementation of the county public smoking rule for nearly three years after the original implementation date, September 27, 1993, until January 1, 1996.<sup>211</sup> Guilford County BOH Chairwoman, Trudy Wade communicated to the media, “[t]here would be little sense in reinstating the smoking ban here if the rules in Halifax are overturned.”<sup>211</sup> The court unilaterally closed the case without prejudice and declared the matter inactive as July 3, 1995,<sup>238</sup> after the statewide “dirty air law” (HB 957) went into effect.

In Buncombe County, the Board of Health adopted the Wake County rule on October 11, 1993, effective January 1, 1994.<sup>57</sup> The Buncombe County rule was upheld when the Judge dismissed the case.<sup>231</sup> However, despite the fact that they won, the Buncombe County Board of Health voted 9-1 to temporarily suspend enforcement until the Halifax county case was resolved in the state appeals court.<sup>239</sup> It is unclear why Buncombe took this action, perhaps they were afraid of the decision being appealed.

The Halifax County case was the first case to be tried and appealed.<sup>240, 241</sup> On February 3, 1993, Halifax County, District Court Judge James Ragan dismissed the lawsuit that challenged the Halifax County's Board of Health authority to regulate public smoking.<sup>232, 242</sup> While Judge Ragan's decision initially pleased the Halifax County Board of Health and county public health officials statewide, it was immediately appealed by the front groups and organizations created by the tobacco industry.<sup>242</sup> All interested parties, including the other 26 Boards of Health, anxiously awaited the outcome of the appeal.<sup>232</sup>

A little over three years after the Halifax County Board of Health rule was originally adopted, the NC Court of Appeals overturned the lower court ruling that dismissed the lawsuit, and ruled in favor of the tobacco industry on December 3, 1996. In overturning the lower court ruling, the Court of Appeals held that when the Halifax County Board of Health made exceptions to its rules based on factors other than health, with distinctions between different-sized restaurants, it had relied upon an economic factor rather than health factor.<sup>234</sup> In addition, the ordinance had a "different set of rules for bars"<sup>234</sup> by exempting bars that were "dedicated to the sale of alcohol consumption as opposed to food consumption,"<sup>57</sup> leading the court to hold that the, "[d]istinctions would expose some employees and patrons to a health risk that other similarly situated employees and patrons do not face...the legislature could make such distinctions, but a county health board cannot".<sup>234</sup> The ruling that the regulations were invalid was based on the Board of Health's lack of authority<sup>234</sup> to make the non-health related exemptions. In a 2010 interview, Dr. Leah Devlin recalled the court believed "the size of restaurants should not have anything to do with health".<sup>201</sup>

"If the board of health had passed a very restrictive rule, one that said you couldn't smoke anywhere in Halifax County, they would have been all right according to this decision."

"Distinctions would expose some employees and patrons to a health risk that other similarly situated employees and patrons do not face ... the legislature could make such distinctions, but a county health board cannot."

This was a common mistake of state tobacco control advocates in the late 1980s and early 1990s for public health governing bodies to provide smoking section and ventilation accommodations, and exemptions for certain establishments. In 1987, the New York Supreme court ruled that state Public Health Council acceded its powers and authority as directed by the state constitution

when state lawmakers sued the council for adopting public smoking regulations that exempted certain establishments (such as bars and small restaurants) because of economic concerns. In New York, the court ruled that "Striking the proper balance among health concerns, cost and privacy interests, however, is a uniquely legislative function" which left public smoking regulations as a matter to be decided upon in the state legislature.<sup>243</sup> Additionally, in 1994, five

businesses in Texas sued the city of Plano, claiming that the city smoking ordinance was discriminating against their business because they lost business to surrounding cities that did not regulate smoking, and because the ordinance exempted country clubs and hospitals. The case in Texas led to mediation and modification of the ordinance to allow smoking if businesses had separately enclosed rooms and ventilation or purification systems.<sup>244</sup>

“When we got slapped with preemption we had to go back and start changing things on a smaller scale and our strategic team, under the direction of Dr. Devlin, decided to implement a chipping away strategy to chip away at preemption one entity at a time, “changing things step by step”.

Jeff Dillard, the environmental health supervisor for Halifax County criticized the state court’s decision: “[i]f the board of health had passed a very restrictive rule, one that said you couldn’t smoke anywhere in Halifax County, they would have been all right according to this decision”.<sup>211</sup> Halifax County officials did not appeal the appeal court’s decision to the NC Supreme Court, as the boards of health needed the county commissioners to dedicate the necessary time and resources to mount the battle,<sup>228</sup> which appeared to be problematic among local North Carolina elected officials,<sup>211, 228, 234</sup> boards of county commission and city councils are made up elected officials who are exposed to political pressure.<sup>191</sup>

The Halifax ruling set a precedent across the state and the impetus to nullify the 27 county board of health ordinances that had been adopted in 1993<sup>211, 228</sup> prior to preemption; the local governments could not go back to modify the ordinances to be inclusive to satisfy the court’s ruling because of the preemptive HB 957 that went into effect on October 15, 1993.<sup>228, 233</sup>

Following the Halifax County case appellate ruling, the 27 local BOH smoking rules became unenforceable, leaving local governing bodies to work with the state legislature on public smoking. The boards of the health decided it would be better to work with the legislature to change the preemptive state law than fighting industry-backed lawsuits.<sup>233</sup> Dr. Leah Devlin moved from her position as Wake County Board of Health Director, and became the State Health Director in 1996.<sup>245</sup> A 1995 Tobacco Institute document indicated the Tobacco Institute was concerned with Devlin replacing the former 17 year State Health Officer, Dr. Ron Levine, because of her strong anti-tobacco views and anti-tobacco record as the Wake County Board of Health Director.<sup>185</sup> As State Health Officer, Dr. Devlin’s staff included Sally Herndon who at the time was the state Project ASSIST Coordinator. Devlin and Herndon had a history of working together which first began working together on tobacco control as COMMIT volunteers, and then on NC Project ASSIST with Herndon being the coordinator and Devlin being the Chair of the Clean Indoor Action Team.

In a 2010 interview Herndon recalled, “When we got slapped with preemption we had to go back and start changing things on a smaller scale and our strategic team, under the direction of Dr. Devlin, decided to implement a chipping away strategy to chip away at preemption one entity at a time, a term coined by Chris Hoke, the NCDHHS Chief of Regulatory and Legal Affairs”,<sup>116</sup> which Dr. Devlin described as, “changing things step by step”.<sup>155</sup> The short-term state chipping away strategy started off with public schools, because schools were exempt from HB 957, and school boards were allowed to adopt smoking policies, so the State Health Department began working with one school board at a time as discussed later in this report.



While the long-term state strategic vision would play out overtime and led to smokefree public places.

**1995: Center for Disease Control host Tobacco Control Institute at University of North Carolina Chapel Hill**

In addition to the community mobilization activities around tobacco taking place in North Carolina during the late 1980s and throughout the 1990s as a result of Research and Technology Institute (RTI) implementing the NCI COMMIT study in the North Carolina comparison cities and the State Health Department implementing NC Project ASSIST, in 1995, the Centers for Disease Control and Prevention (CDC) sponsored the two-week Tobacco Control Summer Institute seminar series at the University of North Carolina (UNC) Chapel Hill, Center for Health Promotion and Disease Prevention (CHPDP).<sup>246</sup> The UNC CHPDP hosted the institute because the CHPDP was funded by the CDC in 1995. The institute was designed to present 250 participants from the international community, states across the nation, as well as the state ASSIST communities, with an overview of the tobacco-control research, with an emphasis on reducing youth tobacco use.<sup>246</sup>

“It is unbelievable the state’s flagship institution would hold a program designed to fight the state’s No. 1 cash crop...it will definitely affect the budget process. [I]t’s a guerrilla attack on a good corporate citizen and an attempt to beat tobacco down...it’s bad enough if it’s in New York state or Canada or Nevada, but this is Chapel Hill.”

State tobacco control advocate Dr. Adam Goldstein organized the Tobacco Control Institute and invited representation from all sectors of the tobacco industry, including manufacturers and farmers to participate in the dialogue, and included tours of tobacco attractions such as farms and museums<sup>246</sup> to also show the participants how closely tied tobacco was to the state’s economy and history.<sup>247</sup> Tobacco farmers participated in the institute as both speakers and participants, while tobacco manufactures declined to participate.<sup>246</sup> The unique feature of including tobacco farmers in the design of the institute was to sensitize the participants to the cultural, economic and political tradition of tobacco farming.

There was extensive media attention surrounding the summer institute. The media attention reinforced the political sensitivity of talking about tobacco control in the leading tobacco producing state and created public awareness about the dangers of tobacco consumption and the future of tobacco farming related to health as well.<sup>62</sup> For example, when the CDC hosted the Tobacco Control Institute at the UNC Center for Health Promotion and Disease Prevention, state policymakers threatened the University’s funding, however a number of printed media editorials commended the University and program for implementing a balanced approach by examining all sides of tobacco.

In a 1995 *Fayetteville Observer* article, the 1995 House Majority Leader and tobacco farm owner, Representative Leo Daughtry (R, Smithfield, TTICC \$47,845, Policy Score 0) criticized the University for participating in an activity that he felt threatened tobacco and tried to assert his power to threaten the University’s state funding stating:

[I]t is unbelievable the state’s flagship institution would hold a program designed to fight the state’s No. 1 cash crop...it will definitely affect the budget process.<sup>248</sup>

Daughtry continued in a *Charlotte Observer* article, [I]t's a guerrilla attack on a good corporate citizen and an attempt to beat tobacco down...it's bad enough if it's in New York state or Canada or Nevada, but this is Chapel Hill.<sup>247</sup>

However in the same editorials the newspapers condemned Daughtry and commended the University. The *Fayetteville Observer* article reminded Daughtry that:

He should remember that this is a public health institute...if he wants to avert his eyes to the evidence of tobacco's danger, fine...he does not have the right however, to wield his legislative clout to thwart discussion that could save lives...tobacco is a killer...the leaf industry became an entrenched part of the North Carolina economy before all the facts were known is an unfortunate happenstance of time...ideally North Carolina should be moving away from tobacco...Daughtry should start working to solve the tobacco dilemma and put public health before personal interest.<sup>248</sup>

While the *Charlotte Observer* stated "the elected officials who lambasted the university for doing its job...who tried to use their hold on the public purse to bully it into censoring what it teaches and what speakers its students can hear did something much, much worse...they should be ashamed of themselves."

Despite the political fallout in the media, the summer institute program continued and the University of North Carolina Chapel Hill continued to thrive. The summer institute's impact on the NC Project ASSIST community was important because it further enhanced the state tobacco control advocates with the tools they needed to continue the grassroots advocacy for voluntary policies.

For example the members of NC GASP started this change by implementing a letter writing campaign to raise awareness about the dangers of exposure to secondhand smoke and to request voluntary smoking restriction policies. NC GASP wrote letters to grocery stores owners throughout the state as well as to North Carolina American Red Cross (ARC). Tobacco control advocates had a tough fight throughout the state and even more so in the central and eastern Appalachian regions of the state<sup>249</sup> working for voluntary policies after the implementation of the dirty air law.

In a 1995 *News and Observer*, article, Dan Zaccaro, vice president and director of NC GASP eastern region, stated that "...[j]ust something like getting the grocery stores to go smokefree would be a pretty big accomplishment",<sup>192</sup> a strategy that continued to play out over time. Additionally, the letter writing campaigns did produce some successes. The letter writing campaign to ARC president Elizabeth Dole (who became North Carolina's first female U.S. Senator 2003-2009), put an end to smoking in the Winston-Salem ARC offices that allowed smoking rooms where blood donors recuperated.<sup>192</sup>

"...[j]ust something like getting the grocery stores to go smokefree would be a pretty big accomplishment...a strategy that continued to play out over time."

The summer institute would have long lasting effects on the number of voluntary tobacco free polices adopted and the continued community support for tobacco free environments throughout the state. As it laid the groundwork for extensive public awareness and advocacy

training, which made chipping away at the statewide preemptive legislation possible in the late 2000s (discussed later).

### **1995: The North Carolina Medical Society Dedicates an Issue of *North Carolina Medical Journal* to Tobacco Control**

The North Carolina Medical Society dedicated the entire January 1995 issue of the *North Carolina Medical Journal* (NCMJ) to tobacco control. For the first time the NCMJ issue states that every year tobacco addiction was costing North Carolina 11,000 lives and \$2.1 billion in medical expenses.<sup>250, 251</sup> Drs. Adam Goldstein of UNC and Eugene Lengerich (State Health Department epidemiologist) encouraged people to stop smoking and tobacco farmers to look harder for alternative crops in the special issue. The *Greensboro News and Record* reported that, “[a]s physicians, they [Goldstein and Lengerich] feel a duty to take a more active role in discouraging tobacco use...more physicians should be opening discussions with tobacco farmers who are also their patients”.<sup>250</sup> Additionally, in the *Charlotte Observer* Goldstein stated, “[t]oo many North Carolina citizens and institutions suffer unnecessarily from both physical and institutional addictions to tobacco that can and should be broken ... people need to know that tobacco isn’t nearly as important to the state’s economy as it once was.”<sup>251</sup>

There was some concern from the 1995 NCMS president Dr. Thad Webster that the NCMJ issue on tobacco control and related press conference would create political fallout in the upcoming legislative session, where tort reform was a political priority for the Medical Society. Indeed, in 1995 the NCMS had joined ad hoc coalition led by Tobacco Institute lobbyists Gene Ainsworth and Durwood Laughinghouse to lobby for tort reform.<sup>252</sup> In 1995, Republicans had

“Too many North Carolina citizens and institutions suffer unnecessarily from both physical and institutional addictions to tobacco that can and should be broken ... people need to know that tobacco isn’t nearly as important to the state’s economy as it once was.”

control of the State House for the first time in the 20<sup>th</sup> Century and the tobacco industry wanted to capitalize on the climate favorable for tort reform, which the Republicans had included in their “Contract for North Carolina.”<sup>253</sup>

Partnerships with state medical societies were a key element of the tobacco industry’s national “tort reform” effort to convince state legislatures<sup>243, 244</sup> to protect the tobacco industry from product liability lawsuits.<sup>254</sup> In 1987, the

tobacco industry worked with the California Medical Association (CMA) in a tort reform “Napkin Deal” with doctors, lawyers, insurance companies and the tobacco industry, in the deal doctors got rules that made it more difficult to bring malpractice suits, lawyers got larger contingency fees to compensate them for the fact that the cases would be harder to win insurance companies got protection from lawsuits and avoided regulation, and tobacco companies got virtual immunity from lawsuits based on consumer use of its “inherently” unsafe products.<sup>150</sup> Similarly in Texas, the tobacco industry partnered with the Texas Civil Justice League (which included the medical association) in Texas to enact tort reform and products liability legislation during the 1993

Indeed, in 1995 the NCMS had joined ad hoc coalition led by Tobacco Institute lobbyists Gene Ainsworth and Durwood Laughinghouse to lobby for tort reform.

and 1995 sessions to protect the industry from prosecution and limited punitive damage awards and the rights of plaintiffs to sue the tobacco industry for smoking-related illnesses.<sup>244</sup> In 1999, the New York Medical Society endorsement a tort reform proposal which protected tobacco companies from litigation by consumers.<sup>126</sup>

“Maybe we [North Carolinians] should be forgiven for our schizophrenia about tobacco.”  
...the (special issue of) NCMJ will provide food for thought but not much impetus for action.”

In North Carolina the 1995 ad hoc coalition efforts resulted in the adoption of North Carolina General Statute Medicaid Amendment (N.C.G.S §108A-59 ) that protected the tobacco industry from liability in smoking related claims<sup>255</sup> by expressly stating that “[t]here shall be shall be no strict liability in tort in product liability actions”,<sup>256</sup> and capping punitive damage award in liability cases at \$250,000 in North Carolina.<sup>252, 257</sup>

Despite Webster’s concern, the special *NCMJ* issue on tobacco control and related press conference went forward. The Medical Society did, however, distance itself from the issue; by not allowing an official from the Medical Society to make a statement at the press conference. Additionally, the Society made public comments stressing that the *Journal* was an editorially independent publication of the Medical Society.<sup>62</sup>

In the *Greensboro News and Record* Commissioner of Agriculture Jim Graham contended, “[s]witching crops is easier said than done because tobacco yields more profit from fewer acres than other crops”.<sup>250</sup> However by 1995, tobacco only made up 8 percent of the state’s economy and pork production was on the rise in the state. For example, Sampson County in the eastern part of the state was a major tobacco producer prior to 1995 and switched from tobacco to become the leader in pork production, and by 2009 hogs were the state second highest commodity behind broilers.

The *Greensboro News and Record* concluded that the *NCMJ* issue was another needed reminder and that Commissioner Graham should be leading the effort in the transition away from tobacco into other profitable commodities rather than standing in the way.<sup>250</sup> The *Charlotte Observer* did not think that the issue would have much effect with state elected officials; it editorialized:

[M]aybe we [North Carolinians] should be forgiven for our schizophrenia about tobacco. After all, where would we be had not the Dukes and the Reynolds made their fortunes a century ago, established philanthropic institutions and provided the cash to build the medical schools that would train the doctors who, on a Monday in 1995, would publish an entire issue of other magazine about smoking and health ... the [special issue of] NCMJ will provide food for thought but not much impetus for action.<sup>251</sup>

### **Building Grassroots: NC GASP and S.A.V.E.**

Grassroots advocacy and capacity building was a cornerstone of addressing tobacco control in the tobacco growing state. Building upon the direct tobacco control advocacy work described above, a key member of NC GASP, Goldstein found the Survivors and Victims of Tobacco Empowerment (S.A.V.E.) program. In 1995, NC GASP received funding from the

Robert Wood Johnson Foundation Smokeless States to implement the S.A.V.E. program.<sup>258</sup> Modeled after the international Mothers Against Drunk Driving (MADD) and the AIDS Frontline programs, S.A.V.E. put a face on the smoking related illnesses that killed 12,200 people each year in the state.<sup>259</sup> The S.A.V.E. program was created to counter the political influence of the tobacco farmer by advocating for tobacco use prevention in the state.<sup>258</sup> By 1999, NC GASP had over 200 members and 1,500 volunteers statewide working to advocate against tobacco.<sup>260</sup>

S.A.V.E. extended NC GASP's grassroots efforts a step further by organizing survivors of tobacco-induced illnesses and their families to share their stories and create community awareness about the dangers of tobacco use and exposure, and to prevent the initiation of tobacco use among youth, by sharing these stories in open public school forums across the state.<sup>261</sup> S.A.V.E. was the longest active and only state organization of tobacco survivors organized to put a strong public face for tobacco control in the tobacco growing state.<sup>62</sup> S.A.V.E. worked with youth advocacy groups in North Carolina and supported policy changes to reduce tobacco use and exposure by testifying at the legislature and lobbying during laryngectomy day<sup>261</sup> and by giving talks to 100,000 youth a year for 10 years.<sup>62, 262</sup>

S.A.V.E enhanced the strong statewide NC Project ASSIST coalition capacity to address tobacco control by was providing direct outreach. In 2011 SAVE continued to operate as a NC GASP project funded by the North Carolina Health and Wellness Trust Fund, one of three entities created to disburse the state's Master Settlement Agreement funds in 1999 (discussed later).<sup>62, 258</sup>

## Conclusion

Early reports about tobacco and health prompted the early tobacco control movement in North Carolina. Grassroots advocacy was a cornerstone of tobacco control in the tobacco growing state. In 1979, Charlotte GASP worked to enforce smoking restrictions that had been adopted as fire safety measures and lost a lawsuit in Mecklenburg County to protect the public from secondhand smoke in public places. The Charlotte GASP activities initiated the implementation of voluntary policies that began restricting smoking in public places theaters, auditoriums, restaurants, hospitals, and clinics.

Public support to restrict smoking in public places continued to grow the state throughout the 1980's, and in 1986, the Wake County Board of Health made the entire Health Department smoke free. By 1989 state tobacco control advocates achieved the first citywide smoking restriction ordinance in Greensboro.

S.A.V.E enhanced the strong statewide NC Project ASSIST coalition capacity to address tobacco control by was providing direct outreach.

In addition the increase in public support to restrict smoking in public places, the state participated in national programs to improve tobacco cessation and tobacco control from 1986 - 1998. The implementation of the COMMIT study mobilized the Raleigh community to provided tobacco cessation resources for smokers who wanted to quit and in turn continued to create awareness about the dangers of smoking. The implementation of NC Project ASSIST built on impetus of the public support to restrict public smoking, smoking cessation and youth access to propel the tobacco control movement forward.

The industry's primary response was to work for state preemption of local smoking and sales restriction ordinances in North Carolina.<sup>263</sup> After the application and planning phase of ASSIST, the industry began to lobby the state Legislature for preemption, unsuccessfully in 1991 (*HB 149*), and then again successfully in 1993 (*HB 957*). The passing of *HB 957*, "the dirty air law", did not stop 89 of the 100 counties in North Carolina from adopting clean indoor air ordinances before the October 15, 1993 effective date. The tobacco industry backed lawsuits against the local boards of health to challenge the local boards of health authority to regulate public smoking.<sup>166</sup> When the court of appeals ruled in favor of the tobacco industry on December 3, 1996, it set a precedence that made the local board of health ordinances invalid, leaving state tobacco control advocates to re-strategize and focus on chipping away at preemption.

The 1995 University of North Carolina Chapel Hill, Summer Institute on Tobacco Control, sponsored by the Center for Disease Control provided state tobacco control advocates with the tools they needed to begin implementing the chipping away strategy one voluntary tobacco free policy at a time.



## Chapter 6: Early Tobacco Excise Taxes

- *Despite growing public support for increasing tobacco taxes during the 1980s, the North Carolina cigarette excise tax remained at two cents per pack for 22 years until 1991, when it increased to five cents per pack to generate revenue for the state in a time of fiscal crisis.*
- *The tobacco manufacturers and farmers successfully minimized the tobacco excise tax in North Carolina for more than three decades. They believed North Carolina played an important role in the national state tax debate.*

### 1969-1991: Early Tobacco Excise Taxes

At the same time that the early tobacco programs and local clean indoor air activity was taking place, the TI was working in the legislature to keep the cigarette and other tobacco products excises taxes low. Cigarette excise taxes reduce smoking prevalence,<sup>264-267</sup> long-term health consequences of tobacco use<sup>264</sup> and can provide sustainable funding for tobacco control programming.<sup>264, 268, 269</sup> Additionally taxing other tobacco products, such as chewing tobacco helps to prevent initiation of tobacco use. It is important to raise tobacco excise tax rates on all tobacco products to prevent switching to a lower taxed and lower priced tobacco product initiation.<sup>39</sup>

According to the *Charlotte Observer* tobacco was perceived as “king”<sup>270</sup> among North Carolina General Assembly Legislators, and proposing and voting for a cigarette excise tax was traditionally considered “political suicide”.<sup>139</sup> The tobacco industry encouraged tobacco allies and farmers to be militant in their efforts to prevent cigarette excise tax increases,<sup>133</sup> and, as a result, the North Carolina cigarette excise tax remained at two cents per pack for 22 years until 1991, when it increased to five cents per pack. In addition, a 2 percent of cost price excise tax on tobacco products other than cigarettes was initiated in 1991. In both years 1969 and 1991, the tax was used to generate revenue for the state in a time of fiscal crisis. During the 1969 increase, the state tobacco control advocates had not yet formed and 1991 the state tobacco control advocates were participating in the smoking restriction activities discussed above.

According to the *Charlotte Observer* tobacco was perceived as “king” among North Carolina General Assembly Legislators, and proposing and voting for a cigarette excise tax was traditionally considered “political suicide”.

### 1970-1990: Tobacco Industry Prevents Further Tax Increases for 20 Years

During a ten year period (1970 to 1980), no legislation to increase the cigarette excise tax in North Carolina was even introduced. While the North Carolina General Assembly (NCGA) meets every year, odd-number years are designated as long session years (nine-months) and even-numbered years are designated as short session years (three-months). During the even-numbered shorter session years, the legislature is limited to measures carried over from the regular long session, legislation involving fiscal notes or measures or recommendations from a taskforce. During odd numbered long session years, substantive legislation is introduced, while even numbered short session years are primarily budget years.<sup>29</sup> The odd and even year designation determines when cigarette tax legislation was introduced in the NCGA.



Although the North Carolina cigarette excise tax remained relatively low for years, there were a number of unsuccessful attempts to increase and repeal cigarette taxes throughout the 1980's, but the legislation was consistently referred to the respective Senate or House Finance Committee, never receiving a calendar date and dying with legislative session adjournment.

### 1981 Session

Legislative committee leadership has the authority to determine if proposed legislation will survive by deciding when and if proposed legislation will be heard and voted on in their respective committees.

The 1981-82 session of the NCGA is an example of how the House and Senate Finance Committee leadership exercised this authority. In 1981 alone, there were three Senate bills proposing to increase the cigarette excise tax: SB 547 sponsored by Sen. Lyons Gray (R, Winston-Salem) would have increased the excise tax from two cents to five cents per pack; SB 628 sponsored by Sen. Cecil Jenkins Jr. (D, Concord) would have increased the excise tax from two-cents to four-cents; and SB 651 sponsored by Sen. Helen Marvin (D, Gaston) would have increased the excise tax to five-cents per pack and allocated the revenue generated by the increase to health and social service programs.<sup>271</sup> Each bill was referred to the Senate Finance Committee and died with the adjournment of the legislature. State tobacco control advocates were not organized at the state level to support an increase in the excise tax at this point, and were primarily engaged at the local level to advocate for public smoking restrictions.

Although the North Carolina cigarette excise tax remained relatively low for years, there were a number of unsuccessful attempts to increase and repeal cigarette taxes throughout the 1980's, but the legislation was consistently referred to the respective Senate or House Finance Committee, never receiving a calendar date and dying with legislative session adjournment.

However, while individual senators proposed legislation to increase cigarette excises taxes in 1981, the Tobacco Institute lobbied for concurrent senate and house legislation that would have repealed the two cent excise tax and replaced it with a  $\frac{3}{4}$  cent manufacturers excise tax per pack in North Carolina, Kentucky, Virginia and Georgia. The  $\frac{3}{4}$  cent per pack excise tax to be levied on the manufacturers was proposed to be effective “upon passage of the same legislation in Kentucky, Virginia and Georgia;”<sup>271</sup> the companion SB 641, sponsored by Sen. Kenneth Royall Jr. (D, Durham) and HB 1160, sponsored by Rep. William Watkins (D, Grainville) died in the respective Finance Committees.<sup>271</sup> In addition to the companion bills, there was also HB 1593, sponsored by Rep. Gus Economos (D, Mecklenburg) that would have repealed the two cent tax and replaced it with a one-cent tax levied on manufacturers, and required a \$5 dollar manufacturer license fee for “the privilege of doing business in the state” this bill was tabled in the House Finance Committee.<sup>271</sup>

### 1985 Session

During the 1980s, there was a constant need to generate revenue for education in North Carolina. Public education is funded by state, not local property taxes and according to the *Winston-Salem Journal* “revenue was central to education in this state.”<sup>272</sup> During the 1985-86 legislative session Senator Dennis Winner (D, Buncombe) sponsored SB 431 to increase the retail

sales tax on cigarettes and other tobacco products (OTP) to 4.5 percent (or three-cent excise tax) and to allocate the proceeds to the Public School Capital Construction Fund.<sup>273, 274</sup> The bill never made it out of the Finance Committee.

### 1989 Session

In 1989, to bring public attention to the legislator behavior in the General Assembly, local newspapers began to criticize the legislators for being afraid to increase the cigarette excise tax. The editorials wanted an increase in the cigarette excise tax to support education and voiced their frustration through the editorials: "...they should grasp what courage they can and increase it for the benefit of education...before the companies come across with one of their twice-yearly price increases."<sup>139, 275</sup> The *Charlotte Observer* conducted a poll and found that two out of three North Carolinians felt taxes on gasoline and food were too high while taxes on alcohol and tobacco were too low.<sup>58</sup> Additionally the poll opinion surveys reported that North Carolinians preferred to raise the cigarette tax over food and gasoline and other essentials<sup>276</sup> like automobile registration.

The poll was a public opinion survey that was a part of the annual Observer Carolinas Poll conducted by the marketing research division of the *Charlotte Observer*. The poll was conducted during the legislative session and used as a tool to demonstrate support for the increase to the legislators. Although it is unclear what organization or who specifically was behind the questions included on the poll, the fact that proposed increase was to support teacher salaries suggests that the teachers unions or the State Board of Education was behind the grassroots movement. Also, this activity was taking place while state tobacco control advocates were primarily working at the local level on public smoking restrictions as discussed earlier in this report.

Responding to the public opinion, freshman Senator Fountain Odom (D, Mecklenburg) sponsored legislation (SB 1001) to increase the cigarette excise tax from two-cents to six-cents per pack.<sup>270</sup> Seconds after the first reading of the bill, Sen. R.C. Soles (D, Columbus) moved to table (a motion that cannot be debated) and to add a "clincher" (a parliamentary measure that requires a two-thirds vote to revive the bill) to the bill.<sup>270</sup> The motion to table passed by 36-6 and the clincher motion passed 33-9, sending "Sen. Odom a personal message" for not heeding the tobacco industry lobbyist who counseled<sup>277</sup> Odom not to introduce the legislation and reiterating that "tobacco is king".<sup>270</sup> Furthermore, Sen. Soles told reporters, "[h]e [Odom] came here a first year senator and made lots of noise on something he should have left alone to begin with."<sup>270</sup>

...local newspapers began to criticize the legislators for being afraid to increase the cigarette excise tax.

While the public in North Carolina wanted to increase cigarette taxes, according to the *Charlotte Observer*, "...the whole protect tobacco effort was symbolic",<sup>276</sup> among General Assembly legislators. The media exposed the inconsistent relationship the tobacco industry had with legislators in other tobacco growing states as the *Charlotte Observer* reported: "...in other tobacco producing states, South Carolina the tax is 7-cents, in Georgia 12-cents and Florida 24-cents...the tobacco industry commands slavish obedience from legislators in NC...."<sup>276</sup>

After defeating the cigarette tax increases in 1989, the tobacco industry collectively through the Tobacco Institute, individually through RJ Reynolds, and the North Carolina Growers Association, began to mobilize smokers in framing the cigarette tax increases as a smokers' rights issue and encouraged smokers in North Carolina to thank their representative for protecting their rights (Figure 12). The tobacco industry continued to frame tobacco control legislation, such as clean indoor air and cigarette excises taxes, as smokers' rights issues and created North Carolina smokers' rights groups<sup>197, 278</sup> after the 1989 legislative session.

Despite the increasing need and the demonstration of strong public support for a tobacco excise tax increase during the 1989 legislative session, both the tobacco industry and the state's top elected officials all framed a 1991 tax increase on tobacco as a regressive detriment to the state's economy.

### 1991 Successful Cigarette Tax Increase

Faced with a need to generate revenue for the state and the need to further convince state lawmakers that excises taxes need to be raised, at the conclusion of the 1990 short legislative session, the General Assembly Senate Finance Committee commissioned an interim study on all forms of taxation, including tobacco, to prepare a comprehensive tax package for the upcoming

1991 session.<sup>196</sup> The North Carolina Office of Budget and Management projected that the North Carolina General Fund would need an estimated "\$800 million dollars in new income to meet anticipated state needs,"<sup>196</sup> noting that the increase in need was due to the increase in, "Medicaid cost... and health benefits".<sup>196</sup>

**CHOICE**  
**ACTION ALERT**

**NORTH CAROLINA**  
July 1989

**SMOKERS SCORE BIG WIN IN N.C.** — The North Carolina Senate has come through with flying colors for smokers in the Tarheel State. A futile attempt to raise the excise tax on cigarettes was crushed overwhelmingly at the State Capitol.

It's important for smokers in North Carolina to show their appreciation to those state senators who stood up for smokers' rights. Here's what you can do to help.

Write a personal letter to the state senators in your area and thank them for voting no on new cigarette taxes. The state senators who supported smokers are listed below with their hometowns.

William Barker, New Bern	William Martin, Greensboro
Henson Barnes, Goldsboro	Wendell Murphy, Rose Hill
Marc Basnight, Manteo	David Parnell, Parkton
Franklin Block, Wilmington	Marshall Rauch, Gastonia
Howard Bryan, Statesville	Joe Raynor, Fayetteville
Robert Carpenter, Franklin	James Richardson, Charlotte
Betsy Cochrane, Advance	Kenneth Royall, Durham
Richard Conder, Rockingham	A.P. Sands, Reidsville
Leo Daughtry, Smithfield	Robert Shaw, Greensboro
George Daniel, Yanceyville	J.K. Sherron, Raleigh
A.D. Guy, Jacksonville	Paul Smith, Salisbury
William Goldston, Eden	R.C. Soles, Tabor City
Ollie Harris, Kings Mountain	James Speed, Louisburg
Ralph Hunt, Durham	William Staton, Sanford
Wanda Hunt, Pinehurst	Thomas Taft, Greenville
James Johnson, Concord	Lura Tally, Fayetteville
Ted Kaplan, Lewisville	Marvin Ward, Winston-Salem
Donald Kincaid, Lenoir	

The address for all State Senators is: State Capitol, Raleigh, NC 27611

WRITE LETTERS TO THE EDITOR OF YOUR LOCAL NEWSPAPER.  
SPEAK UP FOR YOUR RIGHTS!

© 1989 R.J. REYNOLDS TOBACCO COMPANY  
A Special Service of R.J. Reynolds Tobacco USA Vol. 3, No. 18

Figure 12: 1989 RJ Reynolds Newsletter<sup>7</sup>

Despite the increasing need and the demonstration of strong public support for a tobacco excise tax increase during the 1989 legislative session, both the tobacco industry and the state's top elected officials framed a 1991 tax increase on tobacco as a regressive detriment to the state's economy. The tobacco industry reminded legislators that roughly 100,000 North Carolina workers either grow, manufacture and/or market tobacco.<sup>279</sup> While top elected officials Governor Jim Martin (R, 1985-1983), Lt Gov.

Jim Gardner (R, 1989-1993), and state Commissioner of Agriculture Jim Graham (D, 1964-2001) promised the North Carolina Tobacco Growers Association that they opposed any cigarette excises tax increases because it might have a negative impact on the state's economy.<sup>280</sup>

"When you grow the golden weed, you're raising more than just a weed...you're raising churches, you're raising schools...ain't nothing wrong with tobacco. It's an eternal right for people to have that choice."

Graham commented in the *Charlotte Observer*:

[W]hen you grow the golden weed, you're raising more than just a weed...you're raising churches, you're raising schools...ain't nothing wrong with tobacco. It's an eternal right for people to have that choice.<sup>280</sup>

Regardless of the influential opposition, at the convening of the 1991 NCGA legislative session, five legislators introduced bills that would increase tobacco taxes<sup>275</sup> and the local media reported, "for the first time in more than two decades, it looks as though tobacco taxes will at least get a hearing, if not legislative approval".<sup>275</sup>

In 1991, the North Carolina Medical Society (NCMS) led the state tobacco control advocates efforts to support a tobacco excise tax increase by unanimously passing a resolution initiated by state tobacco control advocate and member Dr. Adam Goldstein to support an increase in the state excise tax on tobacco products and used earned media, such as media editorials to promote the position of the society.<sup>62</sup> In a 1991 *Greensboro News and Record* editorial, NCMS member and tobacco control advocate, Dr. W. Spencer Tilley Jr. advocated for the tobacco tax increase and countered the tobacco industry use of smoker's rights regressive tax argument to oppose the increase by pointing out:

[A]t 21.7 cents per gallon, North Carolina has the highest gasoline tax in the nation. At 2 cents per pack, the state had the country's lowest cigarette tax. It is absurd to overtax something so essential to life as gasoline, while allowing something as obnoxious and harmful as cigarettes to enjoy a free ride. Taxing cigarettes will in no way adversely affected the sale of the product.<sup>281</sup>

"At 21.7 cents per gallon, North Carolina has the highest gasoline tax in the nation. At 2 cents per pack the state has the county's lowest cigarette tax. It is absurd to overtax something so essential to life as gasoline, while allowing something as obnoxious and harmful as cigarettes to enjoy a free ride. Taxing cigarettes will in no way adversely affected the sale of the product."

Four out of the five bills proposed to increase the cigarette excise tax were referred to the respective House and Senate Finance Committees. One (HB 1286, sponsored by Margaret Stamey, D) of the five bills was referred to the House Select Committee on Courts because it proposed a referendum to let

the voters decide if the cigarette tax should be raised from two cents to twelve cents per pack to support education;<sup>282</sup> the bill never received a calendar date or made it out of committee. The remaining proposed increases ranged from five cents to twelve cents per pack.<sup>283-286</sup> Senate Bill 1009, sponsored by Sen. Dennis Winner, was the only bill to make it out of the finance committee, because it was a comprehensive tax package that included technical and

administrative changes to the license and excise tax laws, which ultimately raised the cigarette excise tax from two cents to five cents per pack, and initiated a 2 percent of the cost price on other tobacco products.

Additionally, minimal licensing fees of \$25 for wholesale cigarette distributors and \$10 for retail distributors of tobacco products other than cigarettes were not adopted until 1991. In 1992, legislation was adopted to require retail dealers and wholesale dealers of tobacco products other than cigarettes to obtain a license for each place of business. No additional licensing legislation was adopted after 1992. As of 2011, North Carolina did not require retailers to obtain a license or permit to sell tobacco.

### **Tobacco Industry Minimizes the 1991 Cigarette Tax Increase**

Being aware of the state's increasing need to generate revenue, the Tobacco Institute and their lobbyist Roger Bone began devising the *North Carolina Plan for Defeating Tax Increases* to combat cigarette tax increases in North Carolina in 1990 to use during the 1991 legislative session.<sup>196</sup> The search for, and the need to identify, new sources for tax revenue in 1991 alarmed the industry because they believed "North Carolina played an important role on the National state tax picture".<sup>196</sup> Additionally, the timing of the North Carolina budget development coincided with the time period that the tobacco industry wanted to get preemptive clean indoor air legislation adopted in North Carolina and other states throughout the nation.<sup>196</sup> The Tobacco Institute (TI) wanted to use the cigarette tax increase as leverage to pass strong preemptive legislation that included smokers' rights accommodation, stating in the *North Carolina Plan for Defeating Tax Increases* "...the end result of no taxes or low taxes in North Carolina along with strong preemptive legislation can be achieved if the proper timing is obtained."<sup>196</sup>

Roger Bone, TI lobbyist, handled the execution of the strategic plan,<sup>196</sup> which involved coordination of efforts among RJ Reynolds, Phillip Morris and TI, the mobilization of tobacco "friends"<sup>278</sup> (tobacco growers, agribusiness and industry personnel), in addition to groups that would "appear to be at philosophical odds with the tobacco industry," such as minority groups,<sup>278</sup> to create a coalition to advocate against cigarette tax increases during the 1991 legislative session in North Carolina.<sup>196</sup> The tobacco industry developed the *Employment and Revenue Effects of Select Increases in the State Excise Tax on Cigarettes* to generate talking points for North Carolina which included: "...the tobacco industry creates 257,100 tobacco-related jobs in the state and smokers already pay \$170.8 million in extra state and federal taxes because they smoke..."<sup>287</sup> to give the necessary information they felt would help the coalition forcefully respond to the cigarette tax increase threat<sup>196</sup> and to disseminate their anti-cigarette tax message.

The industry credited these efforts with containing the increase in cigarette excise tax to only three cents,<sup>75</sup> and viewed this as a victory.<sup>130</sup> In his 1991 legislative report to the Tobacco Institute, Bone reported, "It is my opinion that the tobacco industry was extremely fortunate to escape from this legislative session with a minimum three cents excise tax increase...in the conference committee, the Senate held firm to their three cents tax position...I have been told by fellow lobbyists, the comptroller of the state of North Carolina and numerous business interests that the industry should be proud of the work done in this

"... the tobacco industry was extremely fortunate to escape from this legislative session with a minimum three cents excise tax increase"

General Assembly to avoid taxes at a rate greater than three cents”<sup>130</sup> Bone was probably trying to save his job with the Tobacco Institute with this report, because during the same 1991 legislative session, the industry was accused of back door politics in an unexpected media backlash when they tried to include preemptive legislation in a bill after the budget. The bill was unrelated to tobacco and dealt with education remediation as discussed earlier in the report.<sup>130</sup>

With a compromised cigarette tax increase in 1991 and tobacco control advocates beginning to initiate ASSIST activities that mobilized communities around youth access and clean indoor air, the threat to the industry of a cigarette tax increase in North Carolina did not come up again until 2001.

## **Conclusion**

Despite attempts to raise the tobacco excise tax in North Carolina throughout the 1980s, the cigarette excise tax remained at two cents per pack, for 22 years until 1991 when it increased to five cents per pack. The tobacco industry lobbied to keep the tobacco excise tax low in North Carolina, by continuously reminding state legislators about the economic importance of tobacco to the state. The tobacco industry also wanted to keep tobacco excises taxes low in North Carolina because they believed that the tobacco growing state set precedence for the other states in the nation.

While there was little support in the General Assembly to raise the tax on tobacco, the public support to raise the excise tax continued to grow throughout the late 1980s. Throughout the 1980s and 1990s the state need to generate revenue continued to increase. By 1991, the state needed to generate \$800 million dollars in new income to meet anticipated state needs and noted that the increase in need was due to the increase in Medicaid cost and health benefits.<sup>196</sup>

State tobacco control advocates took a less active role in advocating for tobacco excise tax increases throughout the 1980s and 1990s. However in 1991, the North Carolina Medical Society began to support an increase in the excise tax. The North Carolina Medical Society (NCMS) led the state tobacco control advocates efforts to support a tobacco excise tax increase by unanimously passing a resolution to support an increase in the state excise tax on tobacco products and used earned media, such as media editorials to promote the position of the society.

Even with the strong public support and support from state tobacco control advocates, the tobacco industry was able to minimize the 1991 increase to 3 cents per pack and viewed the minimal increase as a victory.



## Chapter 7: Youth Access

- *Preventing youth access to tobacco and tobacco use was a cornerstone of tobacco control policy and programming in North Carolina on the grounds that even tobacco farmers did not want their children to smoke.*
- *The tobacco industry lobbied to include the word “knowingly” in the 1995 youth access legislation, which made it impossible to enforce.*
- *State tobacco control advocates built grassroots support to strengthen the law and removed the word “knowingly” in 1997.*

### 1991-1998: Response to the Synar Amendment

Advocacy for prevention of tobacco use among youth was a cornerstone for tobacco control in North Carolina. During the 1991 planning phase of the NC Project ASSIST, the ASSIST statewide coalition identified youth as socially acceptable spokespersons in North Carolina to create awareness and promote tobacco prevention and cessation, and to continue to chip away at the longstanding pro-tobacco environment.

Advocacy for prevention of tobacco use among youth was a cornerstone for tobacco control in North Carolina.

Additionally, the 1992 Section 1926 of the ADAMHA Reorganization Act commonly referred to as the Synar Amendment, synergistically worked along with youth being considered acceptable spokespersons for tobacco control. The Synar Amendment was administered through the federal Substance Abuse Prevention and Treatment (SAPT) Block Grant Program and required states to conduct specific activities to reduce youth access to tobacco products, which included keeping the violation of youth access laws under 20 percent. These activities were expected to “enforce the youth access law in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under the age of 18.” Failure to comply with the requirements of the federal Synar Amendment could result in a 40 percent non-compliance penalty, amounting to more than a \$13 million reduction in North Carolina’s SAPT Block Grant.

NC Project ASSIST youth tobacco use and prevention activities also benefited tremendously from tobacco prevention programs that were taking place at the same time such as the TAC “Smoke-Free Class of 2000” project. In 1993 NC ASSIST partnered with the TAC project to bring Keisha Knight-Pullman (the Smoke-free Class of 2000, class president and child-actor star of the *Cosby Show*) to the North Carolina Smoke-Free Class of 2000 graduation celebration.<sup>166</sup>

In 1994, NC Project ASSIST organized a nine-community, 900 store and 110 vending machine (randomly selected) youth tobacco buying operation, where youth aged 11-17 years old were able to buy tobacco products in over 50 percent of stores and virtually 100 percent of all vending machines.<sup>166</sup> This strategic intervention received extensive media coverage<sup>166</sup> and increased community mobilization around youth tobacco prevention and access, and as a result youth tobacco buy rates decreased from 51 percent in 1994 to 20.8 percent in 2000 and to 14.8 percent by 2004.<sup>9</sup>

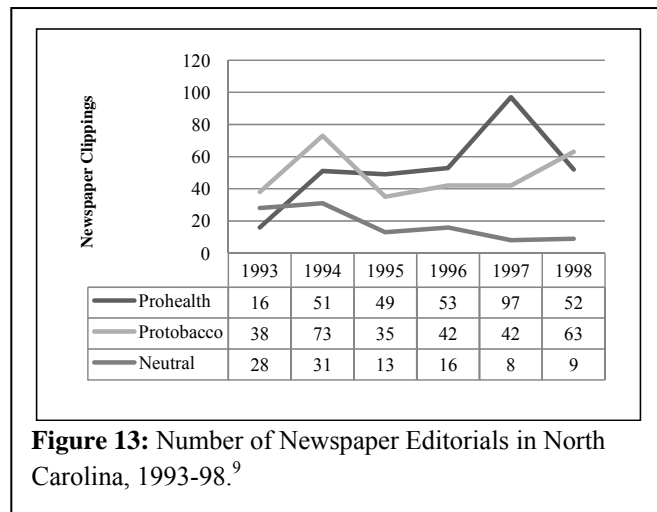


In 1994, NC Project ASSIST organized a nine community...youth tobacco buying operation, where youth ... were able to buy tobacco products in over 50 percent of stores and virtually 100 percent of all vending machines.

NC Project ASSIST strategically used the media coverage around the youth buying operations to increase and continue the appearance of reports about the dangers of cigarette smoking with a sobering regularity.<sup>210</sup> Additionally, the fact the funding for NC ASSIST came from NCI and ACS seemed to be very important to the media and others in the community.<sup>166</sup> In a 1994 survey of 444 state

legislators' from North Carolina (n=145), Texas (n=170), and Vermont (n=129), Gottlieb et al. found that showing strong public approval for limiting the access of minors to tobacco products and having visible support from constituents for enforcement in their communities, were important factors in predicting legislators' votes in favor youth access legislation.<sup>288</sup>

The increase in community support for tobacco control, as a result of ASSIST media advocacy, was evident in the increase in pro-health tobacco control editorial opinions. At the inception of ASSIST in 1991, the media covered tobacco as a business issue more so than a health issue, however pro-health editorials began to increase after 1993 and even exceeded the number of pro-tobacco editorials from 1995 through 1998 when Project ASSIST ended.<sup>9</sup> In a 2010 interview, Ann Houston Staples (Director of Public Education and Communication in the NC Tobacco Prevention and Control Branch), who began working as a NC Project ASSIST program staff member in 1992, recalled, "I told Sally, I would like to see support for tobacco control to go up and support for the tobacco industry to go down over time, just tracking editorials and newspapers only. And we actually ended up creating a graph that looked exactly how I pictured it in my mind"<sup>289</sup>(Figure 13).



**Figure 13:** Number of Newspaper Editorials in North Carolina, 1993-98.<sup>9</sup>

While state tobacco control advocates were working to prevent tobacco use among youth, the Tobacco Institute (TI) was using the Synar Amendment as an opportunity to lobbying the General Assembly to pass weak youth access legislation.

While state tobacco control advocates were working to prevent tobacco use among youth, the Tobacco Institute (TI) was using the Synar Amendment as an opportunity to lobbying the General Assembly to pass weak youth access legislation. As a result of TI industry manipulation of the Federal Synar Amendment the General Assembly began working to pass youth access during the 1995 legislative session. The House and companion Senate bills were primarily sponsored by Representative William Brawley (R, Matthews, TTICC \$150) and Senator R.C. Soles (D, Tabor, 18, TTICC

\$4,700, Policy Score 4.8).

The legislation was lobbied for by the tobacco industry and the North Carolina Retail Merchants Association as a result of the community mobilization impact of youth buying operations that were facilitated by NC Project ASSIST. The tobacco industry lobbied to include the language “knowingly” which made it impossible to enforce the youth access laws in 1995. By including the word knowingly the state law prohibited “knowingly” selling tobacco to youths under 18. The word “knowingly” gave any person who was in violation of selling tobacco products to minors way out because they could argue that they did not “know” the product was for a minor. In addition retailers argued it was unfair to penalize them for doing something that they didn’t know they were doing, and that it was hard to ask to see someone’s identification because it is confrontational.<sup>290</sup>

As enacted the legislation prohibited persons from knowingly distributing tobacco products to minors, and prohibited unauthorized persons from enlisting minors to participate in sting operations to test compliance. Under HB 766, only the police or local sheriff’s departments could use minors to test compliance. In addition to these setbacks, the legislation also included a provision that allowed minors to purchase tobacco products if they were under direction of an adult family member. While this legislation did create a barrier for the ASSIST youth tobacco buying sting operations, the NC Project ASSIST was still able to use the data collected in 1994 to maintain a continued awareness about the need for enforceable youth access legislation.

The state tobacco control advocates were working to fight this flawed legislation to prevent youth access during the same legislative session. The Tri Agency Council led the efforts to support HB 864,<sup>291</sup> a bill sponsored by Representative Russell Capps (R, Raleigh, TTICC \$1,000), to prohibit vending machine sales of tobacco products to minors. However the legislation was assigned to the House Judiciary II Committee, where it died with the adjournment of the session without a hearing. In addition to the vending machine legislation, tobacco control advocates also supported SB 1037<sup>292</sup> sponsored by Senator Wib Gulley (D, Durham, TTICC \$1,000). As drafted, the legislation countered HB 766 by prohibiting the sale and distribution of tobacco products to minors, required the placement of conspicuous signs stating the prohibition of minors purchasing tobacco products, and graduated fines for violations. The bill, however, was also referred to the Senate Judiciary 2 committee, where it also died with adjournment without a hearing.

The word “knowingly” made it impossible for youth access law to be enforced in North Carolina. Between 1991 and 1997, the youth tobacco use rate had increased by 40 percent among middle school and high school students,<sup>293</sup> and youth sting buying operations administered by the North Carolina Department of Human Resources revealed that youth were still able to illegally purchase tobacco products 50 percent of the time.<sup>290</sup>

The word “knowingly” made it impossible for youth access law to be enforced in North Carolina.

Tobacco control advocates continued to build support for making the youth access law enforceable and formed an ad hoc advocacy coalition called North Carolinians for Tobacco Free Kids. The coalition, chaired by New Hanover County Health Director Bob Parker, organized grassroots support by gathering signatures from more than 130 North Carolina civic, health and

parent groups,<sup>290</sup> and by creating awareness through earned media of the unenforceable youth access law and the increasing youth tobacco use rates. The alarming rates garnered support for an enforceable law from AG Mike Easley.<sup>290, 294</sup> In a 1997, Charlotte Observer article, Attorney General Mike Easley stated:

[I]t's impossible to enforce...people in North Carolina don't want kids smoking...this is one of those issues that everybody agrees on, but we haven't focused on properly...I feel an obligation to come up with a state standard that is more effective...instead of waiting for the FDA regulations, we ought to do what is right now.<sup>290</sup>

The alarming rates garnered support for an enforceable law from AG Mike Easley.

Attorney General Easley even talked with the tobacco industry to get support for strengthening the youth access law. In the same 1997 article, Easley stated that “[Y]ou have to have support of the tobacco companies because they have strong lobbies in every state

in the nation...you've got to get those companies on board, and they know this has to be done”.<sup>290</sup>

Finally, with the increased support to strengthen the youth access law by making it enforceable, Representative Gene Arnold (R, Wilson, TTICC \$1350) primarily sponsored HB 328 and Senators Rand (D, Fayetteville, TTICC \$13,500, Policy Score 9.4) and Hartsell (R, Concord, TTICC \$8,700, Policy Score 7.6) primarily sponsored the companion legislation SB 143 during the 1997 legislative session. The grassroots support that the state tobacco control advocates mobilized help the stronger youth access legislation to pass with little to no documented opposition. The legislation was signed on August 28, 1997 and became effective

The law strengthened youth access prevention by removing the word “knowingly” from sales and distribution language of the law. However the provisions in the law that required photo ID checks for anyone under age 18 years of age and store managers to post signs regarding the law on tobacco sales to minors .... The industry supported these provisions because it was in-line with their corporate responsibility “We Card” campaign that underhandedly made smoking more desirable by youth.

within 93 days on December 1, 1997. The law strengthened youth access prevention by removing the word “knowingly” from sales and distribution language of the law. However the provisions in the law that required photo ID checks for anyone under age 18 years of age and store managers to post signs regarding the law on tobacco sales to minors, and the provision that prohibited vending machine sales outside of adult-only establishments or only in establishments that provide continuous control in order to activate the machine

prior to purchase, where provisions that the tobacco industry supported. The industry supported the last provisions because it was consistent with their corporate responsibility “We Card” campaign that promoted policies that were not effective at reducing the prevalence of youth tobacco use.<sup>295-297</sup> Penalties for violating the stronger youth access law provisions included fines \$25 (and \$75 for succeeding violations) for not posting signs and a Class 2 misdemeanor for persons found guilty of selling tobacco products to minors.

During that same year, Governor Jim Hunt signed Executive Order 123 designating the NC Division of Alcohol Law Enforcement (ALE) as the lead agency to implement model merchant education and enforcement of the State's youth access law. While ALE was the designated lead enforcement agency, they did work collaboratively with the State Department of Health and Human Services, Tobacco Prevention and Control Branch. Since the implementation of the stronger access law, along with the combined enforcement and educational efforts have resulted in a reduction of the rate at which minors could purchase tobacco products from 45 percent in 1997 to 20 percent in 2000, and 18 percent in 2001.

In 2000, ALE's federal FDA contract that funded enforcement activities was eliminated due to the US Supreme Court decision holding the FDA had no authority to regulate nicotine, or sales and promotion of tobacco products to minors. The Substance Abuse Services Section provided a limited, one-year only, budget transfer to ALE to cover tobacco enforcement and education during fiscal year 2000-2001.

The State Tobacco Prevention and Control Branch, Vision 2010 plan, discussed later in this report, identified, and included active enforcement and education as an effective and proven strategy to reduce youth access to tobacco products. However, the gaps in manpower and funding for active statewide enforcement threatened the state's ability to continue to comply with the Synar Amendment. Resources were needed to develop and sustain a statewide enforcement and merchant education program.

In fiscal year 2002-2003 the HWTF began providing the ALE \$500,000 a year to provide merchant education and enforcement of the state's youth access law as a part of the youth component of the Vision 2010 submitted by the Vision 2010 Coalition. As a deliverable of this grant funding, ALE developed the Red Flag Tobacco Enforcement Campaign. The Red Flag campaign augmented law enforcement efforts on tobacco sales by publicizing North Carolina's color-coded driver's license format (for e.g. red on the license means the holder is underage) and helps retail employees stop the purchase of alcohol and tobacco products by underage persons. In 2008, the most recent available data showed that the Synar violation rate for the state was down to 11.5 percent and in concordance with the national average.<sup>298</sup>

## **Conclusion**

State tobacco control advocates were effective in using youth as a socially acceptable medium to advocate for tobacco control in the tobacco growing state. The sentiment of not wanting youth to smoke cigarettes was shared by all North Carolinians, including state elected officials and tobacco farmers alike. Knowing this state tobacco control advocates used the alarming youth tobacco youth rates and accessibility to tobacco as agents for change, to successfully strengthen the youth access law by removing the word "knowingly" and to make the enforceable and limiting youth access to tobacco.



## Chapter 8: The Master Settlement Agreement

- *North Carolina was one of the last four states to sign on to the Master Settlement Agreement in 1998.*
- *State Attorney General Michael Easley played a major role in the national negotiation of the national Master Settlement Agreement even before he filed suit on behalf of North Carolina.*
- *In 1999, Easley advocated for the General Assembly to split the state MSA money between tobacco dependent communities and public health programming. However three quarters of the state MSA went to tobacco dependent communities while only 25 percent went to health programs. In addition to the MSA allotment, tobacco farmers received payments from the Phase II agreement made between tobacco manufactures and farmers to compensate for their loss in income.*
- *State tobacco control advocates supportive the compromise with tobacco dependent communities receiving a larger proportion and tobacco-related health programs receiving a smaller proportion of the state MSA money.*

### 1998: North Carolina signs the Master Settlement Agreement

In 1994, the Attorneys General of Mississippi and Minnesota, followed shortly by Florida and Texas, sued the four major tobacco companies (Brown & Williamson, Lorillard, Philip Morris, and RJR) to recoup costs incurred by their states' Medicaid programs as the result of tobacco-related illnesses and to change tobacco industry practices, particularly regarding industry targeting of youth. Massachusetts, West Virginia and many other states followed, and by the end of 1998, 46 additional states, all but Virginia, Kentucky, North Carolina, and Tennessee, had filed suits against the industry,<sup>299, 300</sup> leading to the 46 state Master Settlement Agreement. The Agreement also gave the states a 30-day window of opportunity to sign on to the multi-state settlement by December 22, 1998. North Carolina signed on to the Master Settlement Agreement in the eleventh hour on December 21, 1998 at 12:59 PM, just 24 hours before the deadline. The settlement produced a framework for tobacco industry payments to states in perpetuity (totaling more than \$200 billion through 2025) in addition restricting targeted youth industry promotion in exchange for states dropping current and any future lawsuits for health care costs related to tobacco-induced disease.<sup>301</sup>

North Carolina filed suit in the Master Settlement Agreement during the eleventh hour on December 21, 1998 at 12:59 PM, just 24 hours before the deadline.

The Master Settlement Agreement came on the heels of the failed Global Settlement Agreement of 1997. On June 20, 1997, a group of attorneys general, private lawyers, and public health advocates announced a global settlement that was designed to resolve litigation by the states and private parties against the tobacco industry.<sup>302</sup> In the global settlement, the tobacco industry agreed to accept federal regulation of marketing and advertising, FDA jurisdiction over tobacco products, and funding for tobacco control education, in exchange for relief from punitive damages in all related litigation and capped annual litigation payments.<sup>302</sup> The global settlement agreement fell apart when the Republican Senator John McCain sponsored implementing legislation, required to give the tobacco industry tort immunity,<sup>302</sup> was defeated in April 1998, six months before the MSA was reached in November 1998.<sup>303</sup>

Interestingly, in the latter months of 1996, before any settlement agreements had been reached, Steven F. Goldstone, chief executive of RJR Nabisco Corporation, and North Carolina Governor James Hunt (D, 1997-1985; 1993-2001, TTICC \$11,750) worked together to identify an emissary to the Clinton Administration to begin settlement talks.<sup>304</sup> Together, Governor Hunt and Mr. Goldstone identified J. Phil Carlton, a former N.C. Supreme Court Justice, and longtime friend and political ally of Governor Hunt. Interestingly in 1994 Carlton pled guilty to political espionage and received six months probation and a \$5,000 fine. Carlton violated Federal wiretapping regulations in connection with his role in a scandal where telephone scanners were used to gather intelligence information which turned out to be innocuous, for a political advantage over Hunt's opponent, James Gardner (R) in the 1992 gubernatorial campaign.<sup>304</sup> Mr. Carlton became the lead counsel and negotiator for the big four tobacco companies' (Philip Morris, RJR, Lorillard and Brown and Williamson which together represented 97.5 percent of the manufacturing industry). His leadership was pivotal in accelerating the talks between the tobacco manufactures, regulators, and public health advocates in reaching first, the failed Global Settlement Agreement, and then the historic Master Settlement Agreement.

Michael Easley, Attorney General at the time (D, 1996-2008 total tobacco-related campaign contributions \$100,100), played an active role in the formation of both the Global Settlement Agreement and the Master Settlement Agreement, even before North Carolina signed on to the multi-state settlement,<sup>126, 127</sup> while at the same time advising the North Carolina Legislature to repeal the tobacco industry-backed<sup>252</sup> 1995 North Carolina General Statute Medicaid Amendment. Easley needed the General Assembly to repeal this Amendment in order for North Carolina to join the suit with the other 45 states against the tobacco manufacturers to acquire a portion of the Master Settlement Agreement money. This Amendment was a part of the tobacco industry's national efforts in the early 1990's to work with state legislatures throughout the U.S.<sup>243, 244</sup> and change several legal requirements of product liability lawsuits for favorable legislation that protected the tobacco industry from legal risk and litigation cost.<sup>254</sup>

The Amendment prevented the Attorney General from suing the industry for liability of smoking related to Medicaid claims<sup>255</sup> by expressly stating that "[t]here shall be no strict liability in tort in product liability actions"<sup>256</sup> and capping punitive damage award at \$250,000 in North Carolina.<sup>252, 257</sup> The industry wanted to use this legislation as a model to continue lobbying tort reform in other states, and, in a 1995 TI document, TI pointed out "these bills should ensure that North Carolina's legal environment will remain favorable to business, and will provide important models for other states that consider much-needed reform provisions such as caps on punitive damages".<sup>252</sup>

In a letter dated May 14, 1997 and hand-delivered to the 1997 NCGA President Pro Tem Sen. Marc Basnight (D, Manteo, TTICC \$42,000, Policy Score 9.2) and Speaker of the House Rep. Harold Brubaker (R, Asheboro, total tobacco related contributions \$11,300, Policy Score 0.8), Attorney General Easley informed the NCGA leadership that "...[I]f the (Master Settlement Agreement) negotiations should stall or we fail to get consensus on national legislation, then it is imperative that North Carolina be able to proceed to file an action to recover of state Medicaid expenditures judicially";<sup>255, 305</sup> however, no legislative action was taken during the 1997 NCGA legislative session.<sup>306</sup>

Being the son of a tobacco farmer, Attorney General Easley had a vested interest in protecting the tobacco farmer and bringing millions into the state which Durham *Herald Sun*

newspaper described as “guiding a slow and controlled death of the tobacco farmer.”<sup>300</sup> Additionally, Easley was credited by local media as being a conduit between a waning tobacco economy and the future of North Carolina with its burgeoning urban areas, swelling retirement communities and tech-heavy research centers.<sup>300</sup>

Although Easley was blocked by state law from suing the tobacco companies for Medicaid losses,<sup>300</sup> he crafted a lawsuit under the states’ antitrust and consumer protection laws<sup>307</sup> against the industry that alleged unfair and deceptive trade practices and included some “[c]reative claims,” as described by Easley.<sup>127</sup> There were no documented consequences of Easley going around the General Assembly by suing the tobacco industry in the Master Settlement Agreement on the grounds of antitrust and consumer protection rather than Medicaid losses. In fact, Easley received kudos for his role in the Master Settlement Agreement from both the tobacco industry and the General Assembly, which

ultimately increased his political capital in the state.<sup>308</sup> At the end of the settlement process, Easley had secured nearly \$5 billion for North Carolina and successfully navigated the politically perilous world of tobacco and North Carolina public policy, including demanding and winning protection for tobacco farmers.<sup>300</sup>

After “[p]rotecting his state’s legal rights” by suing the tobacco industry, Attorney General Easley advocated on behalf of the industry by joining in their 2000 suit trying to stop the American Legacy Foundation *Truth* ads and stating that “[I] have a grave concern that elements of the foundation's 'The Truth Campaign' violate the terms(of the agreement) and will be treated by the industry as a breach of our agreement" in a letter to Washington State Attorney General Christine Gregoire, who at the time chaired the American Legacy Foundation (ALF) board at that time.<sup>309</sup>

Attorney General Easley was elected Governor of North Carolina in 2001. During Easley’s gubernatorial campaign, he was criticized in the local media and by gubernatorial opponents for receiving campaign contributions from of the both sides in the Master Settlement Agreement.<sup>310</sup> For example, Easley was seen as one of the major negotiators in the Master Settlement Agreement by lawyers in other states and received more than \$60,000 in campaign contributions in the 2000 gubernatorial election from out-of-state lawyers who sued tobacco companies and received hefty fees as a part of the national settlement.<sup>310</sup> Additionally, Easley also received over \$40,000 in campaign contributions from tobacco company executives and lawyers during the 2000 gubernatorial election as well.<sup>310</sup>

### **1999: Allocation of the Tobacco Master Settlement Agreement Funds**

Attorney General Easley filed a complaint against the tobacco industry at 12:59 PM on December 21, 1998 to sign North Carolina on to the Master Settlement Agreement in the 11th hour.<sup>311</sup> On the same day at 2:09 PM, Easley along with the tobacco industry filed a consent decree that had been signed by Wake County Superior Judge Donald Stephens.<sup>312</sup> It appeared



It appeared that Easley wanted to use the consent decree to dictate to the General Assembly that the tobacco farmers and tobacco dependent communities in North Carolina would receive 50 percent of the states Master Settlement Agreement monies, and that the tobacco industry was in agreement with the decree because it diverted money from the tobacco prevention intent of the MSA.

that Easley wanted to use the consent decree to dictate to the General Assembly that the tobacco farmers and tobacco dependent communities in North Carolina would receive 50 percent of the states Master Settlement Agreement monies, and that the tobacco industry was in agreement with the decree because it diverted money from the tobacco prevention intent of the MSA. Additionally, Easley could potentially use the court order as a measure to protect the funds in the foundation from being diverted to other state needs because

the foundation and set allocation were formed as a result of a court order.<sup>313</sup> No other interest affected by the MSA, such as health interest, had anything to do with the consent decree, which appeared to be settled in private without public comment between Easley, the tobacco industry lawyers and the judge who signed the decree.<sup>311</sup>

The consent decree gave the General Assembly until March 15, 1999, just 48 calendar days after convening on January 25, 1999, to set up a foundation, governed by a board of political appointees, to receive half of the state's settlement money to help tobacco farmers and tobacco dependent communities. If the General Assembly did not set up the foundation outlined in the Consent Decree, then the MSA funds would go into the state general fund controlled by the legislature. Other than the political subversion of 50 percent allocation of MSA funds into a foundation, the consent decree only included vague standards for the foundation, and did not include a proposed appropriation for the remaining 50 percent of the MSA funds.<sup>312</sup>

The General Assembly set up both a Senate and a House Select Committee on Tobacco Settlement Issues. On January 28, 1999, Senator Tony Rand (D, Fayetteville, TTICC \$13,500, Policy Score 9.4) introduced SB 6 to establish the foundation set forth in the Consent Decree. While the Senate voted to pass SB 6 (34-14), on February 8, 1999, the fight was only beginning. Tobacco farmers, state tobacco control and health advocates, as well as a group of taxpayers and state employees who were represented by Eugene Boyce, an attorney from Raleigh, each argued their interest and case on how the money should be used.

Tobacco farmers were not seeking to receive a greater portion of the MSA they wanted direct payments and objected to the control of the 50 percent of MSA funds to help tobacco dependent communities by political appointees, and organized a tractorcade in protest at the Legislative building that involved 500 tractors.<sup>314</sup> This activity was similar to the tractorcade led by the state Commissioner of Agriculture Steve Troxler (R, 2004, TTICC \$37,754) in 1993 in Guilford County as discussed earlier in this report. The tobacco farmers felt that the bill was too vague on paying off their loans and that the foundation, as outlined in SB 6, would be nothing more than a slush-fund for political leaders, arguing that the political leaders could not be trusted not to tamper with the foundation or load the foundation board with cronies.<sup>314</sup> However the foundation was never intended to pay off tobacco farmer loans through direct payment to tobacco farmers; its purpose was to assist tobacco farmers and dependent communities in other profitable crop and commodity diversification. Instead, the tobacco farmers wanted the 50

“We’re not trying to take anything away from the people of the state or the health people...they can tap into the foundation.”

health people...they can tap into the foundation”.<sup>315</sup>

percent allocated to help tobacco communities to be paid to farmers in direct payments.<sup>315</sup> In a *Winston-Salem Journal* article, Dale Lucas, a tobacco farmer who helped organize the tractorcade, stated that “[W]e’re not trying to take anything away from the people of the state or the

State tobacco control and health advocates established the Coalition for a Health Trust Fund, which was chaired by Peg O’Connell. Peg O’Connell chaired NC Prevention Partners, and helped bring all partners together to gain consensus on the broad brush charge for MSA funding related to health. This coalition later laid the groundwork for the creation of the NC Alliance for Health, described later in this report.<sup>316</sup>

State leaders such as Governor Hunt and Attorney General Easley were supportive of a 50-50 split of the MSA between public health and tobacco dependent communities.<sup>317</sup> The public health campaign also received momentum when Attorney General Easley publicly stated in the *Charlotte Observer*:

[H]alf of the (settlement) money should go for public health...public health groups are wise to push their interest aggressively...those legislators are going to get pushed and pulled by anybody who’s ever looked for any kind of money for any particular purpose.

State tobacco control advocates were also supportive of splitting the MSA between public health and tobacco dependent communities as well. In a 1999 *News and Observer* editorial, state tobacco control advocate Dr. Adam Goldstein agreed:

[F]unds to help tobacco-dependent communities lessen their institutional addiction to tobacco are reasonable...however state officials must use an equal or greater amount of funds from the Master Settlement to reduce tobacco use among children, to promote protection of environmental tobacco smoke exposure, to assist smokers in quitting smoking, and to develop strong statewide community organizations that are working on reducing the medical toll of tobacco use.<sup>318</sup>

In addition, the legislation to allocate the MSA funds came on the heels of the previous 1997 long session youth access enforcement success that state tobacco control advocates, organized by ASSIST activities, had fought for as discussed earlier. State tobacco control advocates continued to build on the impetus achieved from the youth access enforcement and the alarming youth tobacco use rates to educate legislators and advocate for MSA funding for tobacco prevention. In 1999, the Tobacco Prevention and Control Branch in collaboration with Department of Public Instruction administered the first Youth Tobacco Survey (YTS) to assess tobacco use among the states middle and high school students. The YTS results concluded that 18.4 percent of middle school and 38.3 percent of high school

“Funds to help tobacco-dependent communities lessen their institutional addiction to tobacco are reasonable ...however state officials must use an equal or greater amount of funds from the Master Settlement ... on reducing the medical toll of tobacco use.”

students in the state used tobacco products. The state tobacco control advocates used these results to further advocate for 50 percent of the MSA funds.<sup>319</sup>

Additionally, state advocates tapped into the grassroots network established by ASSIST to engage in grassroots media advocacy by writing newspaper editorials to receive earned media. In the *Winston-Salem Journal*, Deborah Bryan, State Program and Government Relations Director for ALA, stated: “[W]hen you look at this whole thing, it’s about health...we’re talking about just minimum dollars to address the biggest health problem in our county and our state...right now we are losing 14,000 lives a year [in North Carolina]. And with the teen-smoking rate being 50 percent higher than the adult rate, we’re talking 21,000 lives a year...we’re putting the value of life at peanuts”.<sup>315</sup>

The House Select Committee on Tobacco Settlement Issues held a hearing on March 9, 1999. The hearing turned into a 3.5 hour debate, where the tobacco farmers who spoke outnumbered tobacco control and health advocates three-to-one. Scores of tobacco farmers packed the large conference room and huddled in the hall as the debate went on, and a cloud of cigarette smoke hung in the air outside the room.<sup>320</sup> In the *Charlotte Observer*, ALA’s Bryan stated, “[t]his is why we can’t bring our victims down here...they can’t come down here and be exposed to smoke...we are not going to parade our children through this”.<sup>320</sup> During the hearing, Representative George Miller (D) pointed to the health issues that generated the settlement between the tobacco industry and the states. In the *Winston-Salem Journal*, Rep. Miller stated: “[T]hat’s what brought us here, and hopefully we will not forget that...it didn’t come here as an entitlement to any particular group of citizens”.<sup>314</sup>

Even though the state’s top elected officials, Governor Hunt and Attorney General Easley, advocated to split the MSA funds 50-50 between economic development for tobacco dependent communities and public health, the MSA allocation came down to a compromise.

TTICC) put 25 percent of the MSA money in a trust fund that could provide direct or indirect payments to tobacco farmers, to appease the tobacco farmers protest.<sup>315</sup> The state lawmakers gave in and gave the tobacco farmers more money to stay afloat as a direct result of their protest.<sup>317</sup> Bryan, one of the handful of tobacco control advocates who spoke, told the committee “[w]e had hoped for half of the money but supported a compromise plan”.<sup>320</sup> Additionally, state tobacco advocates believed that if they did not agree to the compromise that there was a possibility that tobacco control would not see a dime of the money in the political hostile environment.<sup>321</sup>

Under the compromise, 50 percent of the MSA money went to a foundation to provide assistance to tobacco dependent communities, 25 percent went to a trust fund to benefit tobacco growers and allotment holders, and 25 percent went to a trust fund to benefit health programs.<sup>314</sup> The legislation for the trust fund to benefit health called for a comprehensive, community based plan with goals and objectives, the state tobacco control advocates initiated the planning process called “Vision 2010: North Carolina’s Comprehensive Plan to Prevent and Reduce the Health Effects of Tobacco Use”, discussed in detail below. This plan was staffed by the Division of

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Public Health’s Tobacco Prevention and Control Branch, and had over 75 stakeholders contributing to the plan’s development, including representatives from the voluntary health organizations, American Heart Association, American Lung Association and American Cancer Society, the N.C. Medical Society, the state Division of Health and Human Services, local public health, NC Prevention Partners, the state Division of Alcohol Law Enforcement, the N.C.

Department of Public Instruction, and S.A.V.E. (Survivors And Victims of Tobacco Empowerment).<sup>322</sup> The House Select Committee on Tobacco Issues also inserted legislative oversight provisions that required annual reports from the foundation to legislative leaders and the General Assembly, along with a standard provision that gave the legislature the ability to divert payments or dissolve the foundation in future legislative sessions.<sup>314</sup> In addition, the Select Committee agreed that seven of the slots for the tobacco dependent communities’ foundation board would be reserved for tobacco farmers.<sup>323</sup>

Approaching the court-imposed deadline, Attorney General Easley won a three-day extension and the final approval of SB 6 passed by a slim margin in the House 61-58, and in the Senate 34-14 on March 16, 1999. The bill was quickly signed into law by Governor Hunt on the same day, who had supported the consent decree.<sup>324</sup>

### **1999: Taxpayer Intervention to Block the MSA Appropriations**

Eugene Boyce, a lawyer in Raleigh, led and represented a group of taxpayers and state employees who wanted the settlement money to support flood relief in eastern North Carolina.<sup>311</sup> Boyce, a former partner in the law firm of Womble Carlyle Sandridge and Rice, had a history of winning civil suits against the state of North Carolina. In 1998, Boyce won a \$799 million settlement from the state in a case over taxation of state and federal employees' pensions, and in 1999 Boyce and Womble Carlyle won a \$440 million settlement of refunds of the state's intangibles tax on stocks, which was declared unconstitutional by the U.S. Supreme Court.<sup>325</sup>

Boyce filed a lawsuit in Wake County Superior Court, on November 5, 1999 ... to block the plan ... to allocate 50 percent of the MSA settlement funds in a foundation to help tobacco dependent communities.

Boyce filed a lawsuit in Wake County Superior Court, on November 5, 1999, nearly a year after the Consent Decree had been signed on December 21, 1998, to block the plan set forth

to allocate 50 percent of the MSA settlement funds in a foundation to help tobacco dependent communities.<sup>311, 326</sup> The suit alleged that lawyers in the negotiations between the state and the tobacco industry decided in secret how the \$4.6 billion should be allocated, then filed a lawsuit and obtained a judge's signature on a consent decree on December 21, 1999, in just one hour and nine minutes, with no opportunity for public comment.<sup>311</sup> Furthermore, Boyce and his clients felt that the plan as outlined in the consent decree would benefit no more than 100,000 people and private businesses, when there were 7.5 million citizens and about 3 million taxpayers residing in North Carolina who had a substantial interest in the state's public funds and in the proceeds of the tobacco settlements made in the name of their state as a reimbursement for the tax monies spent on tobacco-related health care.<sup>311</sup>

The fact that the consent decree gave the General Assembly a deadline to create the proposed foundation to receive 50 percent of the state's \$4.6 billion caused Boyce to contend that Easley and the court breached the constitutional separation of powers.<sup>311, 312, 327</sup> In the *Winston-Salem Journal*, Boyce stated:

[I]t was obviously a done deal, settled in private...nobody else in the state had anything to do with it...Easley used the court system to overreach his responsibilities and dictate how the settlement money will be spent rather than leaving such decisions to the legislature...expenditure of public funds is a function given by the people in their constitution exclusively to the legislative branch...it is political subversion of the constitutional rights of the sovereign – the people – to divert public funds to private trusts and nonprofit corporations...the legislative branch alone has power to spend public funds...Easley and the courts breached the constitutional separation of powers by effectively dictating how the legislature must spend the money.<sup>311</sup>

Wake County Superior Court Judge Donald Stephens dismissed the lawsuit filed by Boyce representing taxpayers and state employees.<sup>327</sup> Judge Stephens, who had signed the Consent Decree on December 21, 1998, wrote in his opinion:

[M]r. Easley has fairly represented the interests of all citizens of North Carolina in negotiating the terms and condition of this settlement...the interest of the interveners, as well as the public interest, had been adequately served and well represented by their elected representatives...the residents waited too long to file their motion to complain about the consent decree...the petitioners intervention at this late date would seriously prejudice and delay the rights of all those persons and entities which stand to benefit from the settlements negotiated by Mr. Easley.<sup>327</sup>

Additionally, "[T]he legislature could have rejected the opportunity to accept the judgment entered in the consent decree...they did not."<sup>312</sup>

Boyce filed an appeal in the state Court of Appeals, stating in the *Star News*, "[I]t's obviously a question for a decisions by appellate court...certainly it would be hard for Judge Stephens to overrule himself".<sup>327</sup> The appellate court upheld Stephens ruling.

## 1999: Phase II Payments to Tobacco Growers

There were no specific provisions in the MSA protecting tobacco growers or tobacco quota holders from possible revenue loss due to the MSA, other than an agreement by the participating companies:

Recognize the concern of the tobacco grower community that it may be adversely affected by the potential reduction in tobacco consumption resulting from this settlement, reaffirm their commitment to work cooperatively to address concerns about the potential adverse economic impact on such community, and will, within 30 days after the MSA Execution Date, meet with the political leadership of States with grower communities to address these economic concerns.<sup>328</sup>

Tobacco farmers put the human face on an industry perceived as evil,<sup>300</sup> and Attorney General Easley reported to the local North Carolina media: “[T]he industry is trying to come through for the farmers...the companies, I believe, see the farmers as part of their extended family...they want to make certain that (the growers) are not hurt in any way by market forces.”<sup>329</sup>

The result was the National Tobacco Growers Settlement Trust Agreement<sup>330</sup> negotiated by tobacco grower organizations, state commissioners of agriculture, state attorneys general and governors of 14 tobacco growing states with the four major tobacco companies (Philip Morris, RJR, Lorillard and Brown & Williamson) to set up a \$5.15 billion private trust fund, distributed among the states’ farmers and quota holders over 12 years (known as “Phase II” payments).<sup>331</sup> Tobacco companies paid annually into the trust fund

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according to their relative market share.<sup>330</sup>

Phase II of the tobacco settlement was aimed exclusively at the tobacco-growing states. Receiving the largest share,<sup>332</sup> North Carolina growers and quota holders were scheduled to collect 37.95 percent of the total Phase II payments, or \$1.954 billion over 12 years, compared to 6.94 percent or \$357.41 million total share and payments to South Carolina, and 6.58 percent or \$338.87 million total share and payments to Virginia<sup>333</sup> In North Carolina, the Phase II payments were to be disbursed to 11,000 tobacco farmers and 83,000 tobacco quota owners.<sup>334</sup>

In addition to advocating for the diversion of 50 percent of the MSA funds from public health tobacco prevention programs to support tobacco farm diversification, Phase II of the MSA was the direct result of the intervention of North Carolina’s Attorney General Michael Easley in negotiating a plan to compensate tobacco quota owners and tobacco growers for revenue losses resulting from manufacturers’ product pricing increases to pay for the MSA.<sup>301</sup>

In 2000, \$94.16 million came to North Carolina’s tobacco producers from the National Tobacco Growers Settlement Trust, which was allocated by a panel of appointed tobacco producers and state officials led by Governor Hunt,<sup>335, 336</sup> the “Phase II Tobacco Board,”<sup>332, 337</sup>

disbursed the Phase II payments to more than 100,000 qualified producers, and quota allotment holders.<sup>332</sup> Actual payments to growers are listed in Table 34.

However, the Phase II agreement included a provision that if the federal government imposed any new or increased financial obligations on the cigarette companies explicitly including “federal or state excise tax on cigarettes, or any other tax, fee assessment, or financial obligation of any kind” and “a change that alters the methodology for calculating marketing assessments on the purchase of tobacco”,<sup>330</sup> the amount they were required to pay to the trust fund would decline on a dollar-for-dollar basis.<sup>330, 333</sup> Under this provision, the 2004 multi-billion dollar national buyout of the tobacco quota system, paid for by tobacco manufacturers, ended the companies’ obligation to make these payments, as discussed later in this report.

**Table 34:** Phase II Payments to Tobacco Growers (\$ in millions)<sup>331</sup>

Year		1999	2000	2001	2002	2003
Total Allocation	Expected	\$380	\$280	\$400	\$500	\$500
	Actual	\$380	\$248.12	\$360.87	Not available	Not Available
North Carolina Total	Expected	\$144.122	\$106.26	\$151.8	\$189.75	\$189.75
	Actual	\$144.122	\$94.16	\$136.95	Not available	Not Available

Note: Actual Phase II payment records for 2002 and 2003 were not available, as the GAO and other national organizations monitoring the payments did not produce follow-up reports after the quota buyout ended payments. Source: U.S. Government Accountability Office

With the Phase II payments, 50 percent of the MSA allocated to transition the state’s economic dependence on tobacco, on top of an additional 25 percent of the MSA to assist tobacco farmers, state lawmakers felt that the tobacco farmers in North Carolina had been taken care of.<sup>317</sup> A sentiment that would shift the political voice of the tobacco farmer into one that was more conducive to tobacco control overtime.

## Conclusion

North Carolina was one of the last states to sign on the 1998 Master Settlement Agreement. Top state elected officials played a significant role in the evolution of the agreement. Governor Hunt worked with RJR Nabisco CEO, Steven Goldstone to identify, former N.C. Supreme Court Justice and longtime friend and political ally of Hunt, Phil Carlton, as an emissary to the Clinton White House Administration to begin settlement talks. In addition State Attorney General Michael Easley also played a significant role in the agreement in the agreement even before North Carolina signed on, while lobbying the General Assembly to change the state law Medicaid liability law that was backed by the tobacco industry in 1995.

The MSA was subsequent to the state tobacco control advocates successes around youth access tobacco control. State tobacco control advocates utilized the grassroots support generated as a result of the NC Project ASSIST youth activities to advocate for a portion of the MSA funds to be used for tobacco prevention. While tobacco farmers advocated to use a portion of the MSA funds to supplement their lost income, despite receiving additional settlement funds from the second phase of the MSA.

The 1998 Master Settlement Agreement (MSA) changed the history of tobacco and tobacco control in the state by providing state resources to diversify the state’s economic dependence on tobacco and to fund state tobacco prevention programming for the first time.

## Chapter 9: State Division of Public Health

- *The state Tobacco Prevention and Control Branch implemented a long-term, high level strategy to build the capacity of diverse organizations and communities to implement and carry out effective tobacco control programming.*
- *The NC Project ASSIST allowed the state to create a lasting tobacco control infrastructure by setting up local tobacco control coalitions in the key state media markets throughout the state. The state tobacco control infrastructure remained active for more than 20 years and was still active in 2011.*
- *The state Tobacco Prevention and Control Branch capitalized on the public health community in North Carolina to achieve success in tobacco prevention and control throughout the state.*

### 1998-1999: State Tobacco Control Program

In 1999, with the NCI-funded ASSIST program ending, the newly formed National Tobacco Control Program (NTCP) in the CDC’s Office on Smoking and Health (OSH), which was already funding tobacco control programs in health departments in non-ASSIST states, began to provide funding to DHHS. With the beginning of this funding, DHHS set up its Tobacco Prevention and Control Branch (TPCB) within the Department of Public Health, Chronic Disease and Injury Prevention Section, which was still in place at the time of this report in 2011. The TPCB received funding consistent with the last year of ASSIST funding, which allowed the continuation of existing staff and the local coalition infrastructure established with ASSIST. The state tobacco control program did not receive any state funding until 2009.

The TPCB received funding consistent with the last year of ASSIST funding, which allowed the continuation of existing staff and the local coalition infrastructure that had been established with ASSIST.

The CDC-funded program emphasized many of the same components as ASSIST, but placed emphasis on the development of a state infrastructure on tobacco control and included cessation elements in its funding requirements. The CDC grant, renewed every five years, and continued to be a consistent source of funding

to the DHHS Tobacco Prevention and Control Branch through 2011 (Table 35).

**Table 35: Annual CDC –NTCP Grant to North Carolina DHHS Tobacco Prevention and Control Branch<sup>8</sup>**

Fiscal Year	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11
Amount	\$1,703,742	\$1,798,742	\$1,848,922	\$1,703,741	\$1,703,742	\$1,851,517	\$1,866,517	\$1,837,670	\$1,378,253	\$1,672,280	\$1,672,280

### 1998: Justus-Warren Heart Disease and Stroke Prevention Taskforce

In 1998, the North Carolina Department of Health and Human Services was also awarded funding from the Centers for Disease Control and Prevention (CDC) to implement a statewide cardiovascular health program, called the North Carolina Heart Disease & Stroke Prevention Program (N.C. HDSP Program).



The Justus-Warren Heart Disease and Stroke Prevention Task Force was created by the North Carolina General Assembly in 1995 and began overseeing the implementation of the CDC-funded Heart Disease and Stroke Prevention Program and the strategies in the North Carolina Plan to Prevent Heart Disease and Stroke in 1998.<sup>338</sup> The Task Force was made up of 27 members, with the Chair being appointed by the Governor. Senator William Purcell, a political champion for tobacco control, was the appointed Chair of the Task Force in 1998.

The Director of the Department of Health and Human Services, the Director of the Division of Medical Assistance in the Department of Health and Human Services, and the Director of the Division of Aging in the Department of Health and Human Services, or their designees, were also members of the Task Force as well. The remaining membership of the Task Force was made up of political appointees by the Governor, President Pro Tempore of the Senate, and Speaker of the House of Representatives to include the following: a practicing family physician, pediatrician, or internist; a president or chief executive officer of a business (upon recommendation of a North Carolina wellness council), a news director of a newspaper or television or radio station, a volunteer of the North Carolina Affiliate of the American Heart Association, a representative from the North Carolina Cooperative Extension Service, a representative of the Governor's Council on Physical Fitness and Health, two members at large, three members of the Senate and House of representatives, a heart attack survivor, a local health director, a certified health educator, a hospital administrator, a representative of the North Carolina Association of Area Agencies on Aging, a stroke survivor, a county commissioner, a licensed dietitian/nutritionist, a pharmacist; and a registered nurse respectively.

The Justus-Warren Heart Disease and Stroke Prevention Task Force was created by the North Carolina General Assembly in 1995 and began overseeing the implementation of the CDC-funded Heart Disease and Stroke Prevention Program.

In the plan to, the Task Force identified prevention risk factors and management risk factors, which primarily include physical activity, nutrition and tobacco use and exposure, as the key strategies. Likewise the key recommendations from the Task Force in regards to the tobacco risk factor included, reducing teen access to tobacco products, clean indoor air polices in worksites and public places, and access to tobacco cessation resources, and raising awareness among those with, or at risk for cardiovascular disease (CVD) of the dangers of second-hand smoke.

In 2002, the CDC awarded North Carolina continuation funding for this program through 2007. The N.C. HDSP Program focused on systems-level change to create communities, work places, schools, and health care systems that were supportive of cardiovascular health promotion and cardiovascular disease prevention.<sup>339</sup> The General Assembly created Task Force also made recommendations for clean indoor air legislation to the legislature. In a 2010 interview for this report, Ashley Bell (2009 ACS Government Relations Director) recalled:

For at least five years or more [the Task Force] made recommendations about smoke-free air policies to the General Assembly...because they've been a legislatively approved and created task force, they are able to make their recommendations to the General Assembly and therefore can make legislation active even in the even-numbered years where

normally boarder legislation wouldn't be available...and so a lot of the small, incremental successes we've had in North Carolina around smoke free air actually were as the sponsorship of a legislatively created task force.<sup>85</sup>

An example of the Justus-Warren Task Force-sponsored legislation during the short 2006 legislative session was HB 1133, "An Act to Designate All Areas of Any Building Occupied by the General Assembly as Nonsmoking Areas",<sup>340</sup> which passed, with support from the N.C. Alliance for Health described later in this report, and was immediately signed into law by Gov. Easley.

Both the infrastructure and strategic plan of the Justus-Warren Heart Disease and Stroke Prevention Task Force were influential in the incremental clean indoor air successes that took place in North Carolina between 2003 and 2010. The Task Force plan worked synergistically with the Tobacco Prevention and Control Branch Vision 2010 Plan for Tobacco Control in North Carolina, and the North Carolina Alliance for Health policy goals. The American Heart Association was a key partner of both the Task Force and Alliance for Health as discussed later in this report.

### **Tobacco Prevention and Control Branch**

For over 20 years, the Tobacco Prevention and Control Branch (TPCB), funded as Project ASSIST prior to 1999, worked to support the incremental chipping away of the longstanding pro-tobacco paradigm in North Carolina. Serving as a lead agency, the North Carolina Department of Health and Human Services, Tobacco Prevention and Control Branch (TPCB) implemented a long-term, high level strategy to build the capacity of diverse organizations and communities to implement and carry out effective tobacco control programming. The TPCB promoted the coordinated implementation of tobacco control programming by providing technical assistance and training, from 1999 to 2010 through the combination of funding from the CDC's National Tobacco Control Program (NTCP) for comprehensive tobacco control, and from the American Legacy Foundation.

The TPCB implemented a long-term, high level strategy to build the capacity of diverse organizations and communities to implement and carry out effective tobacco control programming.

### **2000: Tobacco Prevention and Control Branch Vision 2010**

Sharing a statewide unified vision for tobacco control and prevention to maximize the use and reach of limited resources was a priority for the TPCB. In 2000, the TPCB developed a blueprint for success in tobacco control and prevention in North Carolina, bringing together a group of public and private health professionals, as well as academic professionals, to develop a strategic plan at a two-day conference held in Durham, North Carolina. The mini-conference included keynote addresses and presentations from the CDC and individuals

In 2000, the TPCB developed a blueprint for success in tobacco control and prevention in North Carolina, bringing together a group of public and private health professionals, as well as academic professionals, to develop a strategic plan.

from other state tobacco control programs, like Karla Sneegas from Indiana. TPCB even extended the Vision 2010 conference invitation to tobacco control practitioners in neighboring tobacco growing states, Kentucky, Georgia, Tennessee, Virginia, South Carolina, and West Virginia.

The plan was a true collaborative effort,<sup>341</sup> and allowed approximately 80 individuals to contribute input into the development of the “Vision 2010: A Comprehensive Plan”.<sup>12</sup> Comprehensive, evidence-based state tobacco control programs that include policy initiatives are proven method to reduce tobacco consumption among youth and adults.<sup>342</sup> Unveiled in May, 2001, the plan development was guided by the CDC’s 1999 guidelines for effective tobacco control programs, “*Best Practices for Comprehensive Tobacco Control Programs*”,<sup>343</sup> centered around the four statewide goals listed in Table 36. Baseline measures for the plan goals and objectives were obtained through standardized surveys such as the Behavioral Risk Factor Surveillance System (BRFSS) and the Youth Tobacco Survey (YTS). In a 2001 *Fayette Observer* article, Sally Herndon stated: “[t]he plan will provide a blueprint to improve health in a strong tobacco state”.<sup>341</sup> The strategic plan was still the TPCB’s blueprint for success in 2010 (Table 36).

<b>Table 36:</b> Vision 2010: A Comprehensive Plan - Goals and Objectives <sup>10</sup>
<b>Goal 1: Prevent initiation and Promote Quitting Among Youth</b>
<p><i>Objectives:</i></p> <p>1. Increase from 29.8% to 60% the proportion of young people in high school who have never smoked.</p>
<p><i>Strategies:</i></p> <p>1a. Empower youth as tobacco prevention and control advocates.            1b. Empower youth as peer counselors for cessation            1c. Deglamorize tobacco use and increase public awareness through paid advertising, public service placements and public relations.            1d. Earn pro-health media coverage            1e. Provide media literacy education and training</p>
<b>Goal 2: Eliminate exposure to environmental tobacco smoke</b>
<p><i>Objectives:</i></p> <p>2a. Decrease the proportion of middle school students who use tobacco products from 18.4% to 9.2% and high school students who use tobacco products from 38.3% to 19.1% (YTS 1999)            2b. Decrease the proportion of middle school students who smoke from 15% to 7.5% and high school students who smoke from 31.6% to 15.8%            2c. Increase from 5.1% to 100% the proportion of school districts in NC that are 100% tobacco free for students, staff and visitors in school buildings, the campus, vehicles, and in school events            2d. Increase from 60.7% to 100% the proportion NC workers covered by a formal smoking policy that prohibits smoking entirely or limits it to separately ventilated non-essential portions of the workplace.            2e. Increase smoke-free polices in the following public indoor recreation sites in NC:</p> <ul style="list-style-type: none"> <li>• Indoor malls from baseline of 55% to 100%</li> <li>• Commercial airports from baseline of 55% to 100%</li> <li>• Roller/ice-skating rinks from baseline of 7% to 100%</li> <li>• Indoor spectator facilities from baseline 82% to 100%</li> </ul> <p>2f. Increase the percentage of North Carolinians reporting smoke-free homes from 52.2% to 74% (1998/99 CPS)            2g. (a) Decrease from 48.8% to 24.4.% the percentage of middle school students reporting living with someone who smokes            (b) Decrease from 46.0% to 23% the percentage of high school students reporting living with someone who smokes (YTS 1999)</p>
<p><i>Strategies:</i></p> <p>2ab: Promote effective tobacco use prevention and control policies in schools and communities.            2ab: Assure a comprehensive approach to tobacco use prevention and control in all schools grades k-12.            2de. Promote adoption of nonsmoking policies in: homes, daycare facilities, schools, restaurants, family-oriented businesses (e.g. shopping malls, recreational facilities, bowling alleys, hair salons/barbershops, sports arenas, etc.), workplaces, and public places.            2d-g. Earn pro-health media coverage            2d-g. Develop and run paid media on health risks of tobacco use            2d-g. Promote nonsmoking establishments through the web, paid media, and earned media            2d-g. Raise public awareness of the risks of secondhand smoke related to asthma            2d-g. Provide in-home inspections and quit services for families of asthmatics            2d-g. Raise public awareness in underserved racial, ethnic and income groups more adversely affected by secondhand smoke.</p>

<p><b>Goal 3: Promote quitting among adults</b></p> <p><i>Objectives:</i></p> <p>3a. Increase from 5.1% to 100% the proportion of school districts in NC that are 100 % tobacco free for students, staff and visitors in school buildings, the campus, and in school- related events.</p> <p>3b. Decrease proportion of adults who smoke from 25% to 12% (BRFSS, 1999)</p> <p>3c. Decrease proportion of pregnant women who smoke from 15.2% to 10% (SCHS Vital Statistics/Birth Certificate data, 1998)</p> <p>3d. Increase from 8% to 100% the public and private health plans in NC that include the clinic practice guidelines for treating tobacco use and dependence as covered benefit in their most basic benefits package (NC Prevention Partners, 2000)</p> <p><i>Strategies:</i></p> <p>3a. Promote and provide access to cessation services to all youth and adults.</p> <p>3b-d. Promote and provide access to effective cessation/treatment services for all adults and youth who want to quit by developing a multi-level NC Quitting Infrastructure.</p> <p>3b-d. Develop state-level position with oversight authority/accountability for cessation services and programs.</p> <p>3b-d. Continue to support voluntary insurance reform initiative and partnerships with NC public and private health plans to expand coverage of comprehensive smoking cessation/treatment benefits (behavioral and pharmacological).</p> <p>3b-d. Increase level of employer and public purchasers requesting and paying for cessation/treatment benefits.</p> <p>3b-d. Increase the proportion of, and maintain updated resource directory of health care facilities (hospitals, health departments, medical care practices) in NC with quitting programs that follow the Clinical Practice Guidelines for smoking cessation.</p> <p>3b-d. Develop and provide training and technical assistance to health professionals and health professional students on evidence-based guidelines, develop and promote programs for special populations, and develop and promote tools to treat tobacco use as a vital sign.</p> <p>3b-d. Provide direction for medical/dental offices to make systems changes to properly emphasize smoking cessation/treatment for their patients.</p> <p>3b-d. Establish and promote a NC culturally and linguistically appropriate 24 hour NC Quit-line and on-line quitting programs.</p> <p>3b-d. Develop and promote consumer utilization of quitting programs through NC tailored public awareness quitting campaigns.</p> <p>3b-d. Establish financial incentives for health agencies to develop quitting infrastructure through partnerships with NC foundations and other funding resources.</p> <p>3b-d. Establish evaluation program that measures effectiveness of cessation/treatment strategies and progress towards quitting goals.</p>
<p><b>Goal 4: Eliminate disparities</b></p> <p><i>Objectives:</i></p> <p>4a. Reduce the rate of illegal sales of tobacco products to minors at retail stores and vending machines from 20% to 5%.</p> <p>4b. Decrease tobacco use among all NC middle school student to 9.2% from the current rates of: African American students (19.8%), Hispanic students (20.5%), White students (16.8%, rural middle school students (20.2%), and urban middle school students (15.9%) (NC YTS, 1999).</p> <p>4c. Decrease cigarette smoking among all NC adults to 12%.</p> <p>4d. Decrease the proportion of all pregnant women who smoke from an average of 15.2% to 10% (16.8% of white women; 11.2% of African American women and 11.4% of other minorities). Maintain the low rate of Hispanic women who smoke during pregnancy (2.1%) (NC Vital Statistics, 1998)</p> <p><i>Strategies:</i></p> <p>4a. Increase merchants' understanding of and commitment to reducing youth access to tobacco products through the delivery of an effective statewide merchant education program.</p> <p>4b. Increase compliance with the State's Youth Access Law Through the development and implementation of a sustained statewide enforcement and awareness program.</p> <p>4b-d. Incorporate diversity in all four goal areas:</p> <p><b>Prevent initiation and promote quitting among youth</b></p> <p>A. Increase the number of diverse youth leaders, community groups and organizations representing underserved populations actively involved in tobacco prevention and control.</p> <p>B. Increase the number of schools with large proportion of minority populations that adopt 100% tobacco-free policy.</p> <p>C. Train diverse youth as peer counselors for cessation.</p> <p>D. Develop culturally appropriate youth leadership models such as the "UJIMA" model for African American youth. Promote African American youth leadership using the "UJIMA" model across the state.</p> <p>E. Work with immigrant, diverse and underserved populations to reduce the socialization of tobacco use as a norm among youth. Organizations such as El Pueblo and the NC Commission of Indian Affairs will be engaged.</p> <p><b>Eliminate exposure to environmental tobacco smoke</b></p> <p>F. Incorporate role modeling into educational strategies. Emphasize the influence of parents, educators and adult youth leaders on youth initiation to tobacco use, especially in ethnic communities.</p> <p><b>Promote quitting of tobacco use among adults</b></p> <p>G. Develop effective cessation services for people with low socio-economic status such as workplace and health care programs.</p> <p>H. Develop and promote culturally appropriate cessation models, such as <i>Pathways to Freedom</i>.</p> <p><b>Eliminate disparities by improving the health-related norms of populations more adversely affected by tobacco use</b></p> <p>I. Promote tobacco prevention and control efforts through culturally appropriate paid advertising and public relations. Increase the proportion of pro-health media coverage in media aimed at specific populations.</p> <p>J. Obtain tobacco prevalence data reflecting a more accurate representation of diverse ethnic and cultural groups such as Native Americans, Hispanic/Latinos and Asian Americans.</p> <p>K. Address cultural tobacco use among Native Americans by education on the difference between ceremonial use and addictive use of manufactured tobacco. Raise public awareness to processing and manufacturing of tobacco (chemical additives) especially among Native American communities.</p>

The plan outlined step by step how the state would reduce tobacco use and exposure, and support and provide cessation services for smokers who wanted to quit.

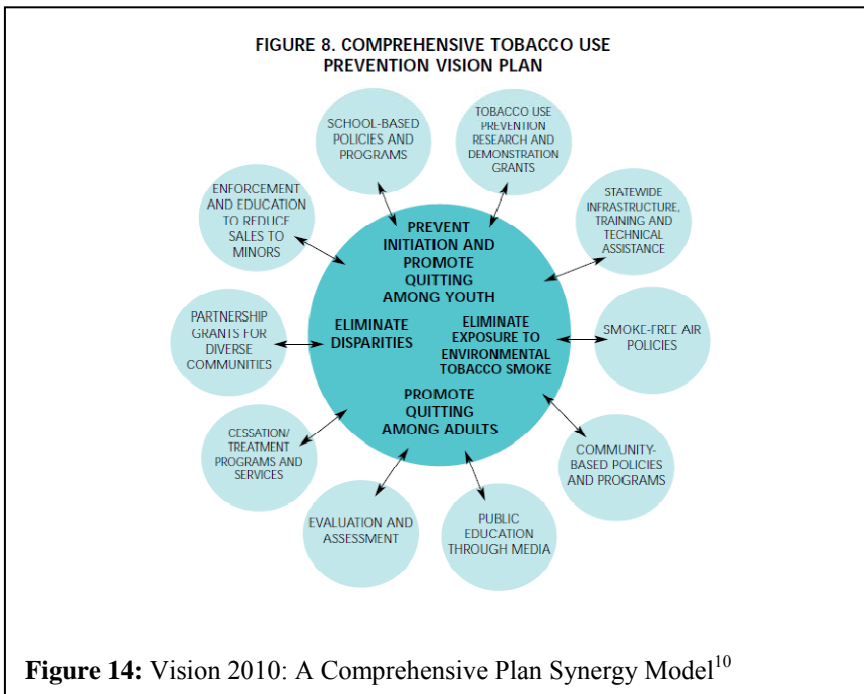
In addition to developing objectives and strategies to achieve the goals outlined in the Vision 2010, the TPCB work group also developed ten synergistic action steps to help achieve the goals and the outcomes of the blueprint (Figure 13). The action steps were the glue of the comprehensive plan (Table 37).

**Table 37:** Vision 2010: A Comprehensive Plan Action Steps<sup>10</sup>

1. Enhancing community-based policies and programs for tobacco use prevention;
2. Enhancing school-based policies and programs in tobacco use prevention;
3. Strengthening policies enforcement and education to reduce tobacco sales to minors;
4. Promoting smoke-free air laws/policies;
5. Distributing grants to reach diverse communities and underserved populations;
6. Supporting grants for tobacco use prevention research and demonstration projects;
7. Increasing public education through media;
8. Promoting effective tobacco cessation/treatment policies, programs and services;
9. Establishing statewide infrastructure and management for all state and local programs;
10. Enhancing evaluation and assessment of all tobacco use prevention programs.

Figure 14 represents the identified synergistic elements that the group incorporated as necessary to accomplish each goal. Each element listed in the outer circle works synergistically to achieve the goals listed in the inner circle.

The plan outlined step by step how the state would reduce tobacco use and exposure, and support



and provide cessation services for smokers who wanted to quit. The Vision 2010 Plan fell short of sustained resources to put all areas of the plan into action and to achieve the goals set forth. In 2000, the minimum CDC recommended funding for a comprehensive tobacco control program in North Carolina was \$42.5 million. In that same year, the TPCB had a budget of less than \$2 dollars from CDC sources.

Through the leadership of Sally

Herndon, the TPCB facilitated the completion of this progressive and innovative strategic plan two years prior to the Health and Wellness Trust Fund (HWTF) being created. Having a statewide shared vision and a plan to achieve the vision in tobacco control, allowed the TPCB to be prepared and ready for action when the time was right and when suitable resources became

available. For example, the youth-related fundamentals of the Vision 2010 plan were unanimously adopted by the HWTF commission in 2003, and served as the outline and infrastructure for the HWTF Teen Tobacco Prevention and Cessation initiative, that began implementation in 2003 with the 100 percent Tobacco-Free Schools initiative as discussed in detail later in this report.

By 2009 the TPCB achieved and exceeded a number of goals and objectives set forth and outlined in the *Vision 2010 Plan* and continued to work on the number of goals and objectives that had made considerable progress. The outcome objectives that were achieved in 2009 included:

**Objective 2b:** *Decrease the number of middle school students who smoke from 15 percent to 7.5 percent*, was achieved and exceeded as the number of middle school students who smoke was reduced to 4.3 percent in 2009, as measured by the 2009 North Carolina Youth Tobacco Survey;

**Objective 2c and goal 3 objective 3a:** *Increase from 5.1 percent to 100percent the proportion of school districts that are 100 percent tobacco free*, this goal was also achieved in 2008 100 percent of the public schools in North Carolina were tobacco free through legislation that was passed in 2007 discussed later in this report;

**Objective 4a:** Reduce the rate of illegal sales of tobacco products to minors at retail stores and vending machines from 20 percent to 5 percent, this goal was achieved and exceeded as the rate of middle school students who purchased tobacco products was reduced to 4.4 percent from retail stores and 3.5 percent from vending machines, and the rate of high school students who purchased tobacco products was reduced to 2.1 percent from vending machines.

In addition to achieving significant goals the Tobacco Prevention and Control Branch also made considerable progress on a number of the goals outlined in the TPCB *Vision 2010 Plan*. Among the goals and related objectives that made significant progress, in 2009, the percentage of high school and middle school students who reported never using tobacco products increased from 29.8 percent in 1999 to 57.5 percent and 60.8 percent respectively. The proportion of high school and middle school students who use tobacco products decreased from 38.3 percent to 25.8 percent and from 18.4 percent to 10.5 percent, and the percent of high school and middle school students who reported smoking also decreased from 31.6percent to 16.7 percent among high school students and from 15percent among middle school students to 4.3 percent in 2009 as well. In addition the adult smoking rate also decreased from 25 percent in 1999 to 20.4 percent in 2009. Finally, by 2007, the most recent available data available showed that the proportion of North Carolina workers covered by a formal smoking policy increased from 60.7 percent in 1999 to 68.1 percent, and smokefree homes increased from 52.2 percent in 1999 to 73 percent, and the proportion of pregnant women who smoke deceased from 15.2 percent in 1998 to 13.3 percent by 2005.

In 2010, the Tobacco Prevention and Control Branch continued to work on achieving the goals outlined in the 2010 plan through the synergistic elements described below.

## ***Community Programs: Enhancing Community-Based Policies and Programs for Tobacco Use Prevention***

Building on the knowledge of earlier evidence-based tobacco control programs in California, Massachusetts, Arizona, Oregon and Florida, the TPCB set out to establish and implement a multi-faceted<sup>268, 342</sup> population-based strategy throughout the state. Having been an ASSIST state, the NC TPCB had previously established a model to coordinate interventions at the state level, while implementing the interventions at the local level through local health department led community-based coalitions working to change social norms and public and private policies related to tobacco use. The ASSIST program only provided enough funding for 10 local community-based program coalitions, which were strategically located within the six major media markets in the state;<sup>116</sup> however, the Vision 2010 plan set out to implement local programs in all 100 counties of North Carolina coordinated by the TPCB.

Coalitions build community support for and promote effective public health policies that encourage tobacco-free norms and create sustained change. Although 70 local health directors in 2000 replied in a survey administered by the TPCB that they would be ready between 2000 and 2004 to begin tobacco use prevention and control programs in their counties, a lack of resources hampered the outcome in this area of the comprehensive plan.

In 2003 the University of North Carolina Chapel Hill, School of Medicine, Tobacco Prevention and Evaluation Program, directed by state tobacco control advocate Dr. Adam Goldstein, worked in conjunction with the TPCB, the Health and Wellness Trust Fund and the CDC to implement the Environmental Tobacco Smoke Training Education and Research (EnTER) program. The program was developed to provide resources to help communities advocate for smoke-free policies. The program provided trainings to educate groups and individuals on the science of secondhand smoke, community advocacy, and policy development and implementation. In addition the program also provided educational materials and tools such as the *Advocacy in Action Toolbox* and an *Environmental Tobacco Smoke (ETS) Policy Manual*. These trainings and tools put the A to Z ETS change for communities throughout the state and were used in the ASSIST coalitions as well.<sup>62</sup>

In 2010 eight of the original 10 Project ASSIST community coalitions were still active in the six major media markets and being sustained with the state's core CDC funding.

Although 70 local health directors...would be ready between 2000 and 2004 to begin tobacco use prevention and control programs in their counties, a lack of resources hampered the outcome in this area of the comprehensive plan.

## ***School Programs: Enhancing School-Based Policies and Programs in Tobacco Use Prevention***

Prior to working on tobacco free school policy, the TPCB (then Project ASSIST) surveyed school leaders to find out how smoking was affecting schools. One major finding was that student smoking was having a negative impact on school reporting around school suspensions, truancy, drop-out rates and, ultimately, test scores. Nicotine-addicted students who were suspended from school because of smoking were missing a lot of school, and that was impacting their attendance and performance. Some principals were reluctant to continue

punishing some smoking students, because it was pushing them away from school and negatively impacting the school on various state reports.

...student smoking was having a negative impact on school reporting around school suspensions, truancy, drop-out rates and, ultimately, test scores.

In response, the TPCB developed the Alternative to Suspension (ATS) program, which allowed the school to educate smokers about the dangers of smoking for the first offence, instead of sending the smoker home. This program still being used in many N.C. schools, created a bridge between public

health and public schools, allowing the TPCB to start the conversation about 100 percent tobacco free school policy.<sup>289</sup>

To enhance school based programs based on the CDC guidelines, TPCB worked with the Department of Public Instruction NC Safe and Drug-Free Schools Program, Healthful Living Curriculum and the Healthy Schools Initiative, along with the American Lung Association of NC, to implement the Tobacco Free Schools Model training program. The guidelines and model training programs focused on effective principles (Table 38).

<b>Table 38: Tobacco Free Schools Model Training Program Principles<sup>10</sup></b>
<ul style="list-style-type: none"> <li>• Develop and enforce a tobacco-free schools policy for students, staff and visitors in school buildings, school grounds, school vehicles and school-related events;</li> <li>• Promote youth-led, adult-supported, school-wide activities for tobacco use prevention;</li> <li>• Provide an alternative-to-suspension program—help students who violate the smoking policy to quit smoking rather than just punishing them through suspension;</li> <li>• Provide tobacco use prevention education in grades K-12;</li> <li>• Offer training for school personnel regarding policy, programs and curricula;</li> <li>• Coordinate initiatives with programs focusing on school nutrition, physical activity, health education, and school environment;</li> <li>• Involve parents and families in support of school-based programs and cessation efforts;</li> <li>• Provide science-based cessation services for students and staff;</li> <li>• Link school-based programs with local community coalitions; and</li> <li>• Assess the tobacco use prevention program at regular intervals</li> </ul>

In addition to developing guidelines and training programs, TPCB also developed and distributed the Grassroots Guide to Tobacco-Free Schools to all middle and high schools throughout North Carolina. The TPCB also provided training and tools for school faculty and students, as part of a coordinated school health program.

From 1999 to 2004, the TPCB received funding to develop and implement three youth-led tobacco use prevention centers across the state, in regionally and culturally diverse locations, Durham, Buncombe and New Hanover counties. Through the youth centers the TPCB implemented the youth empowerment Question Y(?Y) campaign. The youth centers and related campaign facilitated advocacy and leadership training for youth, who then became an integral factor in advocating for tobacco free school policies.<sup>344</sup>



There were also a number teen prevention and cessation programs as complimenting components to the school training programs in 2000. Teens Against Tobacco Use, implemented by the American Lung Association of NC and the American Cancer Society, Southeast Division, helped to create youth advocates for preventing teen tobacco use, as well as additional student group models such as SWAT (Students Working Against Tobacco) being implemented at local high schools.

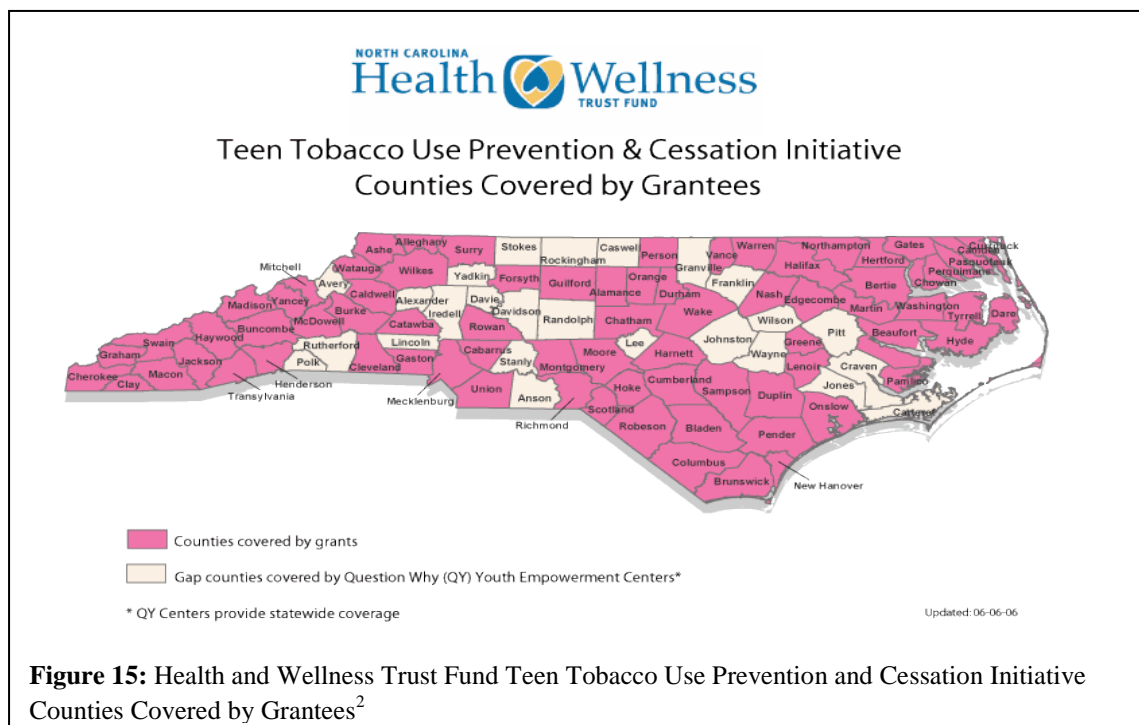
In addition, NC Survivors and Victims' (of Tobacco) Empowered or SAVE, was also working with schools in 2000 to bring survivors' messages to audiences of young people in school-wide assembly and classrooms settings.

The youth centers and related campaign facilitated advocacy and leadership training for youth, who then became an integral factor in advocating for tobacco free school policies.

SAVE was a tobacco prevention program of NC GASP that continued to build upon the direct tobacco control advocacy work that was founded by a key member of NC GASP Dr. Adam Goldstein (Director of the University of North Carolina Chapel Hill, Tobacco Prevention Evaluation Program in 2010) in 1996 discussed earlier in this report.

Finally, the American Lung Association's science-based Not-On-Tobacco (N-O-T) teen cessation program was also being implemented in schools during the same year as well.

In 2003, the S.A.V.E. and N-O-T programs became grantees of the Health and Wellness Trust Fund (HWTF), one of the three entities created by the General Assembly in 1999 to distribute 25 percent of the state's Master Settlement Agreement funds on health and tobacco prevention programs and continued to be grantees in 2010. By 2006, the HWTF grantees were implementing Teen Tobacco Use Prevention and Cessation initiative programs that covered all 100 counties (Figure 15).



In 2003, the HWTF also funded existing statewide teen tobacco use prevention programs, including the NC Spit Tobacco Education Program (NC STEP), the Question Y youth empowerment program (started by the TPCB in 1999, with a Robert Wood Johnson Foundation grant), and launched TRU (Tobacco Reality Unfiltered), a multi-media teen tobacco prevention campaign. These programs are discussed in more detail later in this report. Together, the school-based programs, along with the Tobacco Free Schools Initiative, contributed to the overall reduction and prevention of teen tobacco use, continued awareness and social norm changing, and chipping away at preemption strategy in North Carolina. The added financial resource allowed North Carolina to become the first state to develop and implement a statewide mass media campaign to promote the adoption and compliance with tobacco free school policies.<sup>345</sup> Until 2007, school boards were only encouraged to adopt tobacco free policies. However, the efforts of TPCB and Vision 2010 plan laid the ground work for the 2007 legislation that made all schools tobacco free discussed later in this report.

### ***Youth Access: Strengthening Policies, Enforcement and Education to Reduce Tobacco Sales to Minors***

Goals and objectives around youth access were also included in the Vision 2010 plan and synergistic elements. The state Tobacco Prevention and Control Branch (TPCB) accomplished a number of successes for tobacco control around youth access in North Carolina that began in the earlier of the NC Project ASSIST program in 1991. The accomplishments included strengthening the enforcement of the youth access law in 1997 as discussed earlier in this report. In addition the TPCB leading the effort to make all public schools in North Carolina 100 percent tobacco free in 2008 as discussed late in this report. Importantly, the TPCB efforts have worked help to reduce the youth tobacco use and smoking rates among middle school and high school students to 10.5 percent and 4.3 percent, and 25.8 percent and 16.7 percent respectively.

### ***Promoting Smoke-free Air Laws/Policies***

During the late 1980s and early 1990s, state tobacco control advocates made substantial progress promoting and adopting clean indoor policies at the local level. Stifling the progressive early local movement, the “Dirty Air” law was passed in 1993,<sup>205</sup> preempting the local clean indoor air movement and rolling back progress by requiring that 20 percent of the areas in state controlled buildings be set aside for smoking.

The added financial resource allowed North Carolina to become the first state to develop and implement a statewide mass media campaign to promote the adoption and compliance with tobacco free school policies.

Through the Vision 2010 Plan, the TPCB worked to promote clean indoor air policies. The Vision 2010 Plan concluded that for meaningful change to occur in eliminating environmental tobacco smoke exposure, state and local community leadership, involvement and support was needed, along with core funding for state and local collaborative activities to promote adoption of voluntary nonsmoking policies in homes, schools, workplaces, recreational facilities, sports arenas, and public places.

Despite the preemptive “Dirty Air” law adopted in 1993, North Carolina showed a 77 percent increase in workers covered by nonsmoking policies between 1994 and 2000.<sup>10</sup> The reported increase shown in 2000 illustrated that there was public support for clean indoor air

policies. Through limited core CDC funding, funneled through the TPCB, the Project ASSIST community coalitions continued to promote voluntary clean indoor policies in restaurants, work-sites, and family-oriented businesses. Organizations continued to adopt voluntary policies in response to increased understanding of secondhand smoke as a serious health threat, and a growing demand from employees and customers.

With the increase in voluntary smokefree policies, the State Health Department in Collaboration with the University of North Carolina Chapel Hill conducted an indoor air quality study and used the data to educate policymakers about the value of comprehensive smokefree laws.<sup>346</sup> Between 2005 and 2007 teams of volunteers and local health department staff in six ASSIST Coalition counties were trained to monitor air quality in 152 hospitality venues with 1 of 3 possible smoking policy designation, 1) smokefree, 2) separate smoking and nonsmoking sections (mixed), or 3) smoking allowed in all areas. The smokefree venues had particulate matter levels lower than the Environmental Protection Agency (EPA) standards, while both mixed and smoking venues had unhealthy levels of particulate matter.<sup>346</sup> The state tobacco control advocates used the results of the study to quantify particulate matter levels, raise awareness about the dangers of secondhand smoke, and promote smokefree policies among state and local policymakers.<sup>346</sup>

There was extensive media coverage of the air quality study throughout the state. Following the new release of the findings in Charlotte, 500 signatures were added to the Smokefree Charlotte petition to repeal preemption and give local government control over smoking regulation (which later expanded to Smokefree Mecklenburg where Charlotte is the county seat). Which the Mecklenburg Coalition used the petition and results to gain support from four of the six Mecklenburg County town councils, one city council (Charlotte), and the Board of County Commissioners to vote in favor of supporting local authority to control smoking regulations.<sup>346</sup> The additional support further supported the second attempt of the coalition to work with Representative Martha Alexander and Senator Tony Rand (D, Fayetteville, TTICC \$13,500, Policy Score 9.4), to introduce the 2007 companion legislation HB 347 and SB 124 “*An Act Authorizing Local Governments to Adopt Laws, Rules, or Ordinances Regulating Smoking in Public Places*”.<sup>347, 348</sup> The legislation, would die at the end of the session.

The results of the study were also presented by the TPCB to the Justus-Warren Heart Disease and Stroke Prevention Task Force legislative committee as well as several state legislators who requested secondhand smoke information. In addition the 2007 House majority leader, Representative Hugh Holliman requested a briefing on the study and presentations were provided to the western region legislators at their request.<sup>346</sup> The results of the study reached far and wide, and were an important advocacy tool during the 2007 legislation where a number of clean indoor air bills passed to incrementally chip away at preemption.

The state tobacco control advocates used the results of the study to quantify particulate matter levels, raise awareness about the dangers of secondhand smoke, build support for evidence-based, and promote smokefree policies among state and local policymakers.

In 2007, the Tobacco Use Supplement to the Current Population Survey (TUP-CPS) administered by the CDC, showed that 73 percent of homes and 68 percent of workplaces in North Carolina were protected by smokefree policies.<sup>8</sup>

The protection from exposure in North Carolina continued to grow. In 2010, North Carolina became the first tobacco growing state to implement a statewide 100 percent smokefree restaurant and bar law. These persistent efforts have worked simultaneously to build support for the chipping away at preemption legislation that the TPCB has strategically worked to achieve.

### ***Distributing Grants to Reach Diverse Communities and Underserved Populations***

In 1999, the CDC, American Legacy Foundation and the Robert Wood Johnson Foundation all began identifying the elimination of health disparities among the different segments of the population as a priority. National data clearly showed that population groups such as African Americans, Hispanic/Latinos, Native Americans, Asian/Pacific Islanders, people with less than high school education, and those living below the poverty level were at a higher risk for tobacco related health problems. For example, the 1998 Surgeon General's Report showed "nearly 40 percent American Indian & Alaskan Native adults smoke cigarettes, compared to 25 percent of overall U.S. population". Also, each year "approximately 45,000 African Americans die from a preventable smoking-related disease". U.S. studies showed that African American teens were at a greater risk of tobacco addiction and that Asian American smoking rates jump after elementary school.<sup>349</sup>

In North Carolina, minority and low-income populations had higher levels of tobacco use prevalence and related health problems than the overall population. 2009 BRFSS data showed that the American Indian Alaska Native Population had the highest smoking rates in North Carolina at 35.3 percent, followed by African Americans at 21.2 percent, and Asian Pacific Islander 20.9 percent, compared to the overall adult prevalence 20.4 percent.<sup>36</sup> In addition 29.9 percent of adults smoker in the state had less than a high school degree.<sup>36</sup>

The TPCB *Vision 2010* comprehensive plan identified grant distribution to diverse communities and underserved populations as an effective mechanism for addressing the health disparities in North Carolina caused by tobacco use. The plan also identified that statewide and local partnership grants were a vital element to an effective tobacco use prevention plan, and broadened the base of support within the state for tobacco use prevention efforts. The partnership grants focused primarily on building the capacity of state and local organizations and networks that reached diverse communities, and underserved populations. According to the Vision 2010 plan, to be successful, the partnership opportunities needed to meet the measures outlined in Table 39.

From 2001 through 2003, the TPCB received funding from the CDC to participate in the CDC Disparities Pilot Training Project. The project was an initiative to improve the state and territorial public health capacity and infrastructure needed to address tobacco-related disparities. North Carolina was among the first states to participate in the Disparities Pilot. During the pilot phase, the TPCB worked with a Parity and Diversity Action Team to develop a strategic plan for identifying and eliminating tobacco-related health disparities. The TPCB worked to increase parity by bringing those at greatest risk for tobacco use, illness and death in line with those at the least risk for tobacco use, illness and death, and increase diversity by inviting all stakeholders in

tobacco prevention and control to the table to participate in all aspects of tobacco use prevention and control, including planning, implementation and evaluation of tobacco use prevention and control programs.<sup>10</sup>

**Table 39:** NC TPCB Vision 2010 Diverse Communities and Underserved Populations Funding Outline<sup>10</sup>

- Ensure the development of culturally and linguistically appropriate prevention and cessation programs;
- Build capacity;
- Provide technical assistance and training;
- Develop culturally relevant media campaigns;
- Increase the representation of diverse community leaders on key advisory boards, task forces, and strategic planning communities that results in substantive tobacco control improvements.

The TPCB continued empowering diverse communities to help eliminate disparities in tobacco use among North Carolina’s various populations. For example, using American Legacy Foundation funds, the TPCB’s African American Action Team developed and implemented the adult-supported, youth-led model, “UJIMA” in 1999. The program received support from the American Legacy Foundation and the Question Why (?Y) youth empowerment centers to conduct annual youth summits.<sup>350</sup> As a result, many African American youth built their leadership skills while working in their communities and across the state to prevent tobacco use.

Additionally, tobacco use prevention initiatives among disparate population communities in North Carolina also included El Pueblo, a statewide Hispanic/Latino and the NC Commission of Indian Affairs working with all of the state recognized American Indian tribes and urban American Indian organizations, that worked with the TPCB to integrate youth tobacco empowerment into their activities.<sup>350</sup> El Pueblo implemented the No Fumo Youth Leadership program to train youth in leadership and advocacy. The American Indian Teen Tobacco Use Prevention Program (AITTUPP) focused on preventing and decreasing commercial tobacco use among American Indian youth. Through the use of culturally-appropriate strategies and activities, teens gained skills to help them become tobacco use prevention advocates. They promoted tobacco-free policies in tribal buildings and at tribal events, used peer to peer education to promote only the cultural use of tobacco, and sought opportunities to share their cultural and tribal heritage as they promote healthy lifestyles free of commercial tobacco use.<sup>351</sup>

In 2003, the TPCB began working with HWTF Priority Population grantees to increase parity and diversity in the Teen Tobacco Prevention and Cessation Programs, media and Quitline services.

### ***Supporting Grants for Research and Demonstration Projects***

As a part of the Vision 2010 Plan, the TPCB and partners identified and included innovative North Carolina specific and investigator-initiated projects for tobacco use prevention research and demonstration as critical components for improving tobacco use prevention and control programs in the state. The plan also emphasized that the research and demonstration projects should focus on areas relevant to improving tobacco use prevention efforts in North Carolina. The plan wanted tobacco use prevention and control research projects to increase the effectiveness of community programs by stimulating local efforts. An example was partnering with academic organizations dedicated to promoting health in diverse communities through the

Historically Black Colleges and Universities. The group believed that local involvement in research projects that reflected the needs of the community would exhibit greater success.

The plan also included examples for investigator-initiated tobacco use prevention research projects on applied topics that were directly relevant to improving the tobacco use prevention and control program planning and the public’s health in North Carolina (Table 40).

<b>Table 40: Vision 2010 Examples of Research and Demonstration Projects<sup>10</sup></b>	
1.	Measuring environmental tobacco smoke (ETS) exposure levels in NC’s public place
2.	Creating a statewide tobacco control research center; interdisciplinary, state and local
3.	Identifying and measuring the most effective media and communication strategies
4.	Creating projects to identify gaps in addressing high risk populations, ethnic minority groups, rural residents, pregnant women and other underserved populations
5.	Understanding innovative marketing for cessation among diverse tobacco users
6.	Conducting qualitative research on effective cessation strategies for teens from diverse backgrounds (cultural/lifestyle, themes)
7.	Developing and fostering cost-effective dissemination of efficacious cessation strategies that can reach underserved populations
8.	Creating training programs that support research and training opportunities among graduate students and faculty from diverse racial and ethnic groups

These examples did not preclude other relevant studies. For example, in 2009, the TPCB worked with Blue Cross Blue Shield of North Carolina to replicate the Johns Hopkins University and Blue Cross Blue Shield of Minnesota Study on the burden of secondhand smoke in Minnesota, using North Carolina data. The study analyzed the cost of diseases caused by secondhand smoke as documented in the *2006 Surgeon General’s Report, The Health Consequences of Involuntary Exposure to Tobacco Smoke*.<sup>352</sup> For adults, those diseases included lung cancer, heart attacks and other heart diseases. Diseases caused by secondhand smoke in infants and children included low birth weight, acute lower respiratory illness, and asthma. The study calculated the proportion of each disease caused by secondhand smoke, and found that at least 107,067 North Carolinians were treated for conditions caused by secondhand smoke each year and that \$288.8 million was spent each year in the state on excess medical expenditures to treat health conditions caused by exposure to secondhand smoke.<sup>353</sup> The TPCB presented the findings of this study to the House Judiciary I Committee hearing on HB 2 in 2009, the third consecutive legislative attempt by Representative Hugh Holliman (D, Lexington, TTICC \$500, Policy Score 10.0) to pass a statewide clean indoor law. Sally Herndon recalled in a 2010 interview for this report that “replicating and presenting the findings of the Blue Cross Blue Shield study to the NCGA had an impact and was an effective change in trying to pass clean indoor air legislation from previous years and was an important contribution to the success in 2009”.<sup>116</sup>

***Increasing Public Education through Media***

Experiences from other states demonstrate that strong tobacco use prevention messages, directed at youth and social norm changing, and sustained through public education initiatives changed social norms by increasing the public’s awareness of the dangers of tobacco use, prevented youth from

...replicating and presenting the findings of the Blue Cross Blue Shield study to the NCGA had an impact and was an effective change in trying to pass clean indoor air legislation from previous years and was an important contribution to the success in 2009.

starting, and encouraged tobacco users to quit.<sup>268, 342</sup> Florida campaigns were highly visible, making the youth brand “truth” ubiquitous. In 2000, a Florida statewide survey showed that within two years smoking declined by 54 percent among middle school students and by 24 percent among high school students. That translates to roughly 80,000 Florida students who were not smoking in 2000.<sup>354</sup>

In the Vision 2010 Plan, state tobacco control advocates identified that public education could be a powerful influence on public support for tobacco use prevention policy changes and enforcement efforts, and created a supportive climate for school and community change. Placing emphasis on the importance of coordination and support between public education local programs, tobacco control advocates contributing to the plan wanted a public education program that consisted of printed materials, public relations, news media relations, web communications, as well as radio, television, billboard, and print advertising when the plan was developed in 2000. The plan also recognized that care needed to be taken to ensure that public education materials developed and presented for the general and diverse populations included culturally appropriate messages and planned to use focus group testing to ensure effective message development. The public relations arm was critical in assisting efforts by local programs, and in supporting linkages and coordination between local program activities and the statewide campaign, as well as publicizing program results.

Although these detailed strategies were identified in Vision 2010 plan, North Carolina had not had funding to plan and conduct a comprehensive public education campaign and used earned media and limited paid media as a strategic alternative until 2002. The sentiment behind being a tobacco growing state created a politically hostile environment, in which state tobacco control advocates and leaders did not request funding from the state General Assembly for tobacco control. Rather, state tobacco control leaders utilized the core CDC funding to continue to grow and mobilize grassroots support for tobacco control through the statewide tobacco control infrastructure and the use of earned media and limited media campaigns.

This strategy proved to be successful as media-tracking data showed that from 1993-1998 pro-health newspaper articles, editorials and letters to the editor in daily papers have increased from 20 percent to 70 percent of tobacco coverage in the six major media markets throughout the state. Pro-tobacco news coverage had decreased from 22 percent of tobacco coverage in 1993 to 5 percent in 1997.<sup>10</sup> This use of news media continued with statewide coordination of training and technical assistance in media advocacy, editorial board advocacy and spokesperson preparation. The implementation strategy of the earned media, continued throughout 2010 and contributed to the success of the chipping away strategy discussed at length later in this report.

In addition the North Carolina Tobacco Prevention and Control Branch had some success using core CDC funding for limited paid media campaigns. For example, in 1997, the Branch worked on building support for tobacco control by reaching politically active citizens through placing day sponsorships, where a public health message about youth tobacco access and use was heard on the radio throughout the day, on 11 public radio stations around the state. Similarly, in December 2000, the TPCB used a targeted radio campaign and teen website [www.StepUpNC.com](http://www.StepUpNC.com) and began recruiting interested youth to participate in the Question Why (?Y) youth empowerment tobacco prevention advocacy program.

The paid media efforts were significantly enhanced in 2002 when the Health and Wellness Trust Fund provided the first state funding, through the Master Settlement Agreement, for the first statewide youth focused multi-media social marketing campaign TRU, Tobacco.Reality.Unfiltered. The TRU paid media campaign was based on the S.A.V.E program (described earlier following research that indicates the effectiveness of showing real people telling real stories about the devastating human consequences of tobacco use.<sup>258</sup> The campaign targeted youth ages 11 to 17 with television ads featuring real North Carolinians describing their personal experiences with the serious health consequences of tobacco use. The campaign also included an interactive website component [www.realityunfiltered.com](http://www.realityunfiltered.com) which fostered youth membership through tobacco-free pledges, and includes a cessation module as well as free tobacco prevention related downloads to create an engaging youth experience. The campaign evolved as a part of the Teen Tobacco Use Prevention Initiative.

The 2010 tobacco prevention televised media and website campaign played an integral role in furthering the tobacco prevention and cessation messages of the HWTF Teen Initiative. In July 2008, HWTF launched a new series of five TRU ads featuring Reena Roberts, a 30-year-old mother from Asheville. Through the five ads, Reena shared her story of beginning to smoke at age 13, developing cancer at 19, and undergoing a tracheotomy at 21.

The 2009 TRU media evaluation showed that the TRU media campaign, as then constructed and executed, remained an integral and successful component of NC's Teen Tobacco Prevention Initiative. Awareness of the TRU campaign reached record levels nearing 80 percent in 2009.<sup>262</sup> Evidence from the 2009 UNC School of Medicine evaluation of the TRU campaign, further indicated that the TRU campaign, was well received by youth and reached those NC youth at highest risk for future tobacco use. Finally, the campaign, combined with state, school, and community policies (i.e., increased state excise tax, tobacco-free schools legislation, and community coalition activities), played a substantial role in the historically low levels of tobacco use seen among NC middle and high school youth.<sup>262</sup>

### ***Promoting Effective Tobacco Cessation/Treatment Policies, Programs and Services***

During the development of the Vision 2010 Plan in 2000, the TPCB and a work group concluded that the North Carolina smoking cessation infrastructure was inadequate. The cessation work group, chaired by Meg Molloy, President and CEO of N.C. Prevention Partners, wanted to begin building an adequate cessation foundation around health insurance, including improving cessation and treatment through health insurance coverage, encouraging public and private purchasers to purchase cessation coverage in their health plans, and encouraging the North Carolina medical care system, including hospitals and substance abuse treatment programs to increase investment in tobacco use cessation/treatment programs for their patients/clients.

Through 2010, the TPCB continued to promote the development of culturally competent accessible evidence-based cessation/treatment programs across all North Carolina communities within schools, hospitals, health departments, private practices, substance abuse/mental health centers, worksites, and other settings. Some of the early programs included *Counseling Women Who Smoke*, designed for medical providers to help pregnant women, *Pathways to Freedom* (Roswell Park Cancer Center) for African American populations, and the ALA's Not-On-Tobacco (NOT) program for teens, including an expansion of services tailored for Hispanic/Latino and Native American populations.



TPCB promoted treating smoking status as a vital sign in all health care settings, along with the tools needed to help providers and health systems do so, including training programs, such as Brief Intervention and 5 A's training, tailored for physicians, dentists, substance abuse treatment professionals, nurses, health educators, medical practice office staff, school nurses, and others on effective counseling and treatment options for their patients/clients who use tobacco products.

In 1999, the State Division of Public Health and TPCB also began working with the N.C. Prevention Partners (NCPP) on the insurance collaborative to work with private and public health insurance providers in North Carolina on incorporating preventative services such as

By 2009, all of North Carolina's fully-insured plans addressed tobacco cessation.

tobacco cessation into their coverage plans. The NCPP established in 1998 by beloved founding board member Jim Long and Molloy, began implementing annual Health Plan Roundtables to educate providers about preventative benefits, and build partnerships and foster relationships with health plans throughout

the state. The NCPP also began collecting data and providing a web resource about insurance benefits for plans, employers, employees and health care providers.<sup>355</sup>

By in 2003, TPCB developed and expanded its official program website to include cessation and treatment resources for health care professionals, including multimedia brief intervention cessation training videos, Power Points and printable electronic educational brochures that could be used as cessation tools.

As a result of the TPCB's strategic efforts, cessation treatment and resources continued to expand throughout the state. The telephone-based tobacco cessation service, Quitline NC, was launched in November 2005 to provide free support to all NC residents who want to quit using tobacco. From its launch in late 2005 through June 2009, Quitline NC was jointly funded by HWTF and the Tobacco Prevention and Control Branch in the NC Department of Health and Human Services. The HWTF provided funding for callers ages 24 and younger, school and childcare employees, and individuals who lived with and/or were the primary caregiver of a child under 18 years old. The Quitline also featured interactive web components. For example, the TPCB website included a widget where smokers who wanted to quit could be connected to a quit coach with the click of a mouse.

The HWTF expanded its funding of the Quitline to begin including smokers who were planning a pregnancy, currently pregnant, or have given birth in the last 12 months in January 2009. In 2009, the NCGA allocated \$500,000 to fund the Quitline as a cessation treatment resource for the state health insurance plan for employees. This progressive state health plan was adopted during the 2009 legislative session to encourage and incentivized healthy lifestyle behaviors including smoking cessation.<sup>356, 357</sup> Health insurance smoking cessation coverage for state employees, was a monumental change that occurred within eight years of the Vision 2010 Plan, led by the TPCB identifying and including this strategy in their blueprint for tobacco prevention and control.

In addition to the state health plan covering tobacco cessation, by 2009, all of North Carolina's fully-insured plans addressed tobacco cessation as well as obesity prevention. While the majority of the plans also achieved the gold standard tobacco cessation benefit, covering

primary care providers to offer brief counseling or referral to more intensive counseling and nicotine replacement therapies.<sup>355</sup>

### ***Establishing Statewide Infrastructure and Management for All State and Local Programs***

In 2000, the TPCB and the Vision 2010 work group identified that implementation of an effective tobacco use prevention program required a strong infrastructure to provide management, statewide training and technical assistance. The work group wanted the statewide infrastructure to have the ability to administer, oversee and assist local programs and community grant recipients, and to follow recommendations gained from working with other states that had successful tobacco use prevention and control programs.

In 2003, the TPCB began receiving funding from the HWTF to provide technical assistance and training to the Teen Tobacco Use Prevention Initiative school program grantees. Additionally, the grantees participated in the “train the trainer” process to promote tobacco use and evidence-based cessation methods for those health care providers who served teens.

The Annual Action Planning and Information Exchange was the annual meeting that served as the preliminary planning phase and networking opportunity for writing the annual action plan. Attendees and technical assistance providers used the time to discuss strategies, training opportunities and program objectives. The annual action plan was supplemental to the Vision 2010 Plan and blueprint. The State Tobacco Use Prevention and Cessation Annual Conference provided the HWTF Community/Schools, Special Projects and College Grantees a learning opportunity to increase the knowledge and skills necessary to plan and implement evidence-based policy and program interventions for preventing tobacco use among young people. The conference was inclusive and open, and organizations and counties not directly funded in tobacco use prevention were encouraged to attend. The TPCB state coordination of tobacco control activities promoted the consistent efficiency and increased efficacy of the programs being implemented.

In 2010, the TPCB training opportunities included the 5A’s “train the trainer” regional trainings, the Annual Action Planning and Information Exchange, and the Statewide Tobacco Use Prevention and Cessation Conference. TPCB also offered adequate training to local programs and grant recipients on topics such as building strong coalitions/partnerships, media relations, advocacy and spokesperson skills, leadership, policy advocacy, diversity, reducing disparities, community organizing, merchant education, teacher training, cessation programs, public education campaigns, and local evaluation.

### ***Enhancing Evaluation and Assessment of All Tobacco Use Prevention Programs***

The Vision 2010 workgroup concluded that surveillance was needed to continuously monitor measures, such as tobacco-related behavior and attitudes, and to evaluate the impact of local and state tobacco use prevention initiatives in the plan. Evaluation provided accountability and monitored whether program goals were achieved. Surveillance and evaluation activities are also excellent ways to decide how to target resources and demonstrate progress toward goals, and to use funds effectively.

In 1999, North Carolina Tobacco Prevention and Control Branch partnered with the Department of Public Instruction, Safe and Drug-Free Schools Program, to conduct the CDC's

In 2005, 90 percent of parents in North Carolina supported stronger tobacco control policies.

Youth Tobacco Survey (NC YTS). This was the first time that the school-based survey had been administered in North Carolina. Over 12,000 students provided the state with in-depth baseline information. To monitor the achievement of

ultimate outcomes, such as reducing prevalence of tobacco use among youth, as well as intermediate outcomes, such as attitudes, beliefs, and behaviors (e.g. quit attempts).

A Program Tracking System (PTS) was developed by the TPCB in 2001 to measure progress and impact in meeting statewide objectives. The evaluation component provided feedback to the TPCB. Over the years that followed, the system showed an increase in support for smokefree environments through surveying, an increase in calls to the Quitline and quit attempts, and a reduction in adult and youth smoking prevalence. Key accomplishments tracked by the PTS were highlighted on the TPCB website. For example, a byproduct of the PTS included a section on the TPCB website titled The Community Chronicles. Dating back as earlier as 2000, the newsletter style chronicles archived the incremental success that has taken place. The story and lessons learned from the Caldwell Women's Shelter voluntarily going smokefree was shared in one of the first chronicles.

Results and measures from large scale surveys, such as the NC YTS and smaller ongoing surveys were also included in the PTS and highlighted on the TPCB website. These surveys also helped to measure program effectiveness and outcomes. The Youth Risk Behavior Survey (YRBS) measured the comprehensive risk taking behaviors among middle and high school students. The Division of Public Health conducted the Behavioral Risk Factor Surveillance Survey (BRFSS) to determine risk-taking behaviors among adults in North Carolina. Over time, the results of these surveillance and evaluation activities were kept available for review on the TPCB website.

Like models in other states, North Carolina worked in conjunction with the state universities and colleges to implement and coordinate surveillance, evaluation and research activities. For example, the Division of Public Health collaborated with UNC School of Medicine, Tobacco Prevention and Evaluation Program to conduct special studies such as the 2005 Child Health Assessment and Monitoring Program (CHAMP) telephone survey to assess the attitudes about tobacco policies among North Carolinian parents, which determined that a resounding 90 percent of parents in North Carolina supported stronger tobacco control policies.<sup>358</sup> The research topics were selected collaboratively between the TPCB, state tobacco control advocates and research institutions. The research results were published and used to advance policy efforts regarding youth tobacco use prevention and restaurants and family business policies on secondhand smoke.<sup>358, 359</sup> These publications were also readily accessible on the TPCB website.

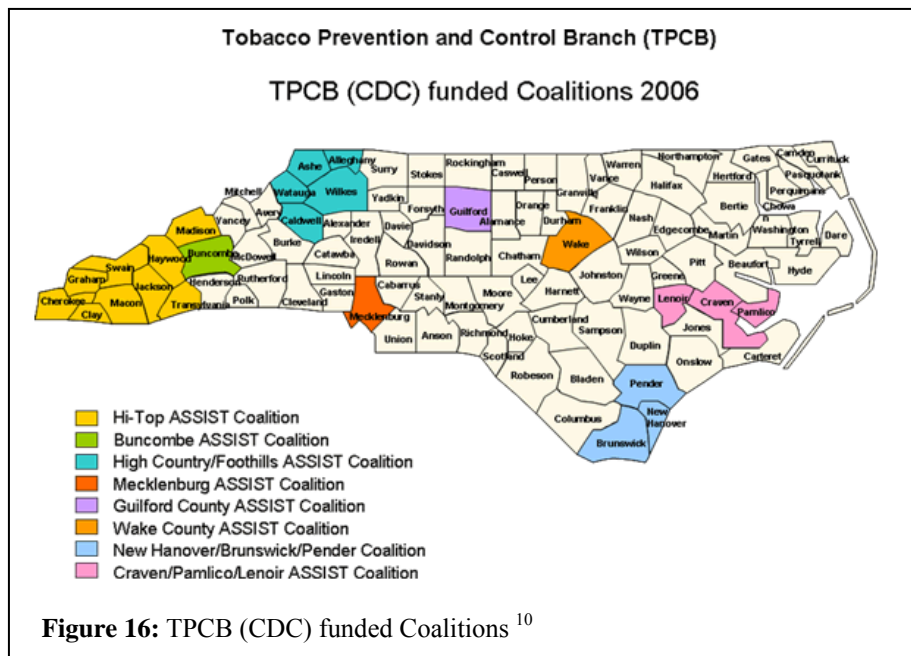
## Tobacco Control Expenditures

Beginning in 1999, the Tobacco Prevention and Control Branch's contract with the federal Center for Disease Control Office on Smoking and Health National Tobacco Control Program provided funding for eight statewide local tobacco prevention and control coalitions (Figure 16) who worked in their communities towards the goals outlined in the Vision 2010 plan in 2011. The eight local coalitions

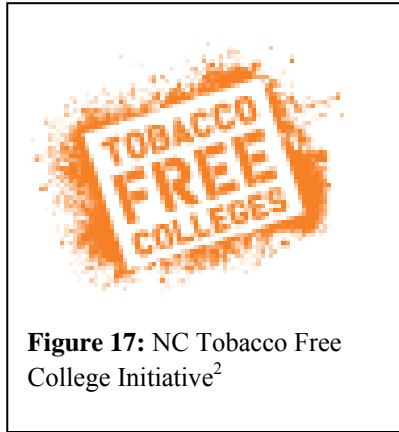
were strategically located throughout the state to provide tobacco control programming and cover the six major media markets within North Carolina.<sup>116</sup> Coverage of the six major media markets was important because it allowed tobacco prevention messages to extend beyond the coalition counties and reach individuals in other counties as well.

These coalitions initially began receiving funding in 1992 when North Carolina received a grant from the National Cancer Institute to participate in a 17-state ASSIST project and were an important part of the tobacco control infrastructure in the state as discussed earlier in this report. Although Project ASSIST ended in 1999, the majority of the local coalitions continued using the name ASSIST because of name recognition in their communities. The coalitions were coordinated by the TPCB and implemented at the local level with the local health departments serving as the lead agency. For example, the Appalachian District Health Department led the High Country/Foothills ASSIST Coalition, which includes Alleghany, Ashe, Wilkes, Caldwell, and Watauga counties.

In 2002 the Health and Wellness Trust Fund began funding youth focused tobacco control programming through the state-allocated portion of the Master Settlement Agreement as discussed in detail later in this report. Together, the TPCB core CDC funding combined with the tobacco prevention and control funds available from the HWTF for programming, the majority of the statewide tobacco control expenditures were in the state and community interventions category, with an average of \$5 million being spent in this category over the past seven years. In FY2010, the combined statewide tobacco control expenditures in the state and community interventions category totaled \$6.5 million. These interventions included social-norming activities, like the Smokefree Dining and the Tobacco Free Colleges initiatives. These activities were implemented by the eight coalitions and HWTF grantees throughout the state



simultaneously and were important incremental activities that assisted in leading to a statewide smokefree restaurants and bar law in 2009<sup>360</sup> and North Carolina leading the nation in voluntary comprehensive 100 percent tobacco free college policies on 40 campuses throughout the state in 2010 (Figure 17).<sup>361</sup>



\$6.2 million in FY2010. The Health Communications category included TRU (tobacco reality unfiltered), the teen tobacco prevention and cessation initiative media campaign.

With the initial ASSIST funding in 1991, core CDC funding beginning in 1999, and Health and Wellness Trust Fund allocation from the Master Settlement Agreement, tobacco control expenditures in the state were consistent and increased over time (Table 41). For example, the second largest tobacco control expenditure category was Health Communications, for which combined TCB and HWTF expenditures in this category totaled \$1.3 million in FY03 the expenditures in this category increased 7.5 times and totaled

The shared vision spearheaded by the TPCB and the combined TPCB and HWTF expenditures provided a coordinated consistency of tobacco prevention efforts and effectively maximized the use of limited resources in the state.

In February 2010, the TPCB received a two-year (FY10-FY11) \$1.6 million award from the Communities Putting Prevention to Work, American Recovery and Reinvestment Act. The additional funding was used to increase the capacity of the state Quitline to provide cessation services, and to promote smokefree worksite policies, a tobacco excise tax increase, and tobacco cessation among youth and adults.

The shared vision spearheaded by the TPCB and the combined TPCB and HWTF expenditures provided a coordinated consistency of tobacco prevention efforts and effectively maximized the use of limited resources in the state.

## Conclusion

Beginning in 1991 with the NC Project ASSIST, the state Tobacco Prevention and Control Branch (TPCB) has played an active leadership role in tobacco prevention throughout the state. The NC Project ASSIST, allowed the state to create a tobacco control infrastructure by setting up local tobacco control coalitions in the key state media markets throughout the state. The state tobacco control infrastructure remained active for more than 20 years and was still active in 2011.

**Table 41: Resources and Budgeted Spending for Tobacco Control in North Carolina 1991-2011**<sup>2, 116, 178</sup>

<b>Annual ASSIST Allocations to North Carolina (1991-1998)</b>														
Fiscal year	1992	1993	1994	1995	1996	1997	1998	1999	Total 1991-1999					
Amount	\$547,997	\$539,476	\$1,171,627	\$1,429,803	\$1,462,915	\$1,520,033	\$1,655,544	\$1,703,742	\$10,037,131					
<b>Annual Tobacco Control Resources and Budget Spending after COMMIT and ASSIST (FY98 – FY10)</b>														
Fiscal Year	FY98	FY99	FY00	FY01	FY02	FY03	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11
Tobacco Generated Revenues	\$47,204,135	\$44,919,034	\$43,957,805	\$42,280,129	\$42,227,886	\$42,332,928	\$44,118,406	\$43,384,992	\$172,245,232	\$241,864,191	\$248,570,108	\$243,956,948	\$274,981,301	\$255,800,000
Tobacco Taxes Dedicated	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
MSA		\$57,600,000	\$125,800,000	\$141,300,000	\$166,800,000	\$135,800,000	\$145,000,000	\$148,700,000	\$136,000,000	\$141,600,000	\$160,000,000	\$175,200,000	\$146,400,000	\$138,256,209
<b>Total</b>	<b>\$47,204,135</b>	<b>\$102,519,034</b>	<b>\$169,757,805</b>	<b>\$183,580,129</b>	<b>\$209,027,886</b>	<b>\$178,132,928</b>	<b>\$189,118,406</b>	<b>\$192,084,992</b>	<b>\$308,245,232</b>	<b>\$383,464,191</b>	<b>\$408,570,108</b>	<b>\$419,156,948</b>	<b>\$421,381,301</b>	<b>\$394,056,209</b>
<b>State Resources Available for Tobacco Control</b>														
<i>State Funds</i>														
Cancer Branch State Funding								\$42,000			\$64,000	\$64,000		
State General Fund												\$500,000		
NC Critical Needs										\$250,000				
<b>Total State</b>								<b>\$42,000</b>		<b>\$250,000</b>	<b>\$64,000</b>	<b>\$564,000</b>		
<i>Federal Funds</i>														
CDC Core	\$1,703,742	\$2,085,246	\$2,085,246	\$2,085,246	\$2,085,246	\$1,703,742	\$1,703,742	\$1,703,742	\$1,601,517	\$1,601,517	\$1,601,517	\$1,202,138	\$1,672,280	\$1,672,280
CDC Quitline								\$187,500	\$250,000	\$285,000	\$236,153	\$177,115		
CDC Emergency Funds Quitline										\$50,000				
CDC Disparities					\$100,180	\$97,368								
CDC Sports Supplement						\$25,000								
ARRA Component 1													\$9,603	\$704,214
ARRA Component 2													\$92,677	\$741,145
ACA														\$13,140
<b>Total Federal</b>	<b>\$1,703,742</b>	<b>\$2,085,246</b>	<b>\$2,085,246</b>	<b>\$2,085,246</b>	<b>\$2,185,426</b>	<b>\$1,826,110</b>	<b>\$1,703,742</b>	<b>\$1,891,242</b>	<b>\$1,851,517</b>	<b>\$1,936,517</b>	<b>\$1,837,670</b>	<b>\$1,379,253</b>	<b>\$1,774,560</b>	<b>\$3,130,779</b>
<i>Other Sources</i>														
American Legacy Foundation					\$750,000	\$1,613,414	\$830,000	\$270,848	\$98,290	\$85,112		\$148,095		
Blue Cross Blue Shield									\$100,000	\$400,000				
Robert Wood Johnson Foundation					\$1,134,323	\$898,683	\$250,322			\$23,196				
Crime Commission					\$142,040									
<b>Total Other</b>					<b>\$2,026,363</b>	<b>\$2,512,097</b>	<b>\$1,080,322</b>	<b>\$270,848</b>	<b>\$198,290</b>	<b>\$508,308</b>		<b>\$148,095</b>		
Prior Year Carryover														
<b>Total Funds</b>	<b>\$1,703,742</b>	<b>\$2,085,246</b>	<b>\$2,085,246</b>	<b>\$2,085,246</b>	<b>\$4,211,789</b>	<b>\$4,338,207</b>	<b>\$2,784,064</b>	<b>\$2,204,090</b>	<b>\$2,049,807</b>	<b>\$2,694,825</b>	<b>\$1,916,362</b>	<b>\$2,091,348</b>	<b>\$1,774,560</b>	<b>\$3,130,779</b>
<b>State Tobacco Control Expenditures</b>														
<i>Tobacco Prevention and Control Branch</i>														
State and Community Interventions	\$955,231	\$1,185,983	\$1,185,983	\$1,185,983	\$3,094,733	\$3,292,817	\$1,862,174	\$1,153,189	\$867,052	\$902,961	\$990,969	\$753,792	\$748,471	\$1,392,759
Health Communications	\$192,119	\$189,916	\$189,916	\$189,916	\$189,916	\$217,119	\$192,119	\$192,119	\$168,023	\$79,332	\$82,351	\$64,068	\$63,706	\$117,413

Cessation	\$13,054	\$51,204	\$51,204	\$51,204	\$51,204	\$92,111	\$93,054	\$226,020	\$449,074	\$721,855	\$287,654	\$710,811	\$478,792	\$824,806
Surveillance and Evaluation	\$205,172	\$281,473	\$281,473	\$281,473	\$281,473	\$205,172	\$238,960	\$205,172	\$192,373	\$205,956	\$171,362	\$144,304	\$146,158	\$258,389
Administration and Management	\$152,307	\$190,811	\$190,811	\$190,811	\$190,811	\$152,307	\$152,307	\$201,561	\$237,187	\$197,199	\$183,837	\$135,990	\$145,234	\$260,172
Other	\$185,859	\$185,859	\$185,859	\$185,859	\$403,652	\$378,681	\$245,450	\$185,859	\$121,878	\$146,934	\$185,529	\$126,853	\$130,320	\$247,214
<b>Total State Tobacco Control Expenditures*</b>	<b>\$1,703,742</b>	<b>\$2,085,246</b>	<b>\$2,085,246</b>	<b>\$2,085,246</b>	<b>\$4,211,789</b>	<b>\$4,338,207</b>	<b>\$2,784,064</b>	<b>\$2,163,920</b>	<b>\$2,035,587</b>	<b>\$2,254,237</b>	<b>\$1,901,702</b>	<b>\$1,935,818</b>	<b>\$1,712,681</b>	<b>\$3,100,753</b>
Unexpended Funds								\$40,170	\$14,220	\$440,588	\$14,660	\$155,530	\$61,879	\$30,026
<b>Health and Wellness Trust Fund</b>														
Assets						\$42,300,172	\$36,335,524	\$37,160,237	\$34,113,271	\$35,706,269	\$39,988,390	\$43,796,728	\$47,693,529	
Operating						\$536,247	\$626,842	\$771,213	\$872,839	\$891,576	\$742,682	\$727,764	\$785,154	
Net Assets						\$41,763,925	\$35,708,682	\$36,389,024	\$33,240,432	\$34,814,693	\$39,245,708	\$43,068,964	\$46,908,375	
Funds available for Expenditures														
Assets available for current year expenditures (MSA Payment)						\$42,300,172	\$36,335,524	\$37,160,237	\$34,113,271	\$35,706,269	\$39,988,390	\$43,796,728		
Interest								\$2,379,340	\$1,245,613	\$2,226,768	\$3,175,196	\$3,235,891		
Total available operating funds**						\$42,300,172	\$36,335,524	\$39,539,577	\$35,358,884	\$37,933,037	\$43,163,586	\$47,032,619	\$46,908,375	
Foundation tobacco control Expenditures														
State and Community Interventions						\$1,364,082	\$3,224,508	\$5,771,695	\$6,025,522	\$6,379,917	\$6,497,649	\$5,570,666	\$7,069,211	
Health Comm.						\$1,148,121	\$1,363,990	\$1,586,703	\$2,360,963	\$4,200,629	\$7,709,520	\$6,186,463	\$3,307,705	
Cessation						\$113,240	\$92,105	\$55,966	\$67,393	\$658,636	\$829,671	\$469,616	\$614,832	
Surveillance Evaluation							\$293,688	\$617,632	\$591,344	\$525,344	\$495,945	\$388,630	\$780,592	
Admin Management							\$30,615	\$36,395	\$150,589	\$349,761	\$459,581	\$482,318	\$467,409	
<b>Total Foundation Expenditures</b>						<b>\$2,625,443</b>	<b>\$5,004,906</b>	<b>\$8,068,391</b>	<b>\$9,195,811</b>	<b>\$12,114,287</b>	<b>\$15,992,366</b>	<b>\$13,097,693</b>	<b>\$12,239,749</b>	
<b>Other Nongovernmental Tobacco Control Activities</b>														
<i>NC Alliance for Health</i>														
Robert Wood Johnson Foundation						\$50,000		\$53,000		\$25,000	\$44,624	\$44,624		
ACS Can Grant												\$125,000***		
Matching Grant Funds for RWJF											\$25,000	\$30,000		
NC Alliance for Health Membership Dues					\$30,000	\$15,000	\$35,000	\$15,000	\$25,000	\$10,000	\$20,000	\$25,000		
<b>Total Tobacco Control Expenditures</b>	<b>\$1,730,742</b>	<b>\$2,085,246</b>	<b>\$2,085,246</b>	<b>\$2,085,246</b>	<b>\$4,211,789</b>	<b>\$6,963,650</b>	<b>\$7,788,970</b>	<b>\$10,232,311</b>	<b>\$11,231,398</b>	<b>\$14,368,524</b>	<b>\$17,894,068</b>	<b>\$15,033,511</b>		
Notes														
*FY98-FY04 Tobacco Prevention Control Branch expenditures are estimates														
** The Health and Wellness Trust Fund is used to support the Senior Rx Program, Youth Tobacco and Obesity Prevention, and Health Disparities														
***FY09 ACS Can Grant was used to support HB2 grassroots activity (\$88,000 media contract; \$22,000 phone banking; \$15,000 paid media buys)														
/E Estimated FY10 State Tobacco Prevention and Control Branch Expenditures based on the last three fiscal year expenditures, less the 20 percent budget reduction in FY10														

In 2000, the Tobacco Prevention and Control Branch brought together state tobacco control advocates which included public and private health professionals, as well as academic professionals, to create a shared vision for tobacco control and develop the *Vision 2010* strategic plan. The Vision 2010 plan was comprehensive and set forth specific goals and activities for tobacco control. The state TPCB used the plan to incrementally chip away at the longstanding tobacco traditions in the tobacco growing state and helped to prepare the state to utilize a portion of the Master Settlement Agreement funds for tobacco control.

By 2008, the state TPCB and tobacco control advocates achieved an important objective by making public schools in North Carolina 100 percent tobacco-free. Additionally, by 2009 the TPCB had made dramatic progress set forth in the Vision 2010 Plan. In 2011 the Vision 2010 continued to be the blueprint for tobacco control in the state.





## Chapter 10: North Carolina Master Settlement Agreement Trust Funds

- *The North Carolina General Assembly created three foundations to administer the state’s \$4.6 billion MSA funds to tobacco dependent communities, tobacco farmers, and health programs. Tobacco related expenditures began immediately, while health expenditures began three years following the formation of the foundations.*
- *The investment in tobacco dependent communities and tobacco farmers helped transition the state’s economy away from tobacco.*
- *Prior to the 2002 allocation to youth-oriented tobacco control programming, the state had never allocated funds toward tobacco control and prevention. The added resources and funding significantly enhanced the grassroots tobacco-free school movement and led to 100 percent tobacco-free schools in 2008.*

### 2000: North Carolina Master Settlement Agreement Trust Funds

During the 1999 legislative session, SB 6 established three foundations to receive, oversee and disburse the approximately \$4.6 billion in MSA funds, with accompanying mandates and board members who are appointed by the three top political powers in the state, the Governor, President Pro tempore of the Senate, and Speaker of the House.<sup>301</sup> The Golden L.E.A.F. Foundation received one half of the MSA dollars, while the remaining half was split between the Tobacco Trust Fund and the Health and Wellness Trust Fund. Table 42 provides an overview of the actual MSA payments North Carolina received over first years.

Year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Payments	\$57.6	\$125.8	\$141.3	\$166.8	\$135.8	\$145	\$148.7	\$136	\$141.6	\$160.0	\$175.2	\$146.4

### Golden L.E.A.F Foundation

Envisioned by North Carolina Attorney General Mike Easley, the Golden L.E.A.F Foundation was created in 1999 to help shift tobacco dependent communities into the future.<sup>363</sup> The foundation was created by the legislature in accordance with the consent decree signed by Easley on behalf of the State and the tobacco manufacturing companies. The name Golden L.E.A.F was an adaptation of the traditional reference to tobacco as the golden-leaf crop, where L.E.A.F stood for Long-term Economic Advancement Foundation.<sup>364</sup>

The Foundation was devoted to endeavors that strengthened the economy of North Carolina through grants focusing on three priorities: agriculture, job creation and retention, and workforce preparedness, including educational opportunities and increased economic vitality.<sup>365</sup> For example, applicants from Moore County included four of the total 72 grantees funded, which totaled more than \$11.4 million in 2002, to ease the transition from a tobacco-dependent economy were funded, to promote agri-tourism opportunities for farmers learn how to include tourism features on their farms, alternative crops, new nursery crops, and horse park events such as equestrian competition in their region.<sup>364</sup>

The Golden L.E.A.F. foundation was created by the legislature in accordance with the consent decree signed by Easley on the behalf of the State and the tobacco manufacturing companies.

However, not all of the 2002 Golden L.E.A.F Foundation ventures were free of controversy. For example, in 2002 the Foundation funded projects that promoted tobacco and included small grants for projects that commemorated tobacco farming, which included a tobacco farm life museum, a tobacco farm tour, and a newsletter that tracked tobacco market trends.<sup>317</sup>

Additionally, in 2002 the Foundation also invested \$85.4 million into biotechnology initiatives under the persuasion of Governor Michael Easley and President Pro Tempore Marc Basnight. The investment became controversial because the Foundation was supposed to operate independently of political persuasion. However, documents obtained by the Carolina Journal suggest that Easley and Basnight wielded significant influence in the Foundation's decision to fund the biotechnology initiative by threatening to intercept and divert tobacco settlement payments allocated to the Foundation.<sup>366</sup> Easley and Basnight wanted to use the investment as a part of the state Democrat Party campaign platform of creating jobs. In the end however, more jobs were created and helped to solidify the state's future away from a tobacco-dependent economy.

Between 2000 and 2010, the foundation disbursed \$471 million to 1,002 initiatives, which mostly included non-controversial ventures like the 2010 Farms-to-Schools program which allowed county schools to be supplied with fresh local produce grown by farmers in the program.<sup>365</sup>

### **Tobacco Trust Fund Commission**

Continuing to frame the MSA as an issue that would negatively impact the economy of the state, the General Assembly created the Tobacco Trust Fund Commission (TTFC), which would receive 25 percent of the state's portion of the settlement to:

Assist tobacco farmers, former tobacco quota holders, persons engaged in tobacco-related businesses, individuals displaced from tobacco-related employment, and tobacco product component businesses in the State due to the adverse effects of the Master Settlement Agreement.<sup>367</sup>

The differences between the Golden L.E.A.F Foundation and the Tobacco Trust Fund Commission were nominal. Both the Golden L.E.A.F and the Tobacco Trust Fund Commission funded initiatives that assisted tobacco farmers to diversify and rebuild the state's economy.

The differences between the Golden L.E.A.F. Foundation and the Tobacco Trust Fund Commission were nominal.

The Tobacco Trust Fund Commission, governed by the politically appointed board, disbursed funds through compensatory programs and qualified agricultural programs, such as crop diversification initiatives, natural resource and farmland preservation, skill and resource development, increasing farm profitability and community economic development.<sup>367</sup>

During the Commission's infancy between 1999 and 2002, it provided \$41 million to equip tobacco-curing barns, with curing equipment to eliminate nitrosamines, a cancer-causing

chemical, and \$2 million for a marketing center in Asheville to preserve an auction market for the burley tobacco farmers<sup>313</sup> and accounted for the majority of the state's settlement by 2002. The Health and Wellness Trust Fund, discussed below, did not start disbursing grant funds until 2002. Indeed, the earlier Commission expenditures did boost the economy by keeping the money in the State; however, they were far from the tobacco divestment that the legislature intended. These expenditures helped the tobacco farmers in North Carolina stay competitive in the tobacco market through a program that reimbursed tobacco farmers for receipts of their new machinery.<sup>317</sup>

The Commission's expenditures were very controversial and drew criticism from health advocates and taxpayer watchdogs and local mayors. In the Charlotte Observer, Amy Barkley, Coordinator for Tobacco-free Kids stated, "[T]hat's disgusting. This money is supposed to help prevent tobacco use – not keep feeding the same old system...North Carolina is supposed to be moving away from its dependence on Tobacco".<sup>317</sup> In the same article, Governor Easley stated:

I wish the Tobacco Trust Fund money would have been spent more wisely...it appears that their general trend has been to give money to individuals rather than to invest in long-term economic development strategies...this money could be utilized as a real tool rather than simply serving as a Band-Aid.<sup>317</sup>

The Commission's spending practices led Easley to take steps to divert \$120 million of its settlement payments between 2002 and 2003 and use the money to address the state's budget shortfalls.<sup>317</sup> Easley left the Commission with just \$8 million and effectively killed its ability to start new programs.<sup>317</sup> Tobacco farmers were livid and threatened to organize another "Tractorcade;" however, a 2002 North Carolina State University study deflated the tobacco farmers protest as it showed that tobacco farmers had already been well compensated for their losses, thanks to the private payments received in Phase II of the MSA also negotiated by Easley.<sup>317</sup>

Between 2003 and 2010 the Commission funded initiatives that were more in-line with the original intent. For example, the TTFC funded the Tobacco Communities Reinvestment Project of Lamb, Pig, Poultry & Swamp Fox Grits through 2010 to help facilitate tobacco farmers' transition out of the tobacco crop and into other profitable alternatives. Individual reinvestment project grants of up to \$10,000<sup>368</sup> were given to participants like James Worley, a tobacco farmer highlighted in the Commissions 2010 report. Worley made his living on row crops (tobacco, corn, and soy beans) and utilized the funds he received from the project to restore an old grit sorter, which enabled him to separate and sell grits from cornmeal and increased his profit from corn from \$4 per bushel to \$80 per bushel.<sup>367</sup>

Together, the Golden L.E.A.F Foundation and the Tobacco Trust Fund Commission received three-quarters of North Carolina's \$4.6 billion portion of the MSA, leaving little of the MSA money for tobacco control and prevention throughout the state. One explanation for the smaller proportion of MSA funds devoted to tobacco control in tobacco states is the diversion of funds to provide assistance to tobacco farmers and tobacco dependent communities.<sup>301</sup>

## Health and Wellness Trust Fund

The North Carolina Health and Wellness Trust Fund was the third entity created by the North Carolina General Assembly; it received 25 percent of the MSA funds to develop health and wellness programs and initiatives in the state. By a statute established in the 1999 SB 6 legislation that was heavily advocated for by state tobacco control advocates, the HWTF Commission was comprised of persons in public health, healthcare delivery systems operations, healthcare practice, health research, tobacco-related healthcare issues, health promotion and disease prevention, health policy trends, healthcare for underserved populations, and child healthcare.<sup>369</sup> Like the other entities created to disburse the MSA funds, the Governor, President Pro Tempore, and the Speaker of the House each had the authority to appoint 6 members of the 18 member governing Commission. The original 18 members were appointed to HWTF in May 2001, with Lt. Governor Beverly Perdue being elected by the board members to serve as chair.

The HWTF began operating in 2001. During the first eight months of operation, the HWTF received \$40 million to carry out health and wellness programs and initiatives and determined that the priorities would be prescription assistance for the elderly and teen tobacco prevention. In the 2000 gubernatorial race, candidate Mike Easley used a Senior prescription drug benefit program as a part of his platform and advocated for use of the HWTF money to fulfill his campaign promise.<sup>370, 371</sup> Additionally, Gov. Easley attended the first meeting of the Commission in May 2001 to talk about the importance of funding the senior drug program. In contrast to Easley's plans for the funds, the state tobacco control advocates wanted to use \$25 million to fund the statewide tobacco prevention Vision 2010 plan, which was substantially less than the CDC recommended minimum level of \$43 million for a Comprehensive Tobacco Prevention and Control Program.<sup>317</sup> The Vision 2010 Plan was created in 2000 by the Vision 2010 Coalition, led by the State Tobacco Prevention and Control Branch (TPCB) discussed earlier in this report.

However, instead of coming close to the \$25 million Vision 2010 Coalition request or splitting the money between the two priorities over the next four years, the commissioners voted 14-1, with Bob Parker being the only commissioner to vote in opposition, in December 2001 to devote \$35 million to a Senior Rx prescription drug benefit program, leaving about \$5 million, or roughly 3 percent of the total annual MSA funds, for a youth focused tobacco prevention programming.<sup>372</sup> A 2002 *Indy Week* article reported:

Bob Parker was the only member of the board to vote in opposition, stressing that while prescription assistance for seniors is a worthy cause, 'This was not the mandate of the General Assembly, it was the tobacco and youth issue. Putting money into diseases after they occur is the poorest way to address health. The majority of our funds should be spent on prevention.' He (Parker) was surprised, given the depth of health-care experience on the commission, that none of his colleagues chose to do likewise.<sup>373</sup>

HWTF Chair Lt. Gov. Beverly Perdue acknowledged that the Commission worked and decided very quickly, stating to the *Charlotte Observer*, "[t]he drug benefit is a great use of the funds...it assist[s] with medications for ailments linked to smoking, including heart disease, diabetes and chronic obstructive pulmonary disease."<sup>372</sup>

However, Kurt Ribisl, a University of NC professor and Scientific Advisor (2002-2005) for the HWTF Teen Tobacco Use Prevention Task Force, explained in the same *Charlotte Observer* article, "...[C]alifornia was able to cut cigarette consumption in half...shouldn't North Carolina try to do the same...we're nickel and diming this issue."<sup>372</sup>

After the HWTF prioritized its allocations, state tobacco control advocates continued to advocate that the funding be used for the youth related components of the Vision 2010 plan.

Prior to the \$6.2 million allocated to a statewide youth-oriented tobacco prevention program through the HWTF, the state had never allocated any funding to a tobacco prevention program.

State tobacco control advocates presented the Vision 2010 plan and the youth related goals outlined in the plan and garnered the support of the Commission to adopt the plan.

When it came down to spending the devoted amounts during the first three years, the HWTF budgeted \$32 million annually to the

Senior Rx Program initiative, including \$8.5 million in grants to 23 local organizations for a three-year program to establish or expand Prescription Assistance Centers in nearly 60 counties across the state,<sup>374</sup> while budgeting \$6.2 million to the Teen Tobacco Use Prevention Initiative. Prior to the \$6.2 million allocated to a statewide youth-oriented tobacco prevention program through the HWTF, the state had never allocated any funding to a tobacco prevention program. The HWTF funding enhanced the state's core \$1.7 million CDC TPCB funding and increased statewide spending on tobacco control by 27 percent. The \$6.2 million allocation included nearly \$3 million in annual grants for three years to local coalitions and service organizations to implement programs that focused on prevention and cessation of tobacco use by teens in North Carolina (Table 43), \$3 million annually for paid media services and professional statewide cessation programs to assist local grantee organizations achieve tobacco prevention goals, and \$200,000 for program evaluation.<sup>374</sup>

The teen tobacco prevention program's plan, written by members of the Vision 2010 Coalition during the 2000 TPCB Vision 2010 Conference, was based on the 2000 NC Vision 2010 Coalition's Teen Tobacco Use Prevention and Cessation presentation to the Health Trust Commission. The plan was adopted unanimously by the HWTF Commission after priorities and allocations had been set by the Commission in 2001.

Building on the successes of NC Project ASSIST, the plan targeted tobacco use in teens, a population proven to be less controversial in tobacco growing states.<sup>13, 26, 82, 166</sup> Similar plans were usually uncontested by the tobacco industry unless they were proven effective, such as the early Florida "truth" program and the Minnesota anti-smoking media campaign, for which the tobacco industry worked with state legislators to reduce funding.<sup>375</sup> The tobacco industry supports ineffective "just say no" youth-oriented programs, because they confine the reach of tobacco prevention and cessation interventions to segmented fractions of the population and reinforce the rebelliousness among teens not wanting adults to tell them what to do.<sup>268, 376, 377</sup>

The North Carolina Vision 2010 Plan focused on proven strategies and goals devised from the 1999 CDC Best Practices for Comprehensive Tobacco Control: prevent initiation, promote quitting, eliminate exposure, and identify and eliminate disparities of tobacco use.<sup>343</sup>

<b>Table 43:</b> Plan adopted by the HWTF Commission NC Vision 2010 Teen Tobacco Use Prevention and Cessation Proposal Annual Budget 2002-2005 <sup>374</sup>	
<b>Line Item Description</b>	<b>Annual Amount 2002-2005</b>
Local Health Department and Community Based Organization funding for the Tobacco Free School initiative implementation; of which, no more than \$100k made available to the Tobacco Prevention and Control Branch to provide technical assistance for the local community school programs.	\$2,075,000
Funding for three statewide organizations, working with locally funded TFS programs, to implement culturally appropriate disparate African American, American Indian and Latino, teen tobacco use prevention and cessation programs; of which, no more than \$75k made available to the Tobacco Prevention and Control Branch to provide technical assistance for the local community school programs.	\$775,000
Youth tobacco use and prevention statewide media campaign (concentrated in communities with funding for local community TFS programs.	\$1,200,000
Used to fund and enhance North Carolina enforcement efforts to reduce tobacco sales to minors through statewide enforcement of North Carolina's federally mandated Synar Amendment youth access law (G.S. 14-313).	\$500,000
Funding for model youth cessation programs: Quit Line (\$1.15 million, of which, no more than \$65k made available to North Carolina Prevention Partners to develop criteria, manage and establish and provide technical assistance trainings for the quitline); technical assistance and implementation and expansion of Not-on-Tobacco (N-O-T) (\$200k) in locally funded community/school coalition communities; Expansion state programs that encourage health care provider brief intervention smoking cessation implementation during routine healthcare visits of pregnant teenage women throughout four regions of the state (\$100k).	\$1,450,000
Allocation for HWTF Commission to implement a program impact analysis of the teen tobacco use prevention funded programs	\$200,000
*The total annual budget assured availability of \$750,000 in matching funds from the American Legacy Foundation.	\$6.2 million

The plan evolved from the Tobacco Prevention and Control Branch bringing together the statewide tobacco control community to strategically maximize the use of the limited MSA tobacco control dollars. It increased the capacity of communities to respond to the public's health needs by providing funding for local community/school interventions. The plan placed a priority on preventing, reducing and remedying the health effects of teen tobacco use by creating assistance for those who wanted to stop using tobacco products, while also placing an emphasis on reducing youth tobacco use through public education, school-based interventions, teen cessation programs and enforcement of the state law restricting tobacco sales to minors.

A key component of the Vision 2010 Plan was the 100 percent Tobacco-free Schools (TFS) initiative. Modeled on the NC Project ASSIST smokefree workplace intervention, implementation of the 100 percent TFS initiative began in 1992 and was a key component of the chipping away strategy to counter the “dirty air” adopted in 1993, discussed earlier in this report. Jim Martin, TPCB Director of Policy and Programs, coordinated the tobacco-free school movement,<sup>116</sup> by working with local health departments and school districts to adopt and implement tobacco-free policies. In a 2010 interview, Jim Martin recalled, “We started out this strategy of the tobacco-free schools as trying to go one school at a time and convince their board that it was the right thing to do based on all of the scientific evidence and best practices.”<sup>316</sup> In 2000, these efforts were enhanced by the “Governor’s Summit to Prevent Tobacco Use” as well as the youth empowerment coalition activities that followed (discussed below) and Governors Hunt and Easley sending out letters in support of tobacco-free schools to school districts.<sup>378</sup>

By 2002, 15 of the 115 school districts in North Carolina adopted tobacco-free school policies. In an analysis of the initial school districts to adopt a tobacco-free policy, Goldstein et al. found that, though a local tobacco economy did little to influence policy adoption, the initial districts that adopted 100 percent tobacco-free policies were not located in counties with heavy

tobacco production.<sup>378</sup> Nevertheless, during the first two years of the HWTF Teen Tobacco Use Prevention and Cessation Initiative (between 2003 and 2005), 46 school districts adopted tobacco-free school policies,<sup>379</sup> for a total of 61 (52 percent) school districts in North Carolina. The HWTF funding significantly enhanced the TFS initiative. The funding allowed safe and drug-free school coordinators to organize coalitions in school districts and paid for development of a website which included a model policy, an outline of steps, and the needed resources and tools which could be initiated by youth to achieve a tobacco-free school policy within each

The rapid adoption of tobacco-free school policies in North Carolina with its economic and cultural history of dependence on tobacco is a success story.

school district. In addition to a step-by-step guide, a sample petition (Figure 18), an assessment tool, and talking points for responses to potential critics were all readily available for advocates via the initiative's campaign website.<sup>3</sup>

In 2006 the HWTF implemented a statewide media campaign to promote adopting and complying with tobacco-free school policies. The media campaign was based on four themes identified from research conducted by Summerlin-Long et al. The themes included a policy message about tobacco-free schools becoming the norm in the state, experiences of school districts that had successfully passed TFS policies, the importance of adult role modeling, and personal stories from youth about the importance of tobacco-free school policies.<sup>345</sup> Following the launch of the statewide campaign to promote adopting and complying with tobacco-free schools, nine additional schools adopted a TFS policy, increasing the total from 78 to 87 of the 115 school districts (75 percent) becoming tobacco-free.<sup>345</sup>

Ultimately, the Vision 2010 Plan and the ongoing collaboration between state tobacco control advocates contributed to the chipping away strategy, by leading to all schools being 100 percent tobacco-free as a result of 2007 legislation. The rapid adoption of tobacco-free school policies in North Carolina, with its economic and cultural history of dependence on tobacco, is a success story.<sup>379</sup> In 2010, the "100 percent Tobacco-free Schools" campaign website continued to be a resource to promote compliance with the statewide law adopted in 2007 as discussed below. Most importantly, the HWTF teen tobacco prevention efforts contributed to the dramatic declines in youth tobacco use rates seen among both middle school

We the undersigned ask our local Board of Education to mandate a policy requiring all public school buildings, grounds, and events to be 100% tobacco free.

Name	Address	Phone/Email	School of interest	Role (Check one)
				<input type="checkbox"/> Student <input type="checkbox"/> Teacher <input type="checkbox"/> Parent <input type="checkbox"/> Citizen
				<input type="checkbox"/> Student <input type="checkbox"/> Teacher <input type="checkbox"/> Parent <input type="checkbox"/> Citizen
				<input type="checkbox"/> Student <input type="checkbox"/> Teacher <input type="checkbox"/> Parent <input type="checkbox"/> Citizen
				<input type="checkbox"/> Student <input type="checkbox"/> Teacher <input type="checkbox"/> Parent <input type="checkbox"/> Citizen
				<input type="checkbox"/> Student <input type="checkbox"/> Teacher <input type="checkbox"/> Parent <input type="checkbox"/> Citizen
				<input type="checkbox"/> Student <input type="checkbox"/> Teacher <input type="checkbox"/> Parent <input type="checkbox"/> Citizen
				<input type="checkbox"/> Student <input type="checkbox"/> Teacher <input type="checkbox"/> Parent <input type="checkbox"/> Citizen
				<input type="checkbox"/> Student <input type="checkbox"/> Teacher <input type="checkbox"/> Parent <input type="checkbox"/> Citizen

Figure 18: Sample 100% Tobacco-Free Schools Petition<sup>3</sup>



and high school students.<sup>319</sup> Between 1999 and 2007, middle school students' cigarette use rate decreased from 15 percent to 4.5 percent, and cigarette use among high school students decreased from 31.6 percent to 19 percent.<sup>319</sup>

In addition to funding the teen initiative in 2003, the HWTF began funding components of the state Quitline in 2005 and expanded to the Tobacco-free College (TFC) Initiative in 2006. The TFC Initiative, modeled on the 100 percent Tobacco-free Schools Initiative, provided assistance to all NC campuses in adopting and implementing comprehensive campus-wide tobacco use policies in 2010. The HWTF funded 26 local health departments and college/university programs. TFC Initiative grantees worked to prevent initiation of tobacco use among young adults ages 18-24, eliminate exposure to secondhand smoke on college campuses, promote tobacco use cessation among young adults, and eliminate tobacco-related health disparities in the young adult age group.<sup>380, 381</sup> Prior to the initiative, Bennett College, a small private college campus, was the only tobacco-free campus in North Carolina. By 2009, 33 colleges and community colleges adopted tobacco-free policies.<sup>380</sup>

Between 2006 and 2009, the HWTF allocated nearly \$50 million to its tobacco use prevention and cessation initiatives, with \$17.1 million dedicated in FY2009 nearly tripling the initial allocation of \$6.2 million in 2003.<sup>262</sup> By 2010, the HWTF had spent \$78.3 million on tobacco prevention in the state (Table 41).

### **2011: Republicans Divert MSA Funds and Abolish the Health and Wellness Trust Fund**

For the first time since 1870, Republicans gained control of the North Carolina General Assembly in 2011. The historic shift in power in North Carolina to the economic recession 2008-2011 and reflected the emergence of the conservative Tea Party movement. The Assembly in North Carolina gained 33 first-term Republican legislators. These Republicans used a modest \$3.7 million projected deficit to immediately attack the Health and Wellness Trust Fund. In 2011, Republican leaders, of the Senate and House Appropriations Committees, introduced two bills, SB 13 *Balanced Budget Act of 2011* and HB 200 *Appropriations Act of 2011* to abolish the HWTF.

SB 13, primarily sponsored by Richard Stevens (R, Cary, TTICC \$4,000, Policy Score 7.2), Peter Brunstetter (R, Winston-Salem, TTICC \$8,250, Policy Score 5.2) and Neal Hunt (R, Raleigh, TTICC \$9,500, Policy Score 9.6) was introduced just 5 days into the legislative session on January 31, 2011. The North Carolina Alliance for Health (NCAH) activated state tobacco control advocates through a grassroots action alert and urged advocates to prompt the House and Senate to protect the HWTF. However, the Senate approved SB 13 along party lines, 31-16, on February 7, 2011 and forwarded the bill to the House. While in the House, state tobacco control advocates worked with Representative Alma Adams (D, Greensboro, TTICC \$0, Policy Score 9.0) to amend the bill during the floor debate, by reducing the HWTF to \$5.4 million, and thereby saving \$11.6 million for the HWTF. The amendment failed 51-66. SB 13 passed along party lines, 66-51, on February 10, 2011.

On February 22, 2011, Governor Beverly Perdue vetoed the bill, stating in her veto letter:

I have already used powers granted to me through existing statutes to reduce expenditures by at least \$4 million for fiscal year 2010-11. This \$4 million has

been accounted for in my 2012-13 recommended budget presented to the Assembly on February 17, 2011. The remaining sections are not necessary and interfere with the State's capacity to generate jobs and retain industry. Therefore I veto this bill.<sup>382</sup>

Despite expenditures being reduced to account for the deficit, as cited by Governor Perdue, the Senate voted to override the veto along party lines again 31 to 19 on March 9, 2011 and sent the bill back to the House on the same day, where no action on the bill had been taken as of June 5, 2011.

HB 200, primarily sponsored by Harold Brubaker (R, Asheboro, TTICC \$11,300, Policy Score 0.8) was introduced on March 1, 2011. The bill passed the House on May 4, 2011 along party lines with the exception of five Democrats (William Brisson (D, Dublin, TTICC \$500, Policy Score 2.6) ; Jim Crawford (D, Oxford, TTICC \$6,750, Policy Score 2.8); Dewey Hill (D, Whiteville, TTICC \$5,300, Policy Score 1.4); Bill Owens (D, Elizabeth City, TTICC \$1,350, Policy Score 6.8); and Timothy Spear (D, Creswell, TTICC \$500, Policy Score 2.4) voting with Republicans 72 to 47. The five Democrat votes gave Republicans a veto-proof majority. On May 9, 2011, the NCAH issued an action alert to state tobacco control advocates urging them to tell the Senate and Governor to save the Health and Wellness Trust Fund. In addition to the action alert, the NCAH developed talking points. State tobacco control advocates organized a TRU Movement Youth rally at the legislature on May 11, 2011 and submitted a number of editorials advocating for the HWTF.

Despite these efforts, the Senate voted along party lines 31 to 19 to approve HB 200 on June 3, 2011. Governor Perdue vetoed HB 200 on June 12, 2011, stating:

Now, for the first time, we have a legislature that is turning its back on our schools, our children, our longstanding investments in education and our future economic prospects...I cannot support a budget that sends the message that North Carolina is moving backwards...The General Assembly may be satisfied with a state in reverse by I am not.<sup>383</sup>

However, because the Republicans had veto-proofed HB 200, the advocacy efforts of state tobacco control advocates mobilizing support to persuade the five Democrats to change their vote, the House overrode her veto on June, 15, 2011 by 73 to 46 in the House, and 31 to 19 in the Senate.

HB 200 changed the MSA allocation from 25 percent of the funds received going to the Tobacco Trust Fund and 25 percent to the Health and Wellness Trust Fund to 50 percent being allocated as such:

- Eight million dollars to the University Cancer Research Fund;
- Debt service in an unspecified amount as authorized by the State Capital Facilities Act of 2004, Part I, which authorized issuance of \$388 million in revenue bonds; and
- The remainder to be used for the purposes of (1) the benefit of tobacco producers, tobacco allotment holders and persons engaged in tobacco-related businesses, roughly equivalent to the objectives of the Tobacco Trust Account, and (2) the

benefit of health to fund programs and initiatives that include research, education, prevention, and treatment of health problems and public health capacity-building at the community level, more detailed than the objectives of the former Health and Wellness Trust Fund to “benefit health.”

Since the 50 percent now goes into the General Fund, it will be subject to biennial appropriation by the General Assembly, which appropriated nothing from the General Fund for tobacco control for FY 2012 and FY 2013.

HB 200 also abolished the Health and Wellness Trust Fund and its Commission, transferred \$32.9 million of the Trust Fund balance to the Department of Health and Human Services (the Tobacco Prevention and Control Branch is in the Division of Public Health in the Department), and appropriated \$22 million of the \$32.9 million to administer grants associated with Teen Tobacco Prevention, CheckMeds, Medication Assistance Programs, and Obesity Prevention, formerly funded by the Health and Welfare Trust Commission, \$10 million for Medicaid, and \$904,411 to reduce the Medicaid Provider Rate cut. However, the appropriation for the Division of Public Health for FY 2012 was about \$33 million larger than for FY 2011, but reverts to FY 2011 levels in FY 2013. It is not clear why this one-time increase was made.

By way of comparison, in FY 2010, the Health and Wellness made grants for FY 2010 of \$5.5 million for Teen Tobacco Prevention, \$.7 million for CheckMeds, \$1.9 million for Medication Assistance, and \$1.2 million for Obesity Prevention for a total of \$9.3 million. The \$22 million appropriated for these grants will carry the programs a little over two years at FY 2010 rates. However, there is no guarantee that this money will be dedicated to these programs, or that the future MSA payments would go to the Department of Public Health.

The debt service provision is not new. Servicing that debt by splitting the cost equally between the Health and Wellness Trust Fund and the Tobacco Trust Fund was included in the State Capital Facilities Act of 2004, Part I, which, in the case of the Health and Wellness Trust Fund, eliminated the need for the Fund to maintain a reserve fund equal to 50 percent of the MSA funds allotted to it.

The change in power altered the climate in the General Assembly to be less empathetic towards tobacco control. The Health and Wellness Trust Fund has been the only source of dedicated state revenue for tobacco control programming. The action to abolish the Health and Wellness Trust Fund left North Carolina with no dedicated state funding for tobacco control programming. This action by the Republican controlled legislature has the potential to end and even reverse the progress that has been made in North Carolina during the last ten years. Nevertheless, state tobacco control advocates will have to continue to work with the General Assembly and the Department of Health and Human Services leadership to ensure a protected source of funding for state tobacco control programming.

## **Conclusion**

In 1999, the General Assembly allocated 75 percent of the state’s Master Settlement Agreement funds to diversify the state’s economic dependence on tobacco and to help tobacco farmers and allocated the remaining 25 percent to health and tobacco prevention.

The Golden L.E.A.F. Foundation and the Tobacco Trust Fund had strikingly similar aims to diversify the state tobacco economy and began spending the Master Settlement Agreement funds accordingly in 1999. By 2002, the Golden L.E.A.F. Foundation and Tobacco Trust Fund had jointly spent over \$139.8 million of the MSA funds. The Health and Wellness Trust Fund was still forming and just allocating its first \$38.2 million in 2002.

The State Tobacco Prevention and Control Branch led state tobacco control advocates' efforts to develop the *Vision 2010 Plan* and coalition to work with the Health and Wellness Trust Fund to implement the first state funded youth focused tobacco use and prevention program. Funding for the tobacco prevention program continued to increase over time as a result of the diligent efforts of state tobacco control advocates. By 2010, the HWTF had spent \$78.3 million on tobacco prevention in the state. Despite the effectiveness and success of the Health and Wellness Trust Fund, the Republican controlled Legislature abolished it in 2011.



## Chapter 11: Chipping Away At Preemption Clean Indoor Air 1998-2003

- *State tobacco control advocates continued to build on the impetus to prevent youth from tobacco use and smoking and successfully built coalitions involving youth to advocate for 100 percent tobacco-free schools, one school at a time. Tobacco-free schools were the first big movement in the chipping away at preemption strategy.*
- *Top elected officials supported tobacco-free school policies. Governor Hunt took an initial important step to build support for tobacco-free schools by making the request and sending letters out to each local school board in support of a 100 percent tobacco-free school district policy following his 2000 “Summit to Prevent Tobacco Use”.*
- *The HWTF provided funding and resources that helped accelerate the tobacco-free school movement. As chair of the HWTF, Lt. Governor Perdue became a strong leader for tobacco-free schools.*

### 1998-2003: Clean Indoor Air

After the preemptive “dirty air law” passed in 1993, it changed the way state tobacco control advocates had to work for Clean Indoor Air. Importantly, North Carolina does not permit voter initiatives; rather, a measure to amend the constitution must be placed on a ballot through a legislative measure. This is a classic referendum in which the Legislature “refers” a measure to the voter.<sup>384</sup> This fact was important in North Carolina because it determined the landscape in which tobacco control advocates had to work to achieve clean indoor air after 1993. In addition to building grassroots support for a statewide clean indoor air law to influence policymakers, it was even more essential for tobacco control advocates in North Carolina to work with legislative champions to pass clean indoor air laws in the tobacco growing state.

### 1997-2003: Tobacco-free Schools

Building on the impetus of the NC Project ASSIST’s successes around tobacco prevention and youth, the State Tobacco Prevention and Control Branch (TPCB) identified public schools as the natural first step in the chipping away strategy. In a 2010 interview, Deborah Bryan, former State Programs and Government Relations Director for ALA recalled: “Protecting children was the best place to start.”<sup>204</sup> Additionally, Sally Herndon shared that “kids were easy to talk about...nobody would admit wanting smoking around kids...following the dirty air law, the tobacco-free school movement was our first big movement.”<sup>116</sup>

“...protecting children was the best place to start...kids were easy to talk about...nobody would admit wanting smoking around kids...following the dirty air law, the tobacco-free school movement was our first big movement.”

In 1999, the TPCB and the state Department of Public Instruction, in coordination with the Centers for Disease Control and Prevention (CDC), administered the first Youth Tobacco Survey (YTS), for which tobacco use rates came back higher than expected.<sup>319</sup> The prevalence of tobacco use among high school and middle school students was 38.3 percent and 18.4 percent, while the prevalence of cigarette use among high school and middle school students was 31.6 percent and 15 percent, respectively.<sup>319</sup> The alarming YTS data rates and the increase in pro-

health editorial opinions, both generated as a result of NC ASSIST,<sup>166</sup> compelled Governor James B. Hunt (D, first NC governor to be elected to two consecutive four-year terms 1977-1985 and 1993-2001, total tobacco industry contributions 1996-2008 \$11,500) to call a “Governor’s Summit to Prevent Tobacco Use”.<sup>166</sup>

The Governor’s Summit drew more than 800 teen and adult attendees from 84 of the state’s 100 counties. This historic meeting was the largest public health training event in the history of the state and the first time a North Carolina governor had taken a public stand supporting youth tobacco use prevention.<sup>385</sup> The youth asked the Governor to make all schools in North Carolina 100 percent tobacco-free and sent out letters in support of tobacco-free school policies to all 115 school districts.<sup>9, 378</sup> Tobacco-free school policies are a major component of school-based tobacco use prevention programs associated with lower smoking rates among youth.<sup>386</sup> While the Governor listened, he only asked the state school board to adopt a policy to

The Governor’s Summit ... was the largest public health training event in the history of the state and the first time a North Carolina governor had taken a public stand supporting youth tobacco use prevention.

ban tobacco use on school grounds<sup>9</sup> instead of advocating for a legislative mandate. In 2010, Deborah Bryan, former State Program and Government Relations Director for ALA, recalled: “That was very strong for him [Governor Hunt] to do that especially when you consider he, himself was a tobacco

farmer from Wilson North Carolina, which is in Nash County, one of the top producing counties”.<sup>204</sup>

The summit also resulted in the statewide launch of the Question Why (?Y) youth empowerment centers program and a state-level 100 percent Tobacco-free School (TFS) task force, organized by the TPCB as a component of the Vision 2010 plan discussed earlier. The youth centers created a youth empowerment movement that trained youth to become advocates for tobacco control, which enhanced the local tobacco prevention coalitions in advocating for tobacco-free schools and voluntary smokefree policies.<sup>378</sup>

When the statewide “dirty air law” passed in 1993, it exempted public schools. However many public schools still allowed 20 percent of teachers’ lounges to be designated as smoking areas. Within the 100 counties in North Carolina, there are 115 independent school districts governed by Local Boards of Education.<sup>316</sup> Despite the 1994 federal Pro-Children Act, which prohibited the use of tobacco in public school buildings that receive federal funding for services by anyone at anytime,<sup>387</sup> there were invalidated reports that some schools were not enforcing this federal mandate.<sup>316</sup> Additionally, the political climate in North Carolina did not support mandating a statewide tobacco-free school law. Governor Hunt took an initial important step to build support by making the request and sending letters out to each local school board in support of a 100 percent tobacco-free school district policy following his 2000 Summit,<sup>9</sup> instead of advocating for a statewide mandate.

The grassroots movement initiated by the TPCB would incrementally lead to 100 percent tobacco-free schools. By 2003, 26 percent of the 115 independent school districts had voluntarily adopted a 100 percent tobacco-free policy.<sup>388</sup>

### 2003: Senate Bill 583

State tobacco control advocates also began working with Senator William Purcell (D, Scotland, TTIC \$400, Policy Score 10.0) in the 2003 legislative session to draft and sponsor SB 583, a bill originally entitled “*An Act to Promote a Healthy Teaching and Learning Environment by Providing for Public Schools to Be Tobacco-Free.*”<sup>389</sup> Senator Purcell, a native North Carolina pediatrician, became a legislative tobacco control champion after many years of treating children for green tobacco illness (a condition caused by nicotine poisoning common among individuals who work on tobacco farms).<sup>30</sup> Tobacco advocates originally wanted the bill to make school campuses and all school functions<sup>387</sup> 100 percent tobacco-free as indicated by the original title.

Upon filing on March 27, 2003, the bill was immediately referred to the Senate Committee on Education and Higher Education, co-chaired by Senators Jeanne Lucas (the first black woman to serve in the NCGA Senate, D, Durham), A.B. Swindell (D, Nashville, TTIC \$11,000, Policy Score 1.8), and John Garwood (R, North Wilkesboro, TTIC \$3,150) (Senator Purcell was a member of the committee as well).<sup>113</sup> The title was revised and the bill language was actually written. The revised SB 583 title was more specific, “*An Act to Protect Children in the Public Schools from Exposure to Tobacco by Requiring Local Boards of Education to Adopt Written Policies Prohibiting the use of Tobacco Products in Public School Buildings and School Facilities, on the Public School Campus and in or on Other School Property.*”<sup>390</sup>

The state Tobacco Prevention and Control Branch continued to work with school districts to adopt voluntary tobacco-free policies and used the example of voluntary policies to demonstrate support for tobacco-free schools to the state legislators. Additionally, state tobacco control advocates continued to educate and create public awareness about the importance of preventing youth tobacco use and how tobacco-free policies help prevent tobacco use initiation.

However, as written, the legislation still exempted outdoor school events that charged an admission, a provision provided in the second edition of the bill which expired in 2008;<sup>389</sup> the committee substitute was adopted by the committee. State tobacco control advocates pushed for this expiration date through Senator Purcell, because it left the door open to revisit the issue to end tobacco use on public school campuses in the future.

When the bill was read on the floor of the Senate, Republican Senators created a stir. The tobacco manufacturer lobbyist worked behind the scenes through legislators to oppose the bill. In contrast, tobacco farmers were increasingly distancing themselves from tobacco manufacturers as discussed below and did not organize to oppose the public school smoking restrictions. Even tobacco farmers did not want their children to smoke.<sup>22</sup> Senator Bob Rucho (R, Matthews, TTIC \$4,900, Policy Score 0.8) argued that the bill “could hurt the state's efforts to hire teachers and other school workers by requiring them to leave the campus to smoke;” Sen. Fred Smith (R, Clayton, TTIC \$11,250,) argued, “[T]he prohibition could keep parents who smoke from watching their children play in football or baseball games;” and Sen. Phil Berger (R, Eden, TTIC \$17,900, Policy Score 0.4) argued that “a ban on smoking on all school property could apply even to school-bus mechanics or police stopped in a school parking lot.”<sup>391</sup> Although the arguments presented were somewhat preposterous, they caused Senator Purcell to request that the bill be rescheduled for a debate.<sup>391</sup> The bill was rescheduled and placed on the calendar for five days later, April 29, 2003.



SB 583 passed the House 76 to 38 and the Senate 44 to 3.<sup>392</sup> The final bill required local school boards to adopt a written policy that enforced the federal Pro-Children Act of 1994 by prohibiting smoking in school buildings during regular school hours and included an exemption for tobacco use during instructional research purposes.<sup>387, 389</sup> The bill also accomplished one more very important provision that went unnoticed by the media it gave clear authority for school districts to prohibit smoking and all tobacco use on their grounds. Prior to this time, legal experts had debated whether the school exemption in the “dirty air law” actually applied to school grounds versus only school buildings.

However, according to the *News and Observer*, the legislation was more “symbolic than significant,”<sup>387</sup> because it only reiterated what the federal act already required. Senator Purcell, however, felt that the legislation made the statement that the General Assembly was concerned about “North Carolina students smoking”<sup>387</sup> when the bill was signed into law by Governor Easley on August 14, 2003.<sup>392</sup> While the General Assembly may have been concerned about students smoking, there was still more work to be done, and the legislation opened the door for more effective clean indoor air tobacco control legislation to follow.

### **2003: Health and Wellness Trust Fund Propels Tobacco-Free School Movement**

Persisting with patience, the state TPCB continued to work toward 100 percent tobacco-free schools in North Carolina after the 2003 SB 593 passed. Now, there were no legal questions about school districts having clear local authority to adopt and enforce local tobacco-free policies for their campuses. In 2003, the Health and Wellness Trust Fund (HWTF), one of the three commissions created by the NCGA to oversee Master Settlement Agreement dollars, became a major factor in advancing the tobacco-free schools movement when it partnered with the state tobacco control advocates led by the state Tobacco Prevention and Control Branch working on the issue. Upon inception of the HWTF in 2001, Lt. Governor Beverly Perdue (D) served as the board’s appointed chair. For a period of two years (2001-2003) State Health Officer Dr. Leah Devlin, along with Sally Herndon and Jim Martin, educated Lt. Governor Beverly Perdue and the HWTF board about tobacco issues and the most effective ways to utilize the one-eighth of MSA funds to prevent tobacco use among youth in North Carolina. In a 2010 interview, Jim Martin (Tobacco-free Schools Project Coordinator in 2003) recalled:

Lt. Gov. Perdue gained a lot of knowledge on the tobacco issues throughout her chairmanship having the state health director, myself, Sally, others, present, present, present and talk about ways that they could effectively spend their money on evidence-based [programs], and she became the true champion for tobacco-free schools. She wasn't really a strong advocate to begin with, but she became an advocate over time and became the champion of having all schools be tobacco-free on their campuses at all times.<sup>316</sup>

Additionally, as Chair of the HWTF, Lt. Gov. Perdue wanted to lead by example and decided to stop smoking; in addition, she wanted her younger son to kick the habit as well.<sup>316</sup> Lt. Gov. Perdue’s real-life experience and the education from state tobacco control leaders were critical factors in the HWTF deciding to fund the 100 percent Tobacco-Free Schools Initiative. In 2003, the initiative was launched to encourage the remaining 87 school districts to adopt 100 percent tobacco-free policies<sup>316</sup> through the Teen Tobacco Prevention Use and Cessation Initiative (TTUPC).<sup>3</sup>

The primary goal of the HWTF initiative, “to protect the health of North Carolina’s children by encouraging all 115 school districts in North Carolina to adopt and successfully implement a 100 percent tobacco-free policy,”<sup>3</sup> built on the impetus to protect and prevent youth from smoking established by NC Project ASSIST from 1991 -1998. In North Carolina, even tobacco farmers did not want their children to smoke cigarettes.<sup>22</sup> Through this initiative, the HWTF initially funded 50 local health departments in 2003 to build community coalitions for tobacco-free schools. In a 2010 interview, Sally Herndon recalled that “the tobacco-free school movement really took off once the MSA funding came down and the community started being funded...and it was beautifully managed by Jim and coordinated with the HWTF, which provided the funding...we really got down at the local level and, you know, built that grass roots support for tobacco-free schools”.<sup>116</sup>

As Chair of the HWTF, Lt. Gov. Perdue wanted to lead by example and decided to stop smoking and, in addition, she wanted her younger son to kick the habit as well.

Even tobacco farmers did not want their children to smoke.

In a 2010 interview, Jim Martin recalled, “once we reached the 50 percent mark of school districts in 2005, we held a celebration media event at the State Capitol with Lt. Governor Beverly Perdue...and after 87 of the 115 school districts adopted a tobacco-free policy,” which Sally Herndon described as “the tipping point,”<sup>116</sup> “we worked with Senator Purcell to sponsor and pass legislation to make all schools 100 percent tobacco-free in 2007,”<sup>316</sup> as discussed later in this report.

## Conclusion

Following preemption of local clean indoor air policies, the 100 percent Tobacco-Free School Initiative was the first activity that took place to win back clean indoor air. The impetus for tobacco-free school support was built up by the grassroots support established during the 1991-1998 NC Project ASSIST activities and success around youth access. In 1997 the state TPCB began working to make school district 100 percent tobacco-free and led the state tobacco control advocates’ efforts to continue building the grassroots support for the 100 percent Tobacco-free initiative.

In 2000, Governor Hunt became the first champion for tobacco-free schools. By 2003, thirty school districts had adopted tobacco-free policies, and the Health and Wellness Trust Fund (HWTF) provided resources that propelled the initiative even further. As chair of the HWTF, Lt. Governor Perdue became a strong leader for tobacco-free schools. The Health and Wellness Trust Fund helped the initiative to reach the 50 percent mark by 2005 and the 75 percent by 2007.



## Chapter 12: New Alliance to Increase Excise Tobacco Tax

- *The North Carolina Alliance for Health was created as a coalition to focus on health policy in 2001. It brought together state tobacco control advocates, including the three voluntary organizations, AHA, ACS, and ALA, the leaders in the State Department of Health Tobacco Prevention and Control Branch, other health groups working on tobacco control activities, as well as nontraditional partners.*
- *In 2003, the alliance worked with Representative Jennifer Weiss (D) to raise the tobacco excise tax to \$0.75 per pack, the first attempt by tobacco control advocates to raise tobacco tax in the state.*
- *The tobacco industry through tobacco manufactures and tradition maintained a stronghold on tobacco excise tax increases despite the decreasing economic importance of tobacco in the state.*

### 2001: North Carolina Alliance for Health

In 1999, after the CDC Best Practices for Comprehensive Tobacco Prevention and Control Programs was released as a programmatic tool, increasing the state cigarette excise tax became one of the priorities for members of the former Tri-Agency Council in North Carolina, (American Cancer Society, American Heart Association, and American Lung Association).<sup>343</sup> When Lynette Tolson, lobbyist for American Heart Association in 2001, learned that “the state was experiencing a deficit in 2001 and legislators, themselves, were starting to talk about raising the cigarette tax,”<sup>27</sup> she saw an opportunity for the organizations that prioritized cigarette tax increases to capitalize on. Unfortunately in 2000, the Tri-Agency Council began to work less and less together due to diminishing need to implement the Smoke Free Class of 2000 Program, interpersonal differences,<sup>4</sup> and “ALA wanting to do their own thing.”<sup>167</sup>

The alliance served as an umbrella for all tobacco control policy efforts in North Carolina.

Between the dissolution of the Tri-Agency Council in 2000 and the start of the 2003 legislative session, there was little to no coordinated effort

between the ACS, ALA, AHA and other health groups working on tobacco control activities, and there was no significant policy advocacy on tobacco control. In 2001 Lynette Tolson, former lobbyist for the American Heart Association, had an urgent desire to capitalize on the legislative momentum to increase the cigarette excise tax in a statewide coordinated manner and envisioned creating a strong, independent statewide health policy coalition. To create a coalition that solely focused on health policy, Lynette enlisted the assistance of Pam Seamans, who came on board as a volunteer in 2003<sup>27</sup> and was the Executive Director of North Carolina Alliance for Health (NCAH) in 2010.

In a 2010 interview, Pam Seamans recalled, “Lynette quickly saw that if we were going to have any success in raising the cigarette tax and taking advantage of this opportunity with the deficit that we needed to have as broad a coalition as possible.”<sup>27</sup> The alliance served as an umbrella for all tobacco control policy efforts in North Carolina.<sup>346</sup>

Differing from the Tri-Agency Council and the individual tobacco control voluntary organizations, which all had policy and program components, the North Carolina Alliance for

Health focused exclusively on policymaking as a strategy to improve public health. The North Carolina Alliance for Health was an independent, statewide coalition of organizations and individuals advocating for policies that promoted wellness and reduced the impact of obesity and tobacco use. In a 2010 interview for this report, Executive Director Pam Seamans recalled, “There were plenty of other organizations already doing the prevention and cessation programs in North Carolina. What was really needed was the policy side.”<sup>27</sup> This strategic angle gave the coalition the advantage of allocating all of its resources to policy advocacy. Creating a coalition that focused on tobacco control policies was an important change for North Carolina.

The initial start-up support for the North Carolina Alliance for Health was provided by AHA and ACS, and in 2002, the coalition received a Robert Wood Johnson Southern Neighbors Collaborative Grant along with seven other states (Georgia, Kentucky, South Carolina, Tennessee, Virginia and West Virginia) to work on their initial policy priorities, increasing the state cigarette excise tax, and clean indoor air.<sup>27, 28, 393</sup> The coalition quickly garnered support from tobacco control partner, North Carolina Department of Health and Human Services Tobacco Prevention and Control Branch, and reached out to include non-traditional allies like the NC Association of Educators (a teachers union), the National Association of Social Workers (North Carolina Chapter), and the North Carolina Association of State Employees, and the Council of Churches.<sup>27</sup> In 2009, the NC Alliance for Health continued to receive funding from the Americans for Non Smokers Rights and the Robert Wood Johnson Foundation (which ended as of December 31, 2009) and included over 75 members (Table 44). In 2010, NCAH continued to receive funding from the Robert Wood Johnson Foundation to work on obesity prevention.<sup>27</sup>

In a 2010 interview for this report, Betsy Vetter, Director of Government Relations for the American Heart and Stroke Association and 2010 Chair of the NC Alliance for Health, recalled, “I think the North Carolina Alliance for Health has done an impressive job of bringing diverse partners to the table... and, really going out and doing the steps needed to get the job done to build support.”<sup>4</sup>

The Tobacco Prevention and Control Branch served as an expert and technical advisor to the NC Alliance for Health, bringing sound public health science and tobacco prevention and control policy expertise. However, the roles were kept distinct, as the TPCB was not as a voting member of the NCAH.

The state Tobacco Prevention and Control Branch was essential to the success of the North Carolina Alliance for Health as well. The Tobacco Prevention and Control Branch served as an expert and technical advisor to the NC Alliance for Health, bringing sound public health science and tobacco prevention and control policy expertise. However, the roles were kept distinct, as the TPCB was not as a voting member of the NCAH.<sup>316</sup> In a 2010 interview, Betsy Vetter shared:

We worked very closely with Sally Herndon and her staff at the Tobacco Control Branch. I think the way we work together is a model for others. The TCB was able to support the Alliance with their expertise. We were able to call on them when we needed that back up and our State Health Director (Leah Devlin) testified during crucial times. We did it by the book, followed the rules and it worked beautifully.<sup>4</sup>

<b>Table 44: 2010 North Carolina Alliance for Health Board and Organizational Membership</b> <sup>394</sup>	
<p><b>Executive Committee Members</b>  <b>Executive Director:</b> Pam Seamans  <b>Chair:</b> Betsy Vetter  <i>North Carolina Director of Government Relations, American Heart Association/American Stroke Association</i>  <b>Vice Chair:</b> Christine Weason  <i>Director of Government Relations, American Cancer Society</i>  <b>Secretary:</b> Chuck Stone  <i>Director, North Carolinians for Affordable Health Care State Employees Association of NC (SEANC)</i>  <b>Treasurer:</b> Steve Shore  <i>Executive Director, NC Pediatric Society</i>  <b>Tobacco Prevention Policy Committee Chair:</b> Peg O’Connell, JD  <i>Senior Advisor, Government and Legislative Affairs, Fuquay Solutions, Inc.</i></p>	<p><b>Obesity Prevention Policy Committee Chair:</b>  Roxanne Leopper  <i>Policy Director, Community Health Services First Health of the Carolinas</i>  <b>At Large Member/Fundraising Chair:</b>  Laurie Stradley  <i>Director of State and Community Collaboration NC Center for Health and Wellness at UNC-Asheville</i>  <b>At Large Members:</b>  William (Bill) Smith, Robeson County Health Department  Laura Aiken, WakeMed Health and Hospitals  Willona Stallings, North Carolina Council of Churches  Leah Devlin, UNC Gillings School of Global Public Health</p>
<p><b>Active Members</b></p> <ul style="list-style-type: none"> <li>• AARP</li> <li>• American Cancer Society</li> <li>• American Heart Association</li> <li>• American Lung Association</li> <li>• Be Active, NC</li> <li>• Blue Cross Blue Shield of NC Foundation</li> <li>• Campaign for Tobacco Free Kids</li> <li>• The Carolinas Center for Medical Excellence</li> <li>• The Covenant with North Carolina’s Children</li> <li>• The Duke Endowment</li> <li>• First Health of the Carolinas</li> <li>• Health Access Coalition, NC Justice Center</li> <li>• Healthy Carolinians</li> <li>• John Rex Endowment</li> <li>• Kate B. Reynolds Charitable Trust</li> </ul>	<ul style="list-style-type: none"> <li>• March of Dimes</li> <li>• Moses Cone-Wesley Long Community Health Foundation</li> <li>• NC American Alliance for Health, Physical Education, Recreation and Dance (NC AAHPERD)</li> <li>• NC Association of Local Health Directors</li> <li>• NC Council of Churches</li> <li>• NC Pediatric Society</li> <li>• NC Prevention Partners</li> <li>• NC Public Health Association</li> <li>• NC Society for Public Health Education</li> <li>• State Employees Association of NC (SEANC)</li> <li>• School Nutrition Association of NC</li> <li>• The University of North Carolina at Chapel Hill-Center for Health Promotion and Disease Prevention</li> <li>• Wake Med Health and Hospitals</li> </ul>
<p><b>Policy Partners</b></p> <ul style="list-style-type: none"> <li>• Adolescent Pregnancy Prevention Coalition</li> <li>• Clay County Tobacco Awareness Group</li> <li>• Common Cause NC</li> <li>• El Pueblo</li> <li>• League of Women Voters of North Carolina</li> <li>• Mental Health Association of NC</li> <li>• National Association of Social Workers – NC Chapter</li> <li>• NC Academy of Family Physicians</li> <li>• NC Association of Educators (NCAE)</li> </ul>	<ul style="list-style-type: none"> <li>• NC Association of Student Assistance Programs</li> <li>• NC Child Care Coalition</li> <li>• NC Consumers Council</li> <li>• NC Dental Hygiene Association</li> <li>• NC Medical Society</li> <li>• NC School Board Association</li> <li>• SAVE (of NC GASP)</li> <li>• TAP (Tobacco Awareness Program in Jacksonville)</li> <li>• Teens Against Tobacco Use (Greenville)</li> <li>• Tobacco Free for Life</li> </ul>

To remain in compliance with the prohibition on the use of federal funds for lobbying and political activities, the state TPCB did not join the NC Alliance for Health as a member agency. However, the TPCB leadership, such as Director Sally Herndon, retired State Health Officer Leah Devlin, and others joined the Alliance as individual members and further demonstrated strong commitment and support for tobacco prevention and control policy efforts. Additionally, the tobacco prevention and control communities believed that the partners had come together to form an effective advocacy network headed by the North Carolina Alliance for Health.<sup>15</sup>

## Tobacco Industry Prevents Further Increases, 2001-2004

According to the *Winston-Salem Journal* in 2001, North Carolina's status as the #1 tobacco producing state in the U.S. and its deeply rooted tobacco heritage had caused the state government to appear to have a "schizophrenic relationship with tobacco and smoking."<sup>272</sup> While no cigarette tax increases occurred during a 15 year period (1991-2005), there were still a few isolated attempts made by legislators. An example of the "schizophrenic relationship"<sup>272</sup> occurred in 2001, when Rep. Mickey Michaux (D, Durham, TTICC 1998-2008 \$1,150) sponsored HB 1547. The legislation would have increased the cigarette tax by \$0.95 from \$0.05 to \$1.00 per pack. Rep. Michaux, a smoker in 2001<sup>272</sup> who also sponsored "dirty air" legislation for the tobacco industry (HB 1098) in 1993 as discussed earlier in the report, told reporters in 2001, "We only charge a nickel a pack on cigarettes. Tobacco is no longer the sacred cow it once was in North Carolina."<sup>272</sup> It is unclear why Michaux changed his 1993 position on tobacco in 2001. In 1998, Michaux received \$150 in tobacco industry-related campaign contributions and did not receive tobacco industry-related contributions until eight years later in 2006 when he received \$500. Like preceding years, the legislation was referred to the House Finance Committee and postponed indefinitely.<sup>395</sup> Instead, personal income taxes were raised in 2001.<sup>396</sup>

The longstanding tobacco industry ally, tobacco farmers in North Carolina, even wanted to raise the cigarette excise tax to \$1.00 during the 2003 legislative session.

The longstanding tobacco industry ally, tobacco farmers in North Carolina, even wanted to raise the cigarette excise tax to \$1.00 during the 2003 legislative session. Before the U.S. Tobacco Buyout in 2004, the National Tobacco Growers Association (NTGA) lobbied the General Assembly and Gov. Easley (D, 2000-2008, TTICC 1998-2008 \$100,100) to increase the cigarette excise tax and allocate \$0.50 to tobacco farmers to compensate for the quota cuts discussed below, \$0.25 to the state budget, and \$0.25 to the Health and Wellness Trust Fund, which was comprised of 25 percent of the Master Settlement Agreement funds to provide Senior Rx programs and tobacco prevention programs geared towards youth.<sup>397</sup> The new relationship between NTGA and state tobacco control advocates was formed and fostered as a result of national and state tobacco control advocates capitalizing on the diverging relationship between tobacco growers and tobacco manufactures in relation to the Master Settlement Agreement (the tobacco quota buyouts are discussed below). In response to the NTGA proposal, Sen. Clark Jenkins (D, Tarboro, TTIC \$4000) and head of W.S. Clark Farms which harvested 75 acres of tobacco in 2003<sup>397</sup> stated to the media: "[I] don't think the idea of putting a \$1 tax on a pack of cigarettes is within this universe...I don't think it has a chance."<sup>397</sup>

While no legislation was introduced in 2003 in response to the NTGA proposal, the tobacco quota buyout took place shortly afterward in 2004. Governor Easley (D, TTICC \$100,100) and House Co-Speaker Jim Black (D, Matthews, TTICC \$62,900) did not foresee a tax increase during the 2003-2004 legislative session,<sup>398</sup> and Black stated, "[I] don't think there is much interest in any tax increase."<sup>399</sup> However, during the 2003 session, there were four bills (two in the Senate and two in the House) introduced that proposed increases in the excise cigarette tax, which ranged from \$0.60 cents per pack to \$0.75 cents pack.<sup>400-403</sup>

These increases were proposed to generate revenue to cover Medicaid costs, and HB 254, sponsored by Rep. Jennifer Weiss (D, Raleigh, TTICC \$0), represented the North Carolina Alliance for Health's (NCAH) first attempt to raise cigarette and other tobacco products' excise tax to reduce overall youth tobacco use.<sup>27</sup> The North Carolina Alliance for Health used earned media such as editorials to promote increasing the cigarette excise tax in 2004.<sup>321</sup> In addition, the NCAH used the Virginia tax increase from 2.5 cents per pack to 30 cents per pack in 2004<sup>399</sup> and smoking related health care cost and disability<sup>321</sup> to encourage North Carolina legislators to increase the cigarette excise tax by implying that if Virginia can raise the tobacco excise tax then North Carolina can do it. Tobacco control advocates in Virginia ran a successful "2.5 Cents to Common Sense" campaign and targeted key legislators with polling data to show popular support for an increase; however, none of the increased tax went to fund tobacco control programming.<sup>82</sup> In the *News & Observer*, Pam Seamans, Executive Director of the NCAH stated, "If Virginia, home to Philip Morris, can increase its [cigarette excise] tax...then she has 'high hopes' for North Carolina."<sup>399</sup> North Carolina had the second lowest tax in the nation at 5 cents per pack,<sup>399</sup> with the national average being 72.9 cents in 2004.<sup>321</sup>

HB 254, sponsored by Rep. Jennifer Weiss, represented the North Carolina Alliance for Health's first attempt to raise cigarette and other tobacco products excise tax to reduce overall youth tobacco use.

During the 2003-2004 legislative session, the tobacco industry continued to use the same arguments as in 1991 by arguing that cigarette taxes are regressive, given that minorities and the poor smoke at higher rates than the rest of the population, framing the increase as a smokers' rights issue<sup>398</sup> John Singleton, spokesman for R.J. Reynolds state to local print media that "[a] tax hike would further damage the state's tobacco economy...states already receive money from the 1998 Tobacco Master Settlement Agreement...money that is supposed to be spent on health costs...instead, states including North Carolina have dipped into those funds to stave off budget shortfalls...it's really unfair to target smokers when money available now is not going to health programs and smoking cessation."<sup>398</sup> However in 2004, North Carolina spent only a fraction (4.3 percent) of the \$6.2 million MSA monies through the Health and Wellness Trust Fund on youth oriented tobacco prevention and cessation programs, discussed earlier in this report, out of an estimated \$145 million received that year. Despite the small fraction of MSA expenditures on tobacco prevention and cessation, the tobacco tax increase was still needed to further prevent youth access and encourage smoking cessation. In the 2002 election preceding the 2003-2004 legislative session, the tobacco industry contributed \$124,240 to political campaigns in North Carolina, of which \$54,620 was contributed to the members of the House and Senate Finance Committees (Table 45).

"It is the perception among people that it is still a viable part of our economy, and when you look at the numbers, it is not ... we North Carolinians, we love our tradition and we love our past."

Nevertheless, regardless of the declines in North Carolina's tobacco economy and the emerging distancing of tobacco farmers from tobacco manufactures discussed below, state tobacco control advocates still felt that the tobacco industry maintained a strong hold on state policymakers in the 2003-2004 legislative sessions. In the *Herald-Sun*, Peg O'Connell, North Carolina Alliance for Health Tobacco Prevention Policy Committee Chair, stated that "[i]t is the



perception among people that it is still a viable part of our economy, and when you look at the numbers, it is not...we North Carolinians, we love our tradition and we love our past.”<sup>398</sup>

Like preceding years, the cigarette excise tax increase legislation was referred to the Finance Committees, where it died with the adjournment of the legislative session.

<b>Table 45: Tobacco Industry Campaign Contributions to the 2003/2004 House and Senate Finance Committee Members<sup>6, 113</sup></b>				
<b>Representatives</b>				
Chairs:	District	2002 TICC	TTICC	09/10 Policy Score
Gorden Allen, D	Durham, Pearson	\$6,250	\$8,900	n/a
Julia Howard, R	Davie, Iredell	\$0	\$12,000	1.8
Paul Luebke, D	Durham Co.	\$0	\$0	9.4
Danny McComas, R	New Hanover	\$1,000	\$6,300	2.0
David Miner, R	Wake	\$0	\$6,000	n/a
William Wainwright, D	Craven, Lenoir	\$0	\$4,800	7.6
<b>Vice Chairs:</b>				
Martha Alexander, D	Mecklenburg	\$0	\$250	9.4
Bill Daughtridge, R	Nash	\$450	\$1,800	n/a
Michael Decker, R	Forsyth	\$200	\$800	n/a
Prior Gibson, D	Anson, Union	\$2,600	\$13,500	6.6
Dewey Hill, D	Brunswick, Columbus	\$550	\$5,300	1.4
<b>Members:</b>				
Curtis Blackwood, R	Union	\$0	\$500	1.8
Alice Bordsen, D	Alamance	\$0	\$0	8.4
Russell Capps, R	Wake	\$0	\$1,000	n/a
Becky Carney, D	Mecklenburg	\$0	\$0	n/a
Nelson Cole, D	Rockingham	\$750	\$17,242	0.4
Billy Creech, R	Johnston, Wayne	\$0	\$1,200	n/a
James Ellis, R	Wake	\$200	\$400	n/a
Rick Glazier, D	Cumberland	\$0	\$0	9.8
Joe Hackney, D	Chatham, Moore, Orange	\$4,000	\$9,000	7.8
James Harrell, D	Alleghany, Surry	\$0	\$5,000	n/a
Hugh Holliman, D	Davidson	\$250	\$500	10.0
Earl Jones, D	Guilford	\$0	\$2,750	2.6
David Lewis, R	Harnett	\$0	\$4,500	0.6
Bill McGee, R	Forsyth	\$0	\$4,500	1.2
Don Munford, R	Wake	\$500	\$1,500	n/a
John Rayfield, R	Ashe, Watauga	\$0	\$250	n/a
Deborah Ross, D	Wake	\$0	\$0	9.2
Mitchell Setzer, R	Catawba, Iredell	\$0	\$0	2.0
Edgar Starnes, R	Cadwell	\$1,000	\$3,000	1.4
Jennifer Weiss, D	Wake	\$0	\$0	8.8
Larry Womble, D	Forsyth	\$1,000	\$1,000	5.8
<b>Senate</b>				
Chairs:	District	2002 TICC	TTICC	09/10 Policy Score
David Hoyle, D	Gaston	\$2,250	\$15,400	2.2
John Kerr, D	Greene, Lenoir, Wayne	\$2,850	\$13,900	n/a
<b>Vice Chairmen:</b>				
Daniel Clodfelter, D	Mecklenburg	\$1,000	\$3,000	8.2
Larry Shaw, D	Cumberland	\$0	\$0	6.8
<b>Members:</b>				
Charles Albertson, D	Duplin, Lenoir, Sampson	\$4,520	\$12,210	6.8
Austin Allran, R	Catawba, Iredell	\$1,200	\$3,700	1.4
Tom Apodaca, R	Bucombe, Henderson, Polk	\$0	\$10,500	0.6
Philip Berger, R	Guilford, Rockingham	\$1,400	\$17,900	0.4
Harris Blake, R	Harnett, Moore	\$500	\$3,000	4.4
Andrew Brock, R	Davie, Rowan	\$1,000	\$4,500	1.8

Charlie Dannelly, D	Mecklenburg	\$0	\$0	7.6
Virginia Foxx, R	Johnston, Wayne	\$200	\$3,200	n/a
Linda Garrou, D	Forsyth	\$3,700	\$45,300	0.8
Kay Hagan, D	Guilford	\$1,900	\$11,750	n/a
Fletcher Hartsell, R	Cabarruss, Iredell	\$0	\$8,700	7.6
Neal Hunt, R	Wake	\$0	\$9,500	1.6
Elenor Kinnaird, D	Orange, Person	\$0	\$0	9.6
Robert Pittenger, R	Mecklenburg	\$1,100	\$2,400	n/a
William Purcell, D	Anson, Richmond, Scotland, Stanly	\$200	\$400	10.0
Sam Queen, D	Avery, Haywood, Madison, McDowell, Mitchell, Yancey	\$0	\$0	9.6
Tony Rand, D	Bladen, Cumberland	\$1,250	\$13,500	9.4
Eric Reeves, D	Wake	\$700	\$3,150	n/a
Robert Rucho, R	Mecklenburg	\$1,650	\$4,900	0.8
Fern Shubert, R	Mecklenburg, Union	\$200	\$200	n/a
Fred Smith, R	Johnston, Wayne	\$0	\$11,250	n/a
R.C. Soles, D	Chatham, Durham, Lee	\$1,500	\$4,700	4.8
Richard Stevens, R	Wake	\$0	\$4,000	7.2
A.B. Swindell, D	Duplin, Lenoir, Sampson	\$1,100	\$11,000	1.8
Scott Thomas, D	Carteret, Craven, Pamlico	\$450	\$2,950	n/a
Jerry Tillman, R	Montgomery, Randolph	\$500	\$1,500	1.2
Hugh Webster, R	Cumberland	\$1,000	\$4,250	n/a
David Weinstein, R	Hoke, Robeson	\$5,700	\$17,350	2.6
Woody White, R	New Hanover	\$0	\$1,000	n/a

## Conclusion

The North Carolina Alliance for Health (NCAH) formed in 2001 to advocate for tobacco excise tax increases in North Carolina. The alliance was a policy oriented coalition that brought together state tobacco control advocates, including the three voluntary organizations, AHA, ACS, and ALA, the leaders in the State Department of Health Tobacco Prevention and Control Branch, other health groups working on tobacco control activities, as well as nontraditional partners. Creating a coalition to focus on tobacco control policies was a strategic change in North Carolina. The 2003 legislative session represented the NCAH's attempt to increase the state excise tobacco tax. Despite the new coalition being formed, the tobacco industry was able to prevent the attempts to increase the state excise tobacco tax through 2004.



## Chapter 13: The End of Tobacco Subsidies and the Tobacco Quota Buyout

- *Tensions between tobacco manufacturers and tobacco farmers continued to mount over the federal Tobacco Price Support Program quota system throughout the 1990s and 2000s. Tobacco manufacturers wanted to maintain the quota system because they could manipulate supply and demand, while farmers wanted to end the quota system because of lost income as a result of manufacturers using less U.S.-grown tobacco.*
- *Health advocacy groups and organizations leveraged the growing distance between tobacco manufacturers and tobacco growers over the quota buyout to create a new alliance between public health and tobacco growers at both the national and state levels.*
- *The 2004 Tobacco Quota Buyout resulted in tobacco manufacturers paying \$10.1 billion to tobacco quota holders and farmers over 10 years and ended the 70 year old price support system, which led to fewer, larger tobacco farms and less resistance from tobacco farmers to tobacco control policies and weakened the tobacco industry influence in North Carolina.*

### 2004: The End of Tobacco Subsidies and the Tobacco Quota Buyout

In the late 1990s, several proposals circulated in the federal government to eliminate the Tobacco Price Support Program quota system that was initiated in 1933. All of the proposals being circulated included a “quota buyout” to compensate existing tobacco quota holders. 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 by manufacturers due to lower prices achieved without a price support system.<sup>19</sup> The incongruent 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 separated tobacco companies from their traditional grower allies.<sup>26</sup>

The wavering 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 separated tobacco companies from their traditional grower allies.

Concurrently, health groups nationwide began to push for the inclusion of tobacco within the regulatory purview of the federal Food and Drug Administration (FDA) and to capitalize on the growing divergence between tobacco growers and manufacturers over quota buyouts. Health

Health organizations leveraged the growing distance between tobacco growers and tobacco manufacturers over a quota buyout to gain growers’ support for FDA regulation of tobacco products in exchange for support of a quota buyout.

groups, particularly the Washington DC-based Campaign for Tobacco-Free Kids (CTFK) and the voluntary health organizations, leveraged the growing distance between tobacco growers and tobacco manufacturers over a quota buyout to gain growers’ support for FDA regulation of tobacco products in exchange for support of a quota buyout.<sup>404</sup> Building tobacco control alliances with growers created awareness among tobacco growers that their interests were not the

same as those of the manufacturers.<sup>405</sup> Likewise, public health groups had began a partnership with tobacco growers at the urging of President Bill Clinton to find ways to limit smoking while continuing to protect tobacco producing communities, resulting in the March 1998 Core Principles document that was agreed to and signed by prominent grower and public health organizations.<sup>404</sup>

The changing attitudes of tobacco growers in North Carolina and neighboring tobacco growing states<sup>26, 82</sup> also resulted from the 1997 formation of the Robert Wood Johnson Foundation “Southern Communities Tobacco Project” (SCTP). The project operated across the six major tobacco-growing states (Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia) through 2001 and facilitated bringing health and grower groups together to initiate a dialogue over the concerns of tobacco-growing communities while exploring alternative ways to strengthen tobacco communities and protect the health of the public through tobacco control measures.<sup>406</sup> 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.

The first serious consideration of a tobacco quota buyout took place within the context of the 1997 proposed “global tobacco settlement” of state and private lawsuits against the tobacco companies seeking compensation for Medicaid and private expenditures for tobacco-related illnesses. This “global tobacco settlement” took the form of the U.S. Senate’s consideration of the controversial “McCain Bill.”<sup>302</sup> The McCain Bill included FDA regulation of tobacco and a quota buyout plan, as well as de facto immunity from future lawsuits for the tobacco 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 agreement settlement.<sup>407</sup>

The McCain bill failed in April 1998 and was replaced by the more limited Master Settlement Agreement (MSA) in November 1998, which also 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, the MSA’s Phase II payments to tobacco growers totaled only \$5.2 billion and

The failure of tobacco manufacturers to stand by their agreement with growers led to the first major break of the manufacturer-grower organization alliance.

not the promised \$28 billion in 1998 in exchange for opposition to the McCain legislation. 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 et al. vs. Philip Morris et al.*,<sup>408</sup> alleging that the tobacco companies misled farmers when they encouraged them to oppose the removal of the quota system and accused the manufacturers of conspiring to fix tobacco prices at U.S. auction houses between 1996 and 2001 to cause a reduction of quotas in the federal price support system and keep prices low.<sup>409</sup> This suit was settled by Philip Morris and other major tobacco companies in 2003 and by RJR in 2004. One hundred and seventy-five thousand tobacco farmers had joined the suit, which provided a significantly lower award than

\$28 billion and only provided an approximate of \$254 million to those growers (an average of \$1,451 per farmer).<sup>410</sup>

During March 2000, Philip Morris intensified existing tensions with growers by announcing that it had developed a direct contract system for purchasing burley tobacco, under which it 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

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.

tobacco prior to the tobacco reaching federally-controlled auctions.<sup>411</sup> 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 during 2000 despite opposition by most growers and grower organizations.<sup>407</sup>

Faced with the increasing need to diversify state revenue generated by tobacco growing, the North Carolina General Assembly in 2000 devoted three quarters of North Carolina's \$4.6 billion portion of the MSA to tobacco crop diversification and rural development through the Golden L.E.A.F. Foundation (50 percent) and the Tobacco Trust Fund Commission (25 percent), together received an estimated \$3.5 billion over 25 years during Phase I of the MSA as discussed earlier in this report. The Golden L.E.A.F and Tobacco Trust Fund expenditures began four years before the 2004 Phase II MSA payments to tobacco growing states began, which totaled nearly an additional estimated \$ 2.0 billion<sup>333</sup> over a 12 year period (2004-2016) dedicated to taking care of the tobacco-framers and diversifying the tobacco crop. The MSA allocations and funds spent on tobacco crop diversification pales in comparison to the MSA funds spent on health and tobacco control in North Carolina by 3 to 1.

In addition to the MSA allotments to North Carolina farmers in 2000 and 2004, a bill that would end the federal tobacco program made significant headway in Congress. The tobacco quota buyout campaign gained momentum after farmers were joined by public health advocates, as well as the Philip Morris USA cigarette manufacturing company, seeking new authority for the Food and Drug Administration (FDA) to regulate tobacco products.<sup>412</sup> The FDA authority was introduced as S. 2461 (DeWine-Kennedy) and H.R. 4433 (Tom Davis-Waxman) in the 108<sup>th</sup> Congress. Legislative conferees on H.R. 4520 did not adopt the FDA provisions, though the provisions had been included in the Senate version of the bill. There was opposition from some cigarette manufacturers to the FDA provisions and

The tobacco quota buyout campaign gained momentum after farmers were joined by public health advocates, as well as the Philip Morris USA cigarette manufacturing company, seeking new authority for the Food and Drug Administration to regulate tobacco products.

In 2004, the North Carolina Growers Association lobbied the General Assembly and Gov. Easley (D, 2000-2008, TTICC 1998-2008 \$100,100) to increase the cigarette excise tax to \$1.00.

from those in Congress opposed to giving the federal government expanded regulatory authority over private businesses.<sup>412</sup>

The final version of the federal tobacco quota buyout passed (without the FDA provision) as an amendment in the American Jobs Creation Act 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.<sup>413</sup>

While the federal tobacco quota buy out bill was making its way through congress, state tobacco control advocates in North Carolina also continued to build on a new study that showed tobacco farmers interests were shifting from the manufacturers,<sup>90</sup> that they did not want their children to smoke,<sup>4, 22</sup> and that over a third (34 percent) did not want their children to pursue a career in tobacco growing.<sup>90</sup> In a 2010 interview, Betsy Vetter, North Carolina Director of Government Relations for the American Heart Association, recalled that “one of the first things

that I did in North Carolina was to plan a prayer breakfast...and we invited faith leaders and tobacco growers, all in support of FDA regulation of tobacco, and we held an event in downtown Raleigh...and when they [national AHA] first brought it to me, I remember thinking you want me to do what...but it was one of the most successful things we’ve ever done” (Figure 19).<sup>4</sup>



**Figure 19:** North Carolina AHA Prayer Breakfast Flyer<sup>4</sup>

At the same time tobacco farmers in North Carolina also began lobbying in 2004 to increase the cigarette excise tax to \$1.00 in the state. Before the U.S. tobacco buyout passed in October 2004, the North Carolina Growers Association lobbied the General Assembly and Gov. Easley (D, 2000-2008, TTICC 1998-2008 \$100,100) to increase the cigarette excise tax to \$1.00. The North Carolina Growers Association advocated, to allocate 50 percent of the increase to tobacco farmers to compensate for the quota undermining by manufactures and revenues lost, 25 percent of the increase to the state general fund, and 25 percent of the

increase to the Health and Wellness Trust Fund.<sup>397</sup> This would have been an increase in revenue for the Health and Wellness Trust Fund, as it already received 25 percent of the 1998 Master Settlement Agreement funds to provide Senior Rx programs, tobacco and obesity prevention

programs geared towards youth, and programs to address health disparities. However the state tax was not increased until 2005 as discussed below.

The 2004 tobacco quota buy-out significantly changed the alliance between tobacco growers and manufacturers. The buy-out was funded by tobacco manufacturers and importers based on their share of the U.S. tobacco market at \$10.1 billion, of which \$9.6 billion was paid to growers and quota owners over 10 years, with the remaining \$500 million being utilized to dispose of tobacco L.E.A.F. stocks held by grower groups and financial institutions.<sup>413</sup> The buy-out ended the federal program regulating tobacco production and sales.

Together, the buy-out and the North Carolina leadership's commitment to crop diversification led to fewer, larger tobacco farms. In addition, fewer tobacco farms led to fewer tobacco warehouses. Between 1997 and 2003, the number of tobacco warehouses in North Carolina decreased from more than 130 to only 14 that opened for auction season.<sup>367</sup> At the same time, tobacco growers and growers' associations became less resistant to tobacco control measures,<sup>37, 414</sup> which directly weakened the tobacco industry lobby's influence in North Carolina.

Crankshaw et al. (2009) quantified this shift, illustrating that tobacco farmers' perceived that public health and tobacco control efforts were 7.5 times less threatening in 2005 and decreasingly associated tobacco companies' interests with their own, while they increasingly perceived risk from foreign tobacco production.<sup>37</sup> Furthermore, 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.<sup>414</sup>

The decrease in tobacco grower opposition to tobacco control measures was instrumental in helping state tobacco control advocates make remarkable strides in clean indoor air policies in a matter of six years and accomplish what many North Carolinians thought was unthinkable 10 years earlier.

...tobacco farmers' perceived that public health and tobacco control efforts were 7.5 times less threatening in 2005; and decreasingly associated tobacco companies' interests with their own, while they increasingly perceived risk from foreign tobacco production.

## Conclusion

In the 1990s, proposals to end the federal tobacco price support system began to circulate. The contrasting 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 separated tobacco companies from their traditional grower allies.

Tobacco control advocates used the distancing between tobacco farmers and manufactures to create a nontraditional alliance with tobacco farmers. The AHA led state tobacco control advocates to create an alliance with tobacco farmers in North Carolina. This alliance helped to facilitate tobacco farmer advocacy to raise the state excise tobacco tax with an allocation for tobacco use prevention programs.

In 2004 tobacco quota buy-out made its way through Congress and significantly changed the alliance between tobacco grower and manufacturers. The buy-out was funded by tobacco manufacturers and importers based on their share of the U.S. tobacco market.



Together, the buy-out and the North Carolina leadership commitment to crop diversification led to fewer, larger tobacco farms. Tobacco farmers became less resistant to tobacco control measures. The tobacco farmers' new position on tobacco control measures weakened the tobacco manufacturer influence in North Carolina.

## Chapter 14: Strong Coalition to Change Tobacco Control Policy Pushes for Cigarette Tax Increase

- *In 2004, North Carolina had the lowest tobacco excise tax in the nation at \$0.05 per pack of cigarettes. During the 2005 legislative session, the North Carolina Alliance for Health advocated increasing the excise tax to \$0.75 per pack to help reduce youth tobacco use. Governor Easley and tobacco farmers were supportive of an increase, while tobacco manufacturers were supportive of a minimal increase.*
- *Despite the increased support for an increase, the General Assembly approved a staggered \$0.30 increase over a two-year period.*
- *Tobacco manufacturers were successful in minimizing the excise tax increase, and keeping tobacco taxes low in North Carolina.*

### 2005: Strong Coalition to Change Tobacco Control Policy Pushes for Cigarette Tax Increase

During the first three years of existence, the North Carolina Alliance for Health worked to gather support and shift the cultural norm among policymakers, was not an easy task. In a 2010 interview, Pam Seamans recalled that “when you're in a place where tobacco built your schools or tobacco built your universities, tobacco built your communities, tobacco built your home, people are very tied and connected and-and feel very strongly about it. It's a cultural thing, and it's very hard to move from that”.<sup>27</sup> The efforts of the coalition paid off in 2005 when they worked with Rep. Jennifer Weiss (D, Raleigh, TTICC \$0, Policy Score 8.8) and Senator Martin Nesbitt (D, Asheville, TTICC \$0, Policy Score 7.8) to sponsor companion bills HB 286 and SB 214 to increase the cigarette excise tax from five cents to seventy-five cents per pack and other tobacco products from 2 percent to 30 percent of the cost price.

“...when you're in a place where tobacco built your schools or tobacco built your universities, tobacco built your communities, tobacco built your home, people are very tied and connected and-and feel very strongly about it. It's a cultural thing, and it's very hard to move from that...”

The coalition developed the “\$0.75 Saves Lives” campaign to create awareness and advocate for the cigarette tax increase<sup>27</sup> in North Carolina. During this time, the coalition also expanded to include the NC Association of Local Health Directors. With limited resources, the campaign consisted mainly of earned media. For example, local Boards of Health and Board of Health Directors were considered the public health authority in local governments, Robeson County Health Director, Bill Smith, participated in the NCAH media advocacy campaign by writing editorials and advocating for a \$0.75 increase to help reduce teen smoking rates.<sup>415</sup> In addition, the *Heartland Institute* reported, “each penny on the cigarette tax rate raises about \$7 million for the state, meaning the 25 cent increase will generate \$175 million in additional revenue...however North Carolina spends \$826 million per year in Medicaid expenses for tobacco related illnesses....”<sup>415</sup> in support of the tobacco excise increase.

Historical opponents of cigarette tax increases in North Carolina began to shift as well during the 2005 legislative session. The tobacco quota-buyout changed the overwrought relationship between the tobacco farmer and tobacco manufacturer in North Carolina. With the

tobacco quota buy-out discussed above being resolved in 2004, the N.C. Farm Bureau, was supportive of “reasonable” cigarette tax increases and willing to discuss increases with tobacco manufacturers and General Assembly legislators.<sup>416</sup> The end of the federal tobacco quota system marked the beginning of a new era for tobacco and by 2005, tobacco only made up 6 percent of the gross state product.<sup>416</sup> State tobacco control advocates used the tobacco quota buy-out as leverage to foster new relationships with tobacco growers as discussed above, and used to promote tobacco use prevention among youth. Likewise, in 2005 even the tobacco

“I’m trying to strike a balance between how I can get enough money to help reduce teen smoking and at the same time not make it too high for those legislators in tobacco-dependent communities [that] they vote me down”. North Carolina can no longer afford to nurture its past at the expense of the future.”

manufacturing giants R.J. Reynolds and Philip Morris stated in the media that, “[t]hey will take a position on a higher tax when they see a specific proposal”.<sup>416</sup> Finally, Gov. Easley (D, 2000 – 2008, TTICC \$100,100), who opted to raise personal income taxes in 2001 instead of cigarette taxes,<sup>396</sup> was desperate to find new sources of revenue in 2005 to alleviate the state’s budget short fall, and recommended raising the cigarette excise tax to \$0.50 cents per pack over two years and went on record with the media stating: “[I]’m trying to strike a

balance between how I can get enough money to help reduce teen smoking and at the same time not make it too high for those legislators in tobacco-dependent communities [that] they vote me down”.<sup>417</sup> North Carolina can no longer afford to nurture its past at the expense of the future.<sup>416</sup>

The state tobacco control advocates wanted to focus the tax increase debate around health, and continued to push the “\$0.75 Saves Lives” campaign through earned media. Despite stronger grassroots advocacy, and with historical opponents willing to discuss increases, the legislation (HB 286) was sent to the Senate Finance Committee one day after it was filed on February 23, 2005,<sup>340</sup> along with four other bills introduced to increase the cigarette excise tax during the 2005 session.<sup>403, 418-420</sup> A compromised cigarette excise tax increase resurfaced later in the session when SB 622, an Appropriations Act sponsored by Sen. Linda Garrou (D, Forsyth, TTICC \$43,800, Policy Score 0.8), was introduced June 4, 2005 (16 days before the adjournment of the legislative session). SB 622 provided a staggered increase in the cigarette excise tax by 25 cents in 2005 from \$0.05 cents per pack to 30 cents per pack, and by an additional 5 cents in 2006 from 30 cents per pack to 35 cents per pack, and an increase on other tobacco products from 2 percent to 3 percent of the cost price. The *Heartland Institute* media editorial stated: “When the NC General Assembly raised the cigarette excise tax to 30 cents and then to 35 cents per pack in 2006 it was not to address the health concern, but rather an effort to create revenue for the state”.<sup>415</sup>

“When the NC General Assembly raised the cigarette excise tax to 30 cents and then to 35 cents per pack in 2006 it was not to address the health concern, but rather an effort to create revenue for the state.”

### **2005: Industry Response to Excise Cigarette Tax Increase**

The tobacco industry deployed their predictable tactics to lobby against excise cigarette tax increases in 2005, and this time without the influential assistance from tobacco farmers in North

Carolina. They argued that “[p]eople will buy in other states like South Carolina, which only taxes cigarettes at \$0.07 per pack...a \$0.30 per pack tax will hurt the poor and heavy smokers the worst”.<sup>415</sup>

When tobacco control legislation is adopted, the tobacco industry lobbies to delay the implementation of the legislation as a strategy to get the legislation repealed. When SB 622 enacted a staggered excise cigarette tax increase of 25 cents from 5 cents to 30 cents per pack effective July 1, 2005; and a 5 cent increase from 30 cents to 35 cents per pack effective July 1, 2006; the tobacco industry lobbied to delay the second 5 cent increase implementation date by 12 months. HB 2394, in 2005, sponsored by Rep. James Langdon (R, Angier, TTICC \$500) would have allowed the second 5 cent increase from 30 cents to 35 cent per pack to go in to effective on July 1, 2007, instead of July 1, 2006. The legislation was referred to the House Finance Committee, and died in the House Finance Committee co-chaired by Martha Alexander (D, Mecklenburg, TTICC \$250, Policy Score 9.4), Prior Gibson (D, Anson and Union, TTICC \$13,500, Policy Score 6.6), Julia Howard (R, Davie and Iredell, TTICC \$12,000, Policy Score 1.8), Paul Luebke (D, Durham, TTICC \$0, Policy Score 9.4), Danny McComas (D, New Hanover, TTICC \$6,300, Policy Score 2.0), and William Wainwright (D, Craven and Lenoir, TTICC \$0, Policy Score 7.6) after never receiving a hearing.

By lobbying conservative Democrats who worried that supporting any cigarette tax might make them vulnerable politically in the next year's elections, the industry was able to block anything above a 25 cents increase in the House.

While failing to repeal the additional 5 cents increase to 35 cents per pack, the industry was able to maintain and keep the cigarette tax increase to a minimum. By lobbying conservative Democrats who worried that supporting any cigarette tax might make them vulnerable politically in the next year's elections, the industry was able to block anything above a 25 cents increase in the House.<sup>417</sup> In a 2010 interview, Pam Seamans

recalled that “they [the legislators] did what the industry told them they would tolerate and that was that they could tolerate.”<sup>27</sup> Appalled by the minimal increase of 5 cents to 35 cents in 2006, a media editorial declared that the “North Carolina House of Representatives are standing firm for cheap smokes, and they should be ashamed...keeping children from smoking and making a deadly product pay its way are more important than protecting economic interests”.<sup>421</sup>

## Conclusion

Throughout 2001-2004 the North Carolina Alliance for Health (NCAH) advocated for tobacco excise tax increases in the General Assembly. In 2005 coalition developed implemented through earned media the “\$0.75 Saves Lives” campaign. The campaign was used to create awareness and as an advocacy tool for to increase the state tobacco excise tax. In 2005 the coalition also expanded its membership to include the NC Association of Local Health Directors.

While the coalition sought to increase the cigarette excise tax from five cents to seventy-five cents per pack, the excise tax was only increased to thirty-five cents in 2005. The minimal increase was a result of the tobacco manufacturer efforts to minimize the state excise tax.



## Chapter 15: Continuing to Chip Away at Preemption Clean Indoor Air 2003-2007

- *Despite being constrained by statewide preemption adopted in 1993, between 2003 and 2007 state tobacco control advocates worked to build strong coalitions and grassroots support to successfully advocate and support legislative and local activity that made public schools, prisons, and hospitals 100 percent tobacco-free; the NC General Assembly, state government buildings, and long-term adult care facilities smokefree; and to exempt universities from preemption.*
- *In addition to the chipping away legislation that was approved during this timeframe, statewide smokefree restaurants legislation was introduced in 2005, and statewide smokefree restaurants and workplaces legislation unopposed by the North Carolina Restaurant and Lodging Association was introduced in 2007. The smokefree restaurant and workplace legislation was met with the most resistance among General Assembly legislators.*
- *Tobacco manufacturers without the support and alliance of tobacco farmers unsuccessfully worked behind the scenes and with legislators to weaken clean-indoor air legislation through floor amendments.*

### 2005: Tobacco Free Prisons

The General Assembly has been known to be fiscally conservative.<sup>29, 116</sup> When the NCGA learned that the state prison system inmate health care was estimated to reach \$145 million in 2005,<sup>422</sup> they wanted to take proactive measures to help reduce and contain the costs. Contributing to the high cost were the 25 percent of North Carolinian prisoners suffering from smoking attributable illnesses and diseases, like high blood pressure, chronic obstructive pulmonary disease (COPD) and lung cancer.<sup>422</sup>

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### Senate Bill 1130

In an effort to address the dilemma, Sen. Charlie Albertson (D, Beulaville, TTICC \$12,210, Policy Score 6.8), sponsored SB 1130, “*An Act to Prohibit Smoking in State Correctional Institutions Effective January 2006*”.<sup>108</sup> Albertson’s introduction of the smoke-free

Senator Albertson’s introduction of the smoke-free prison legislation was a surprise to the state tobacco control advocates.

prison legislation was a surprise to the state tobacco control advocates.<sup>134</sup> The Department of Corrections was cooperative and worked with the Division of Public Health, Tobacco Prevention and Control Branch to educate decision makers on the benefits of tobacco free correctional facilities and grounds.<sup>316</sup> The bill, prohibiting tobacco in

all state correctional facilities, became a collaborative effort between state lawmakers, state tobacco control advocates who provided educated policymakers on the benefits of making

prisons tobacco-free, and drug manufacturer GlaxoSmithKline, which through an agreement made with Rep. Holliman (D, Lexington, TTICC \$500, Policy Score 10.0) agreed to provide cessation materials and nicotine replacement therapy drugs at half price for prison inmates.<sup>108, 423</sup> The bill also included a provision Sen. Albertson felt was needed for American Indian inmates exempting tobacco use for authorized religious purposes.<sup>108</sup> Sen. Albertson stated to the media that “[i]t’s the right thing to do...it makes sense in terms of health...it makes sense in terms of taxpayer money.”<sup>422</sup>

Upon filing, SB 1130 was referred to the Senate Committee on State and Local Government, co-chaired by Senators East (R, Pilot Mountain. 30, \$2,200) and Holloman (D, Ahoskie, TTIC \$200).<sup>108</sup> The Department of Corrections worked with the TPCB to document the need for tobacco free prisons and help build toward successful implementation through a two-year implementation phase-in period that immediately prohibited smoking in enclosed buildings, with the remainder of the prison grounds becoming smoke-free over two years, and a pilot cessation program tailored and made available to the prison staff and prison inmate population on a voluntary basis.<sup>108</sup> The committee substitutes were adopted and the bill passed the second and third reading on the floor of the Senate by 37 to 11 and 40 to 10 respectively.<sup>424</sup>

While in the House, proponents of the bill spoke out in favor of its passage. Rep. Ronnie Sutton (D, Pembroke, TTICC \$100, Policy Score 4.0), argued “[I]’ve always thought smoking was a privilege, not a right...this is not a Sunday-school outing that we are talking about...these are prisoners...they’ve given up their rights as far as I’m concerned.”<sup>423</sup> In addition, the state Tobacco Prevention and Control Branch continued to educate the legislators on the health and cost benefits of making the state prisons tobacco free.

“I’ve always thought smoking was a privilege, not a right ... this is not a Sunday-school outing that we are talking about ... these are prisoners ... they’ve given up their rights as far as I’m concerned.”

Tobacco manufacturer lobbyists worked behind the scenes to weaken the legislation, while tobacco farmers did not organize to oppose the legislation. Opponents regurgitated tobacco industry rhetoric to oppose tobacco-free prisons.

Rep. Joe Kiser (R, Vale, TTIC \$2,250) argued that the bill was an “[e]xample of the General Assembly micromanaging the Department of Corrections”<sup>422</sup> and Rep. Paul Miller (D, Durham) argued that “[t]he ban could create a black market for cigarettes among inmates” while implying that the inmates would become agitated from nicotine withdraw and therefore “harder to manage”.<sup>423</sup> (Rep. Miller announced he would not seek re-election for a fourth term as a Representative, four months before being arrested on June 9, 2006 on fraud charges for altering checks and falsely claiming that he paid checks totaling more than \$20,000 to the U.S. Department of Education for student loan in 2004.<sup>425-427</sup> He pleaded guilty seven months later on September 6, 2006, and was sentenced to one year probation and a \$1,000 fine ten months later on December 8, 2006.<sup>428</sup>)

During the third reading in the House, the bill was amended to allow visitors and state workers, such as prison guards, to smoke in designated smoking sections on prison grounds.<sup>108, 422</sup> The bill passed the third house reading 61 to 51. Due to the fact that the bill originated in the Senate, and amendments were made to the bill in the House, the bill had to be referred back to the Senate for concurrence.

The state Tobacco Prevention and Control Branch and state tobacco control advocates took the concurrence opportunity to educate the legislators on the fact that in order to effectively reduce the costs of inmate health care, it was necessary to prohibit inmates from using tobacco products inside state correctional facilities and to ensure that employees and visitors do not use tobacco products inside those facilities. The Senate voted 0 to 49 to not to concur with the House amendments that allowed visitors and prison staff to continue to smoke while prohibiting inmates from smoking. The failure to concur meant that the bill had to go to a conference committee to work out the differences.

The bill was referred to a conference committee co-chaired by bill sponsor Sen. Albertson (D) and tobacco control champion Rep. Hugh Holliman (D, Lexington, TTIC \$500, Policy Score 10.0). In the conference committee, the differences were worked out, and the adopted version of the bill ended the use of tobacco by any person (inmates, staff, and visitors) with the exception of tobacco used for authorized religious purposes, implementation would occur incrementally with all prison buildings being tobacco free by January 1, 2006, and all prison grounds by 2008. The bill passed the Senate, 44 to 1, and the House, 70 to 43.<sup>108</sup>

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### **2003-2006: Tobacco Free General Assembly**

In 2003, Representative Alma Adams (D, Greensboro, TTIC \$0, Policy Score 9.0) sponsored an amendment to the House Rules<sup>429, 430</sup> to establish the floor of the House as a smokefree zone.<sup>431</sup> Rep. Adams, was a former 30-year smoker,<sup>430</sup> was an originating member of the national public health group, American Legacy Foundation Board<sup>316</sup> which was established in 1999 as a provision of the 1998 Master Settlement Agreement. As a member of the American Legacy Foundation Board, Adams garnered a new understanding for tobacco prevention and the importance of tobacco-free environments. Adams simply felt the smokefree zone rule was a matter of workplace safety<sup>429, 430</sup> and wanted to create a healthy working environment for the House legislators and staff.

As a member of the American Legacy Foundation Board, Adams garnered a new understanding for tobacco prevention and the importance of tobacco free environments. Adams simply felt the smokefree zone rule was a matter of workplace safety and wanted to create a healthy working environment for the House legislators and staff.

Proponents of the new House rule, such as Rep. Paul Luebke (D, Durham, TTIC \$0, Policy Score 9.4), were from Durham which is known as the “City of Medicine”.<sup>204</sup> Rep. Luebke shared with the local paper: “[I] think it’s indisputable that secondhand smoke is a public health problem...we can set an example.”<sup>429</sup>

However, opposing lawmakers were from more rural and Appalachian regions of the state.<sup>249</sup> Former R.J. Reynolds executive, Representative Rex Baker (R, King, TTIC



\$6,500) felt that banning smoking on the chamber floor of the House was, “[a] slap in the face to the industry that helped build North Carolina...and a diminution of the freedoms that people have....”<sup>430, 431</sup> Only a handful of legislators were reported to be smokers.<sup>429</sup> Rep. Howard Hunter (D, Hertford), a reported chain smoker who sat next to Rep. Adams on the House floor during the 2003 session, believed the ban was directed at him because he sat next to Adams “lit a cigarette to let Rep. Adams know exactly how he felt about her proposal.”<sup>430</sup> While still serving as a legislator, Rep. Hunter, who was reported to carry an oxygen tank because of lung problems, passed away at age 60 in 2007.<sup>9</sup>

The measure to end smoking on the chamber floor passed, 71 to 43.<sup>429, 431</sup> The *News & Observer*, reported that the 71 to 43 vote to ban smoking on the chamber floor was “unthinkable a few years ago...and marked evidence that the centuries-long dominance of the golden leaf was drawing to a close in North Carolina”.<sup>430</sup> Rep. Adams explained to the *Greensboro News & Record*, “[I]t provides a work space where we can all live and work together”.<sup>431</sup>

Rep. Howard Hunter lit a cigarette to let Rep. Adams know exactly how he felt about her proposal.

The General Assembly Senate chamber still allowed smoking for two years after the Assembly adopted a smokefree zone in 2003.<sup>432</sup> Encouraged by the Assembly rule, during the opening of the 2005 biennial legislative session General Assembly Senators voted to prohibit smoking in the senate chambers 43-7 after being urged by President Pro-Tempore Marc Basnight (D, Manteo, TTIC \$42,000, Policy Score 9.2) to vote in favor of the restriction after stating “[W]e’re behind the times.”<sup>432</sup>

Of the seven opponents, Senator Hugh Webster (R, Burlington, TTIC \$4,250), a former smoker, was reported to be the only legislator to speak in opposition.<sup>433</sup> Repeating the same argument used by Rep. Baker in the Assembly in 2003, Sen. Webster was quoted in the *Greensboro News & Observer*: “[I]t’s a slap in the face to the people of North Carolina...it’s rude.”<sup>433</sup> Angry about a smoking prohibition in the Senate chamber, Sen. Webster also proposed to ban excessive perfume, cologne and aftershave saying “[t]oo many were wearing cheap stinky stuff”.<sup>433</sup>

Proponents of the smokefree Senate chamber included Senator Tony Rand (D, Fayetteville, TTIC \$13,500, Policy Score 9.4), who was quoted in the *News and Observer* as saying, “[i]t was just as rude to smoke around others”<sup>433</sup> and countered Sen. Webster’s proposal by saying, “he was in favor of people smelling good which prevailed 46-4” over Sen. Webster’s proposal to ban perfume, cologne and aftershave.<sup>433</sup>

Ending smoking in the Assembly and Senate chambers of the General Assembly occurred during the adoption of procedural rules.

Ending smoking in the Assembly and Senate chambers of the General Assembly occurred during the adoption of procedural rules. Neither the tobacco industry nor the tobacco control advocates had an opportunity for public comment because it was adopted as a rule. However state tobacco control advocates were supportive and in favor of the rules to end smoking in the chambers being adopted and wanted to extend the rule into a law that ended tobacco use in the buildings of the General Assembly as discussed below.

## House Bill 1133

After voting to prohibit smoking in all North Carolina prisons and the chambers of the Assembly and Senate in 2005, Senator Austin Allran (R, Hickory, TTICC \$3,700, Policy Score 1.4), found it ironic that his colleagues would vote to ban smoking behind bars and still allow smoking in the buildings of the General Assembly<sup>434</sup> he was quoted in the Greensboro News & Observer as saying, “[i]t’s a little strange...that the legislature is not setting an example”.<sup>434</sup> Despite prohibiting smoking on the floor of the House and Senate chambers, smoking was still allowed in offices, corridors and meeting rooms of the General Assembly legislature buildings.<sup>435</sup> Nearly a year after creating this disparity, General Assembly legislators found themselves voting to make the General Assembly Buildings smoke-free, representing an incremental step that the tobacco control advocates in North Carolina had pushed for through grassroots advocacy and earned media. The North Carolina Alliance for Health mobilized their members by sending out a call for action alerts asking members to call and contact their representatives to vote in favor of a smoke-free General Assembly.<sup>27</sup> In a 2010 interview, Pam Seamans recalled,

The first thing we did in 2006 was advocate and push to make the General Assembly Building smokefree...and they did it and it was tremendous and it was so symbolic ...and that was a big deal because it gave us the power to say, hey look, if you made your own worksite smoke-free, what about everybody else... that was the beauty of going with the General Assembly first.<sup>27</sup>

HB 1133, originally introduced during the long session of 2005 was reconsidered during the short session in 2006. During the long 2005 session HB 1133, sponsored by Representatives Margaret Highsmith-Dickson (D, Fayetteville, TTICC \$0, Policy Score 7.6), Marvin Lucas (D, Spring Lake, TTICC \$0, Policy Score 6.4), Rick Glazier (D, Fayetteville, TTICC \$0, Policy Score 9.4) and Mary McAllister (D, Fayetteville), was originally titled, “*An Act Authorizing Criminal Records Checks for County Governments*” was written to allow criminal background checks to be completed on applicants for county employment.<sup>340</sup> The legislation, reported favorably from the House Judiciary committee, passed its second and third readings in the House, and was referred to the Senate Judiciary committee, where no action was taken on the bill.<sup>436</sup> HB 1133 was withdrawn from the Senate Judiciary committee during the short 2006 session and re-referred to the Senate Committee on Healthcare, chaired by tobacco control champion Senators William Purcell (D, Scotland , TTICC \$400, Policy Score 10.0) and Stan Bingham (R, Davidson, TTICC \$2,000, Policy Score 6.0).

“The first thing we did in 2006 was advocate and push to make the General Assembly Building smoke-free...and they did it and it was tremendous and it was so symbolic ...and that was a big deal because it gave us the power to say, hey look, if you made your own worksite smokefree, what about everybody else... that was the beauty of going with the General Assembly first.”

During this time, The Justus-Warren Heart Disease and Stroke Prevention Taskforce, chaired by Senator Purcell, recommended adopting smokefree public policies to the General Assembly and Senate Health Care Committee as discussed earlier in this report. State tobacco control advocates included the American Heart Association which was also members of the

Taskforce as well as the North Carolina Alliance for Health, a relationship which was used to further promote clean indoor air legislation.

While in the Senate Health Care committee, the committee took the procedural opportunity to re-title HB 1133 “*An Act to Designate All Areas of Any Building Occupied by the General Assembly as Nonsmoking Areas*” and amended it to make all General Assembly buildings smokefree.<sup>340</sup> The Committee Substitute was adopted and passed the Senate 45 to 1, with Sen. Hugh Webster again being the only senator to oppose making the General Assembly smokefree, with the House voting in favor 95 to 14, on June 30, 2006.<sup>340</sup>

Other than the opposing votes there was little to no documented opposition to the adoption of this state law. Nor was there any documentation of the tobacco manufacturers or tobacco farmers lobbying against the law. However, 2004, the year preceding the 2005-2006 legislative session represented the highest year of tobacco industry-related campaign contributions received in North Carolina, when the tobacco industry contributed \$385,912.

Governor Easley promptly signed HB 1133 into law on July 10, 2006;<sup>437</sup> The tobacco control advocates commended the General Assembly for protecting the health of legislators and people who work at and visit the General Assembly by making the buildings 100 percent smoke-free and for setting the example for other employer and public facilities to follow.<sup>437</sup>

### **2005: Smoke-Free Restaurants House Bill 76**

The first statewide clean indoor air legislation to prohibit smoking in all restaurants was introduced in 2005. This bill was drafted and introduced without the assistance of state tobacco control advocates and caught the advocates throughout the Carolinas off guard.<sup>26, 27</sup> Described in 2010 interviews for this report by state tobacco control advocates as a humble and passionate legislative champion,<sup>4, 27, 85, 116</sup> Representative Hugh Holliman (D, Lexington, TTIC \$500, Policy Score 10.0) asserted himself into this controversial issue during his third term<sup>438</sup> by drafting and

Rep. Holliman wrote the legislation without the assistance or input of state tobacco control advocates, but did so based on his own personal experiences.

sponsoring HB 76, “*An Act to Amend the Law Concerning Smoking in Public Places and Prohibit Smoking in Restaurants.*”<sup>439</sup> Rep. Holliman wrote the legislation without the assistance or input of state tobacco control advocates, but did so based on his own personal experiences.

As a two-time lung cancer survivor, who lost his only sister to lung cancer that was caused by secondhand smoke, and aware of the growing evidence about dangers of exposure to secondhand smoke,<sup>440, 441</sup> Rep. Holliman was keenly aware of the danger of secondhand smoke and knew it was possible to protect public health. He believed that people had the right to clean indoor air and he did not file the bill to help himself politically.<sup>438</sup> Rep. Holliman was quoted in *Winston-Salem Journal*: “[I] knew I was going to get a lot of flak over it. I’ve been pleasantly surprised – my e-mail’s probably 20 to 1 in favor...I don’t know if I’ll get the bill passed...but it’s healthy to get the debate started...it will happen – I just don’t know when”.<sup>438</sup> In a 2010 interview, Rep. Holliman recalled: “I had taken trips with my wife to San Francisco and Florida, where we were able to experience smoke-free bars and restaurants...and I thought to myself this is really nice...we need something like this in my state where I live...”<sup>29</sup>

In 2005, an editorial in the *Greensboro News & Record* stated: “Holliman felt compelled to state that his call for a ban was not "anti-tobacco" but pro-health and conceded, "[W]e all know smoking is detrimental to your health...people who want to smoke have a right to smoke...but those dining in restaurants shouldn't have to be subject to the smoke.”<sup>441</sup>

As filed, HB 76 prohibited smoking in all restaurants, including bars and lounges attached to restaurants, while excluding outside restaurant patio seating areas and stand alone bars. The original text of the bill also included a provision to fine the person in violation of the law \$50.00.<sup>110</sup>

The tobacco manufacturers were working behind the scenes with influential lawmakers and the North Carolina Restaurant and Lodging Association to weaken the bill. Tobacco farmers did not work to oppose the smokefree restaurants legislation. As tobacco farmers continued to diversify from tobacco farming there was less resistance for tobacco regulation from tobacco farmers.<sup>358, 414</sup> The NCRLA lobbyist, Jerry Williams, negotiated with Rep. Holliman to require non-smoking areas in lieu of a smoking prohibition.<sup>442</sup> While the bill was in the House Judiciary I Committee, chaired by Representative Deborah Ross (D, Raleigh, TTIC \$0, Policy Score 9.2), it was amended and watered down to include the tobacco industry accommodation provision by only requiring 50 percent of public restaurants seating area to be reserved as non-smoking sections.<sup>110</sup> This provision came on the heels of the testimony given at the House Judiciary I Committee hearing by the President of North Carolina Restaurant and Lodging Association, Paul Stone, who testified, “[T]he restaurant industry is an industry of choice, and we’d like to keep it that way.”<sup>443</sup>

The amendment also required restaurants that choose to have smoking areas to have them in a “room or rooms separate and apart from the main dining area,”<sup>110</sup> meaning restaurants with only one room would have to be smokefree.<sup>442</sup> The state tobacco control advocates described this provision as ventilation,<sup>85, 116</sup> which could be interpreted to mean separately ventilated areas, although ventilation was not specifically spelled out in the bill language. Restaurant owners also feared that this provision would cost them money as well as control.<sup>442</sup> The Committee Substitute was adopted and the bill was reported favorably from the Judiciary I Committee.

While on the House floor, the American Lung Association lobbied Rep. Holliman to offer an amendment that would have required separate smoking areas to be enclosed to prevent smoke from drifting into non-smoking areas arguing that “[t]his bill is not intended to make people stop smoking...this prevents non-smokers’ from being exposed to smoke by making the nonsmoking area truly smokefree”.<sup>442</sup>

Rep. Leo Daughtry (R, Smithfield, TTICC \$47,845, Policy Score 0.0) argued to legislators: “[I] hope you will allow people who own restaurants to decide how to run their restaurants and whether to allow smoking in their restaurants”.<sup>442</sup>

Rep. Holliman countered this argument: “[T]he state already regulates restaurants in some areas including health...and non-smokers need greater protection from secondhand smoke”.<sup>442</sup> At the end of the 20 minute debate, the Rep. Holliman’s amendment tied 59 to 59.<sup>110, 442</sup> The bill, then, was dropped after failing the second house reading by six votes, 57 to 63.<sup>110</sup>

The majority of the state tobacco control advocates that were members of the North Carolina Alliance for Health Coalition were grateful that HB 76 did not pass because it still

State tobacco control advocates were grateful that HB 76 did not pass because it still allowed restaurants to have separated smoking sections and it was not comprehensive.

allowed restaurants to have separated smoking sections and it was not comprehensive. In a 2010 interview, Sally Herndon reported that “the State Tobacco Prevention and Control Branch advised against it [the bill] for technical reasons...it had separated smoking rooms in it”.<sup>116</sup>

Similarly, the North Carolina Alliance for Health, which was focusing on a tobacco tax increase during the 2005 session, remained neutral on HB 76 because it was not comprehensive and protective enough by 2005 standards. In a 2010 interview, Ashley Bell recalled: “[T]he 2005 bill was not comprehensive enough to garner the support of the traditional national tobacco control partners like AHA, ALA or ACS, or North Carolina Alliance for Health members, ANR and CTFK.”<sup>85</sup>

However, some tobacco control advocates, like ALA, felt the legislation was in line with the chipping away strategy and was better than nothing, even with the separated smoking areas.<sup>204</sup> The different points of view about HB 76 created another rift between the North Carolina Alliance for Health spearheaded by the NC chapters of ACS and AHA, and the American Lung Association. In a 2010 interview Sally Herndon recalled:

We tried to make the case for a strategy that would make incremental change without closing doors on the future. While a law with separate ventilation might seem like a step forward on the surface, if they allowed restaurants to have separate ventilation and those restaurants spend thousands of dollars to put equipment in, (which we know is not effective in protecting worker health) then it'll be much harder to go back and get a smoke-free restaurants.<sup>116</sup>

The 2005 legislative session left the door wide open for state tobacco control advocates in moving forward on clean indoor air legislation because they created a new alliance to work with tobacco control champions on future legislation in the next session. Additionally, state tobacco control advocates experienced incremental successes with the increase of the cigarette excise tax in 2005, as discussed earlier in this report, tobacco-free prisons and a smokefree General Assembly. State tobacco control advocates led by the North Carolina Alliance for Health continued to move forward by approaching Rep. Holliman to work with him in 2006 to create a comprehensive clean indoor air bill that included work places to be introduced in the next long legislative session in 2007, after not being able to support the 2005 smoke-free restaurant legislation.<sup>85</sup> In a 2010 interview Ashley Bell recalled: “We decided that after he [Rep. Holliman] had shown this interest in this issue in 2005 to approach him in 2006 and ask him to begin working with us on legislation as our bill champion and sponsor...so then when the 2007 long session rolled around we started out with comprehensive legislation”.<sup>85</sup>

In 2005, the North Carolina Restaurant and Lodging Association (NCRLA) opposed HB 76 because it created an uneven playing field within the hospitality industry by singling out and

The North Carolina Restaurant and Lodging Association opposed HB 76 because it created an uneven playing field within the hospitality industry by singling out and only requiring restaurants to be smokefree.

only requiring restaurants to be smoke-free.<sup>86</sup> As a steward of the hospitality industry in North Carolina,<sup>444</sup> the NCRLA represented 16,000 members who employed 10 percent of North Carolina's workforce in 2010.<sup>445</sup> Of the restaurant owners and members of the NCRLA who were voluntarily going smoke-free, many were doing so because it was good for their

business. For example, in 2005 the Raleigh, News and Observer reported that restaurant owner Tony Sustaita, who owned five Bandido's Mexican Cafes in several North Carolina cities shared that "[w]e'd have a line of people waiting to get into the nonsmoking section and three people eating in the smoking section...which influenced his decision to voluntarily make his restaurants smokefree."<sup>446</sup>

### 2005-2007: Smoke-Free Mecklenburg County Coalition Pushes for Local Control

During 2005, the same year that Rep. Holliman sponsored HB 76, to prohibit smoking in restaurants, and Representative Martha Alexander (D, Charlotte, TTICC \$250, Policy Score 9.4) introduced HB 840, "*An Act to Authorize Certain Counties to Adopt Ordinances*,"<sup>447</sup> the *Greensboro News and Record* conceded that it was better to make clean indoor air decisions at the local level.<sup>441</sup> However, with the "dirty air law" of 1993,<sup>155</sup> local governments were barred from adopting smoking restrictions ordinances that were more restrictive than the state law.

In 2006, Smokefree Mecklenburg, a local grassroots coalition of health care professionals, advocacy groups and individuals<sup>448</sup> spearheaded the push to take back local control to regulate smokefree air in Mecklenburg County. Under the leadership of Patricia Bossert, American Cancer Society Grassroots Manager of Western North Carolina, the coalition was committed to bringing smokefree restaurants, bars and workplaces to the entire Mecklenburg County.<sup>448</sup>

The coalition originally started as Smokefree Charlotte (Mecklenburg County encompasses Charlotte the largest city in North Carolina) in 2005 and later expanded to be a countywide coalition.<sup>449</sup> Likewise, the efforts of the Smokefree Mecklenburg coalition coincided with state 100 percent Tobacco Free School Initiative spearheaded by the state Tobacco Prevention and Control Branch and funded by the Health and Wellness Trust Fund in 2003 discussed earlier in this report.

In 2006, Smokefree Mecklenburg, a local grassroots coalition of health care professionals, advocacy groups and individuals spearheaded the push to take back local control to regulate smokefree air in Mecklenburg County.

When City Councilwoman and Mayor Pro Tem Susan Burgess received a letter from a constituent who wanted to know why smoking was still allowed in restaurants in the city of Charlotte, Burgess wanted to do something about it, and Burgess wanted to work with the local coalition to address the issue.<sup>449</sup> The grassroots coalition, first called SmokeFree Charlotte began meeting in 2003 in Burgess' living room, with a goal of removing tobacco smoke from area restaurants and bars.<sup>289</sup>

The local coalition received direction and support from the national ACS Cancer Action Network (ACS CAN) (which is a nonprofit nonpartisan advocacy affiliate of ACS that provides funding to local state initiatives that advance the priorities of ACS such as clean indoor air laws), and the statewide NC Alliance for Health coalition, and received technical support from the local Mecklenburg County Health Department.

In 2005, the local coalition conducted a public opinion poll and determined that a strong majority of Charlotte residents (70 percent) supported their city council enacting clean indoor air ordinances.<sup>449</sup> Charlotte was also one of the first cities to act and adopt local restrictions on public smoking in the early North Carolina tobacco control movement discussed earlier in this report.

With strong public support in 2005, the local coalition, City Councilwoman Susan Burgess and Rep. Martha Alexander (D, Charlotte, TTICC \$250, Policy Score 9.4) worked together to initiate HB 840, “*An Act to Authorize Certain Counties to Adopt Ordinances*”.<sup>447</sup> Rep. Alexander led the bill in the General Assembly. The bill would allow counties with a population greater than or equal to 650,000 residents to enact and enforce local clean indoor air ordinances. Mecklenburg (where Charlotte is the county seat) and Wake (where Raleigh is the county seat) counties were the only counties in North Carolina that were that populous in 2007. The bill was referred to the House Health Committee chaired by Representative Thomas Wright (D, Wilmington, TTICC \$2,300).

While in committee, the tobacco industry worked with Representative Beverly Earle (D, Charlotte, TTICC \$1,000, Policy Score 3.4) to propose an amendment that would require each county to hold a referendum before enacting a smoking ban stating “she simply wanted voters in each county to have the chance to speak on the issue” during an interview with the *Charlotte Observer*.<sup>443</sup> The amendment caused the bill to stall. Rep. Alexander and state tobacco control advocates stalled the bill and worked to kill the bill rather than moving it forward and creating an additional costly burden on county governments that wanted to protect the health of their residents.<sup>449</sup>

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In 2005, Patricia Bossert, also received an ACS Take Action Grant to work on smokefree air at the county-level, and worked with the Smokefree Charlotte coalition to be more inclusive by expanding it to cover all of Mecklenburg County and changing its name to Smokefree Mecklenburg.<sup>449</sup> The coalition members were very active in 2005 in support of Rep. Holliman’s bill. There was a large amount of activity in the *Charlotte Observer*, which editorially supported the smoke-free law.<sup>289</sup> The Smokefree Mecklenburg coalition activities included expanding the grassroots and media, in addition to commissioning a countywide public opinion poll in 2006. The results of the survey demonstrated that a strong majority (80 percent) of Mecklenburg County residents supported and wanted their local government to enact clean indoor air laws that prohibited smoking in public places.<sup>448</sup>

In 2007, the Smokefree Mecklenburg coalition utilized the public opinion poll results and the results from the indoor air quality study conducted by the State Health Department and the

University of North Carolina Chapel Hill<sup>346</sup> to further influence and work with the General Assembly members who represented Mecklenburg County, Representative Martha Alexander and Senator Tony Rand (D, Fayetteville, TTICC \$13,500, Policy Score 9.4), to serve as primary sponsors to companion bills, HB 347 and SB 124. The companion bills each titled “*An Act Authorizing Local Governments to Adopt Laws, Rules, or Ordinances Regulating Smoking in Public Places,*” would have repealed preemption and allowed all local county governments to enact and enforce smoking bans.<sup>347, 348</sup> In a 2010 interview, Patricia Bossert recalled: “We worked with the statewide coalition, and we wanted to use our bill as a fall back bill in case the statewide restaurant and workplaces smoking ban bill HB 259 (discussed below) did not go through.”<sup>449</sup>

Upon filing, the companion House and Senate bills were both referred to their respective Judiciary I Committees. The House Judiciary I Committee was chaired by Representative Deborah Ross (D, Raleigh, TTICC \$0, Policy Score 9.2) and Senate Judiciary I Committee was chaired by Senator Nesbitt (D, Asheville, TTICC \$0, Policy Score 7.8), where the bills never received a calendar date and the bills died with the adjournment of the session,<sup>347, 348</sup> State tobacco control advocates worked to introduce these bills as fall-back plans to the smoke-free restaurant legislation introduced by Representative Holliman during the same legislative session as discussed below.<sup>316</sup>

Tobacco industry lobbyist Roger Bone advocated against the bills and in the *Greensboro News and Record* stated a standard industry argument in opposition:

Letting each area make its own decision would be confusing and hard to enforce if different cities have different smoking laws...if you are not consistent, how would you know what to do...it makes no sense at all to have local ordinances...and eventually, anti-smoking laws hurt companies like Lorillard and RJ Reynolds, which provide good jobs for people in North Carolina...there’s a lot of people that like to tell you tobacco is not king anymore...but you still have a big, big industry in North Carolina.<sup>450</sup>

However, in 2007, Lorillard and RJ Reynolds together only employed approximately 6,050 people, a small fraction (.014 percent) of the estimated 4.2 million individuals in the North Carolina workforce.<sup>450</sup> Bone would continue to use the standard tobacco industry rhetoric in 2007 as there were a number of other tobacco control related clean indoor air bills that included ending smoking in government buildings, ending tobacco use on public school campuses and at events, ending smoking in nursing homes, allowing the University of North Carolina and Community College system to regulate smoking on campuses, and ending smoking in restaurants and workplaces, that were all introduced during the same session and which the state tobacco control advocates continued to push for as discussed below.

## **2006: Tobacco-Free Hospitals**

In 2006, the Duke Endowment funded the Healthy N.C. Hospital Initiative \$1.8 million over a three year period (2006-2009) to make all hospitals in North Carolina 100 percent tobacco-free by 2009.<sup>451</sup> The Healthy N.C. Hospital Initiative was a collaborative effort between the N.C. Prevention Partners (NCPP) and the N.C. Hospital Association.<sup>452</sup> NCPP and the N.C. Hospital Association had a collaborative working relationship that dated back to 1998 when the NCPP was established. The beloved former State Insurance Commissioner and NCPP founding



board member Jim Long, and Meg Molloy, president and CEO, founded NCPP to improve preventative health insurance benefits such as cessation in the state. Molloy was the chair of the Vision 2010 cessation committee which worked to get tobacco cessation covered by health insurance providers in the state as discussed earlier in this report. Ironically, the Duke Endowment had a legacy that was built on tobacco in the mid 1800s<sup>453</sup> and many of the hospitals in the state received money from the foundation.<sup>452</sup>

Unlike the legislative activity that was taking place in the General Assembly to chip away at statewide preemption through legislative policies, the tobacco-free hospital initiative was a

The tobacco-free hospital initiative was a grassroots voluntary policy movement that took place one hospital at a time, much like the initial tobacco-free school movement.

grassroots voluntary policy movement that took place one hospital at a time, much like the initial tobacco-free school movement discussed earlier in this report. The initiative was coordinated by state tobacco control advocate Melva Fager Okun, senior program manager for NCPP. In a 2011 interview Melva Fager

Okun recalled, “many of the hospital CEO’s, like N.C. Hospital Association President William Pulley (and NCPP board member), helped the schools in their area adopt tobacco-free policies...and in some cases schools wouldn’t go tobacco free unless the hospital went first,” a dynamic that allowed the tobacco-free schools and hospital initiatives to work together synergistically.

Through the three-year Healthy NC Hospitals Initiative, the North Carolina Hospital Association and NC Prevention Partners used the Duke Endowment funding to, develop resource materials, provide technical assistance and support, and conduct trainings with hospitals throughout the state. In 2008 and 2010, the Healthy Hospital Initiative became a more

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comprehensive workplace wellness model by expanding to include nutrition and physical activity policies as well.

and Psychiatric hospitals) in North Carolina had a 100 percent tobacco-free campus wide policy.<sup>454</sup> North Carolina was the first state in the nation to have 100 percent tobacco-free hospitals statewide.<sup>454</sup>

As of July 6, 2009, all 134 hospitals (127 acute hospitals, and 7 Veterans Affairs

Additionally, in 2009, The Duke Endowment awarded an additional \$250,000 grant to the North Carolina Hospital Association, with NCPP guiding the effort, to develop the “Quit Now Initiative”, a comprehensive tobacco-cessation system in North Carolina for hospitals employees, patients, and visitors. The “Quit Now” Initiative, identified tobacco using employees and patients and offers resources such as counseling, referral to the N.C. Quitline, and both prescription and over-the-counter medications at no-to-low costs, and incentives for quitting. In addition, the initiative also established tobacco use as a vital sign and required field for patient records as a way to identify tobacco using patients. The Duke Endowment continued the “Quit Now” initiative in 2010 with a two-year, \$500,000 grant.<sup>453</sup>

## 2007: Smoke-Free Government Buildings

Building on the impetus of the General Assembly and Prisons becoming smoke-free, state tobacco control advocates began working on prohibiting smoking in all government buildings during the 2007 legislative session as the next logical step. This effort led to the introduction of companion bills to prohibit smoking in state-owned or leased government buildings. Representatives Jennifer Weiss (D, Raleigh, TTICC \$0, Policy Score 8.8) and Rick Glazier (D, Fayetteville, TTICC \$0, Policy Score 9.8) were the primary co-sponsors of HB 24, a bill originally titled, “*An Act to Protect the Public from the Health Risks of Secondhand Smoke by Prohibiting Smoking in Buildings Owned, Leased, or Occupied by State Government*”, while Senator William Purcell (D, Scotland, TTICC \$400, Policy Score 10) was the primary sponsor of companion bill SB 43.<sup>455, 456</sup> Rep. Weiss was also the primary sponsor of the bill to raise North Carolina’s cigarette tax in 2005, while Rep. Glazier was a primary co-sponsor of 2006 legislation to make the General Assembly buildings smokefree. The companion bills were referred to the respective House Health and Senate Health Care committees.

When the bills were introduced and assigned to a committee, the North Carolina Alliance for Health sent out an action alert with contact information for the committee members, and asked state tobacco control advocates to contact the committee members to urge them to support the legislation. HB 24 was the first bill of the companion bills to report favorable from committee on March 5, 2007, so it was the bill that moved forward.

As written, HB 24 was limited to state buildings. The bill was referred to the House Committee on Health, chaired by Representative Bob England (D, Ellenboro, TTICC \$0, Policy Score 9.6) where it was re-titled, “*An Act to Protect the Public from the Health Risks of Secondhand Smoke by Prohibiting Smoking in Buildings Owned, Leased, or Occupied by State Government; and to Authorize Local Governments to Regulate Smoking in Buildings and Transportation Vehicles Owned, Leased, or Occupied by Local Government as Recommended by the Justus-Warren Heart Disease and Stroke Prevention Task Force*” and expanded to give local governments the authority to regulate smoking in local government buildings.<sup>457</sup>

When HB 24 reported favorably from committee, the North Carolina Alliance for Health (NCAH) sent out another action alert to all state tobacco control advocates, asking advocates to contact their Representative by phone or e-mail to urge them to support HB 24 and vote yes. While on the House floor, Rep. Glazier offered a floor amendment that established a 50 foot minimum distance requirement to prevent smoking near entrance doorways; the amendment passed 116 to 0, and the second reading by 113 to 4 on the same day. HB 24 passed the third reading on the next day, March 7, 2007, by 107 to 4.<sup>458</sup> The four votes in opposition during the second reading were split between two Democrats Rep. Jim Crawford (D, Oxford, TTICC \$6,250, Policy Score 6.8) and Rep. Hill (D, TTICC \$5,300, Policy Score 1.4), and two Republicans Rep. Jim Gulley (R, Matthews, TTICC \$0, Policy Score 1.4) and Rep. Linda Johnson (R, Cabarrus, TTICC \$950, Policy Score 1.4). While the votes in opposition during the third reading were all Republican and included Gulley and Johnson again as well as Representatives Cleveland (R, Jacksonville, TTICC \$500, Policy Score 1.4) and Holloway (R, King, TTICC \$4,850, Policy Score 0.8), while Democrats Crawford and Hill changed their votes to vote in line with their party.

Continuing to move forward to the Senate, HB 24 was referred to the Senate Committee on Commerce, Small Business and Entrepreneurship chaired by Senator R.C. Soles (D, Tabor, TTICC \$4,750, Policy Score 4.8).<sup>458</sup> The NCAH sent out an action alert, asking all state tobacco control advocates, to contact all of the Senators on this committee by phone or email to remind them of the important public health impact of HB 24. The action alert also included talking points on HB 24 provide messaging to state tobacco control advocates contacting Senators. While in committee, Sen. Soles added a technical procedural amendment, to the bill to specify that any county ordinance that was adopted under it was subject to the Territorial Jurisdiction of County Ordinances provisions in the N.C. General Statutes 153A-122, which requires county ordinances to give city councils the power to opt in or out of the county ordinance.<sup>128</sup> This amendment was procedural and did not worry the state tobacco control advocates because it did not change the intent of the law to end smoking in government buildings throughout the state.

There is little to no documentation about what the tobacco industry was doing to oppose ending smoking in government buildings, other than tobacco industry lobbyist Roger Bone, continuing to use the standard tobacco industry rhetoric that ending smoking would hurt jobs and the economy in North Carolina.<sup>450</sup> There was no documentation about tobacco farmers opposing smokefree government buildings.

HB 24 reported favorably from the Senate committee. The NCAH again sent out an action alert asking state tobacco control advocates to contact their Senator and to urge them to support HB 24 by voting yes. The bill passed on the floor of the senate 48 to 1, with Sen. Don East (R, Pilot Mountain, TTICC \$2,200, Policy Score 1.4) being the only senator in opposition, and concurred in the House, 110 to 3, with Rep. Jim Gulley changing his vote in opposition to vote in favor of the measure to protect the health of state and local government workers. Gulley changed his vote as a procedural move; if a legislator is on the losing side of an issue and thinks that they can turn things around, they change their vote to the prevailing side so that they are then eligible to call the action up for reconsideration.<sup>134</sup> Primary sponsor Rep. Weiss expressed that “it just makes good sense...there is strong connection between clean air and public health...and we cover health insurance for state employees...”<sup>459</sup> There was no reported behind the scenes opposition to the law. The TPCB worked very closely with the NC Department of Administration on a detailed implementation plan. The new state law was implemented with strong success across the state.<sup>460</sup>

“...it just makes good sense...there is strong connection between clean air and public health...and we cover health insurance for state employees...”

### **2007: Tobacco Free Schools Senate Bill 1086**

On March 20, 2007, Senator William Purcell (D, Scotland, TTIC \$400) introduced and sponsored SB 1086, “An Act to Protect Children in the Public Schools from Exposure to Tobacco by Requiring Local Boards of Education to Adopt Written Policies Prohibiting the use of Tobacco Products by any Person in Public School Buildings and School Facilities, on the Public School Campus, and in or on Other School Property”.<sup>461</sup> The bill was referred to the Senate Committee on Health Care which was co-chaired by Senators Stan Bingham (R, Davidson and Guilford, TTICC \$2,000, Policy Score 6.0) and tobacco control champion William Purcell (D, Scotland, TTICC \$400, Policy Score 10.0). While in the Senate Health Care

Committee, the bill was revised to mandate that school boards develop and implement policies that went beyond just school buildings to, “ban tobacco use from buildings, grounds and school sponsored events.”<sup>461</sup> The fact that this legislation went beyond buildings to include the entire campus and school events distinguished it from SB 583, adopted four years earlier in 2003, to end smoking in public school buildings as discussed earlier in this report.<sup>392</sup>

Reporting favorably from the Senate Health Care Committee on April 10, 2007, the legislation passed the second reading on the Senate floor, 32-14, the next day, on April 11, 2007. Before passing the third Senate floor reading, 37-9, on the same day, April 11, 2007, an amendment offered by Sen. Purcell to require local boards of education to adopt and implement a tobacco free policy “by August 1, 2008” passed 45-0.<sup>461</sup> In the House the legislation passed the final reading by 102-7.<sup>461</sup> There was little to no documented opposition on the bill other than the N.C. School Boards Association group being concerned that the bill removed flexibility to make

exceptions for certain school employees who wish to smoke away from children.<sup>462</sup>

SB 1086 passed through both the Senate and the House with little or no documented opposition, a result that can be attributed to the strong grass roots groundwork that established the support and community buy-in for 100 percent tobacco-free schools. This victory proved to be a definitive accomplishment in the chipping away strategy.

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In 2007, in addition to public schools, becoming 100 percent tobacco free in 2007, the North Carolina Child Care Commission (NCCCC) also adopted a rule that required licensed child care facilities to prohibit tobacco while children are in care. The North Carolina Child Care Commission is a part of the North Carolina Department of Health and Human Services. The North Carolina Department of Health and Human Services also houses the state Tobacco Prevention and Control Branch (TPCB). Facilitated by conversations between the NCCCC and the TPCB, when the General Assembly mandated all public schools in North Carolina be 100 percent tobacco-free in 2007 to protect and prevent children from tobacco use, it was only logical for the Child Care Commission to adopt a rule that did the same thing for child care facilities licensed under their authority.

### **2007: Smoke-Free UNC University System**

During the 2007 legislative session, clean indoor legislation seemed to be passing effortlessly by substantial margins because of the strong support that had been garnered through the Justus-Warren Task Force recommendations, the legislative champions, and the state tobacco control advocates grassroots advocacy efforts.

Adding to the list of chipping-away legislation in 2007 were companion bills SB 862, sponsored by Senator William Purcell (D, Scotland, TTICC \$400, Policy Score 10.0), and HB 76, sponsored by Representative Hugh Holliman (D, Lexington, TTICC \$500, Policy Score

10.0). The legislation was UNC system agency bill that allowed the University of North Carolina to regulate smoking on campuses (100 linear feet from campus buildings) and allow for the UNC health care system to become smoke-free for both buildings and grounds for the hospital institutions on the University of North Carolina campus, while offering separate residential smoking rooms if requested. The companion bills were filed on March 15, 2007. SB 862 passed on June 20, 2007, just days before HB 24 to make Government Buildings including public universities smokefree passed on June 29, 2007. SB 862 was referred to the Senate Committee on Health, which was co-chaired by Senator Stan Bingham (R, Durham, TTICC \$2,000, Policy Score 6.0) and Senator Purcell. HB 76 was referred to the House Committee on Health, chaired by Rep. Bob England (D, Ellenboro, TTICC \$0, Policy Score 9.6) and, if reported favorable then, to the House Judiciary II Committee, chaired by Rep. Daniel Blue (D, Raleigh, TTICC \$150, Policy Score 6.0).

The North Carolina Alliance for Health (NCAH) monitored the evolution of the bill and included related information on this legislation in the ongoing legislative updates. However no action alert was ever requested by the NCAH for these specific bills. This legislation was in line with the chipping away strategy and the 100 percent tobacco free school legislation SB 1086, sponsored by Senator Purcell during the same 2007 legislative session. SB 862 made it out of committee first and moved forward. SB 862 was reported favorably from the Committee on Health, passed the floor of the Senate on the same day, May 16, 2007, 45 to 1, and moved forward to the House for consideration. Senator Don East (R, Pilot Mountain, TTICC \$2,200) was the only senator to vote in opposition to this bill and HB 24 to designate Government Buildings smoke free in 2007, as discussed above.

While in the House, SB 862 was referred to the House Committee on Health, chaired by Rep. Bob England. The House Committee on Health approved a committee substitute of this bill that included some minor technical changes which include listing the University of North Carolina separately from the University of North Carolina Health Care System. Reported favorably from committee, SB 862 passed the floor of the House 104 to 3 on June 14, 2007, and was concurred in the Senate unanimously, 49 to 0, with one excused absence. Sen. East changed his vote to vote in favor of SB 862 even though no substantial changes were made to the bill. SB 862 allowed the appropriate governing body to designate the University of North Carolina, as well as the UNC Health Care System and the medical buildings at East Carolina University, as smokefree and to prohibit smoking within 100 feet of UNC buildings.

This legislation encouraged the Tobacco Free College Initiative, funded by the Health and Wellness Trust Fund to work, to make other private college campuses in North Carolina smokefree one campus at a time modeled on the 100 percent Tobacco Free School Initiative.

In addition to SB 862, Sen. Purcell also introduced SB 1669, later in the session on May 19, 2007 to give local community college boards of trustees clear authority to adopt, implement and enforce policies to prohibit tobacco on community college campuses. The Community College System is governed separately from the University System. Each Community College Board has the authority over their individual Community College.<sup>329</sup> The legislation passed easily as well, 116 to 3 in the House, and 36 to 8 in the Senate. This legislation encouraged the Tobacco-Free College Initiative, funded by the Health and Wellness Trust Fund to work to make other private college campuses in North

Carolina smokefree one campus at a time, modeled after the 100 percent Tobacco-Free School Initiative discussed earlier in this report. In 2010 North Carolina led the nation with 48, 100 percent tobacco free campuses throughout the state.

Giving the University and Community College system in North Carolina the power to regulate smoking passed in the General Assembly with less active involvement from the state tobacco control advocates, because there was little to no opposition. There was no documented opposition from tobacco manufacturers or tobacco farmers on this legislation.

### **2007: Smoke-Free Nursing and Long-term Care Facilities**

Prompted by a March 2007 fatal fire at a nursing home caused by a resident smoking a cigarette beside a personal oxygen tank, in which one resident was killed and 21 others were injured,<sup>463, 464</sup> the NCGA passed a law to make long-term care facilities smokefree.<sup>465</sup>

During the 2007 legislative session, Representatives Julia Howard (R, Mocksville,

Prompted by a March 2007 fatal fire at a nursing home caused by a resident smoking a cigarette beside a personal oxygen tank, in which one resident was killed and 21 others were injured the NCGA passed a law to make long-term care facilities smokefree.

TTICC \$12,000, Policy Score 1.8) and Carolyn Justice (R, Hampstead, TTICC \$0, Policy Score 6.4) primarily cosponsored HB 1294 a bill titled, *“An Act to Prohibit Smoking inside Long-Term Care Facilities.”*<sup>466</sup> In response to the nursing home fire that took place in her district, Rep. Howard expressed that her intent in sponsoring the legislation was “fire safety.”<sup>464</sup> The measure ended smoking in long-term care facilities, which was defined to include, adult care homes, nursing homes, skilled nursing facilities, and state

psychiatric hospitals, and establish a penalty of a \$200 administrative fine on facilities in violation.<sup>466</sup>

The bill was referred to the House Committee on Aging, and reported as favorable, then to the House Judiciary I Committee. While in the Judiciary I Committee, chaired by Representative Deborah Ross (D, Raleigh, TTICC \$0, Policy Score 9.2), the bill was amended to prohibit the employees of long-term care facilities from smoking as well.<sup>467</sup> The committee and House were not hostile towards this legislation and there was little to no documented opposition. Reporting favorably from the House Judiciary I Committee, the bill passed the second floor reading in the, House 114 to 1.<sup>467</sup> Representative Laura Wiley (R, Greensboro, TTICC \$2,000, Policy Score 2.0) was the only legislator to vote in opposition, arguing that “the home managers and owners would bear the penalty when residents defy the no-smoking rules”.

State tobacco control advocates were supportive of this legislation because it was in line with the chipping away strategy. However, they played a less active role while the bill was in the House, as there was little to no documented opposition from tobacco manufacturers or tobacco farmers.

Moving to the Senate, the bill was referred to the Senate Committee on Health Care, co-chaired by Senators Stan Bingham (R, Denton 33, TTICC \$2,000, Policy Score 6.0) and William Purcell (D, Scotland, TTICC \$400, Policy Score 10). A technical amendment was made to

exclude state psychiatric hospitals from the \$200 administrative fee penalty section because state government buildings had concurrently become smokefree during the 2007 session.<sup>468</sup>

Reporting favorably from committee, the bill was placed on the senate floor calendar. While on the floor of the Senate, Senator Peter Brunstetter (R, Lewisville, TTICC \$8,250, Policy Score 5.2) offered a pro-tobacco accommodation amendment that would allow long-term care facilities to set aside an indoor smoking area. Using the rationale that “[y]ou're dealing, in this case, with people in their 70's and 80's, many of whom have grown up when tobacco was a widely accepted product,...and to tell an 80-year-old who's been smoking since they were 18 that they need to go outside to smoke - as opposed to making reasonable accommodations for them in an indoor smoking area - does not seem to be practicable or reasonable”.<sup>466, 469, 470</sup>

The tobacco manufacturer lobbyists were working behind the scenes to weaken the legislation, as proven by the fact that the pro-tobacco accommodation amendment was made on the floor, there was little the state tobacco control advocates could do to oppose it, and would have to wait until the bill went back to the House to oppose the amendment. The amendment passed the Senate without opposition 48 to 0, and was sent back to the House to concur.<sup>466</sup>

The fact that the pro-tobacco accommodation amendment was made on the floor, there was little the state tobacco control advocates could do to oppose it, and would have to wait until the bill went back to the House to oppose the amendment.

The state Tobacco Prevention and Control Branch (TPCB) and tobacco control advocates advised against the accommodation amendment because it did not protect the residents from secondhand smoke. In addition the TPCB also reminded the legislators that smoking was an addiction and regardless of age, the majority of smokers want to quit. The House also did not agree with the accommodation amendment because

it was not in line with the intent of the bill to prevent fire and voted not to concur, 110 to 0, sending the bill to Conference Committee.<sup>466</sup>

The Conference Committee appointees included Rep. Julia Howard, Rep. Hugh Holliman, Rep. Bob England (D, Ellenboro, TTICC \$0, Policy Score 9.6), Sen. William Purcell and Sen. Jim Forrester (R, Stanley, TTICC \$1,550, Policy Score 6.8). While in Conference Committee, the accommodation amendment was deleted as a result of the state tobacco control efforts. A subsection was included to ensure technical implementation consistencies with state psychiatric hospitals and long-term care facilities, which addressed Rep. Howard's concern about holding the state psychiatric facilities (which were previously exempt from the \$200 administrative fine) to the same standards of the private long-term care facilities being assessed a \$200 fine violating the law.<sup>469, 470</sup>

While the bill was in the conference committee, the tobacco industry did not have Brunstetter or any other legislator to push their accommodation agenda. Likewise there was little to no opposition against this bill and with the accommodation provision removed during the conference committee the state tobacco control advocates took a less active role in getting the bill to pass the final readings.

Reporting favorably as amended from the Conference Committee, HB 1294 passed the House, 111 to 3, with Representatives Curtis Blackwood (R, Union, TTICC \$500, Policy Score 1.8) George Cleveland (R, Jacksonville, TTICC \$500, Policy Score 1.4) and Bryan Holloway (R, King, TTICC \$4,850, Policy Score 0.8) voting in opposition. The bill also passed the final Senate floor reading 45 to 1, with Senator Brunstetter being the only vote in opposition arguing that “the bill is unrealistic...people would be more likely to abide by smoking regulations if the

The Alliance wanted to be very careful about the appearance of intruding into the “Private Home” arena and always tried to stay in the public places realm rather than private homes.

state made reasonable accommodations for smokers”.<sup>469, 470</sup> In addition to protecting the health of the residents, the prohibition improved fire safety in buildings that housed elderly and vulnerable patients.<sup>469, 470</sup>

While the state tobacco control advocates were in favor of prohibiting smoking in long-term care facilities because it fit into the chipping away strategy, the North Carolina Alliance for Health did not include this legislation in the ongoing legislative update action alerts during the 2007 legislative session. The Alliance wanted to be very careful about the appearance of intruding into the “Private Home” arena and always tried to stay in the public places realm rather than private homes.<sup>329</sup>

The NC Department of Health and Human Services took the lead on HB 1294 and advised and educated state legislators on the health and cost benefits of passing this legislation. While, the other state tobacco control advocates, led by the NCAH, focused their grassroots advocacy activities, such as action alerts, on HB 24 to prohibit smoking in government buildings, as discussed above, and on HB 259 to prohibit smoking in restaurants and work places discussed below during the 2007 legislative session. Unlike the other anti-smoking legislative actions, the long-term care facilities prohibition did not become contentious, and generated little to no opposition, either from within the legislature or from outside interest groups as The N.C. Association of Long Term Care Facilities also supported HB 24.<sup>464</sup> Other than the tobacco

Unlike the other anti-smoking legislative actions, the long-term care facilities prohibition did not become contentious, and generated little to no opposition, either from within the legislature or from outside interest groups.

industry attempt to push accommodation with the Brunstetter amendment the tobacco industry did not take an active role in opposing this legislation.

### **2007: Fire Safe Cigarettes**

The 2007 fatal fire caused by a cigarette discussed above created an opportunity to pass fire-safe cigarette legislation in the North Carolina General Assembly.<sup>471, 472</sup> Andrew McGuire from the University of California San Francisco, Trauma Foundation is credited with beginning the advocacy work and campaign in 1979 for the manufacturing and sale of so-called fire-safe cigarettes with a self-extinguishing reduced ignition propensity for unattended cigarettes, to help prevent accidental fires throughout the United States. The 1984 federal Safe Cigarette Act funded research that proved the manufacturing feasibility of fire-safe cigarettes. Likewise the 1990 federal Fire-Safe Cigarette Act of 1990 funded research that developed the standard safety requirements for fire-safe cigarettes. Ten years following the



federal Act, in 2000 New York became the first state to adopt fire-safe cigarette legislation that required any tobacco product sold as a cigarette to meet the FSC standards in 2000.<sup>472, 473</sup>

Dr. Adam Goldstein, who has been active in tobacco control for many years, led the statewide movement to create the North Carolina Coalition (NC Coalition) for Fire-Safe Cigarettes (FSCs) in 2007. The coalition, chaired by Earnest Grant, a nurse and director of outreach and education at the Jaycee Burn Center, was created to reduce the impact of smoking related fires through legislative action.<sup>472</sup> The groundwork for which the coalition was laid by the national Coalition for FSCs, for which Grant also worked for, which included a broad array of members such as, the NC Association of Fire Chiefs, the NC State Firemen’s Association, the UNC Schools of Medicine and Public Health, and the N.C. Jaycee Burn Center.<sup>472, 474</sup> In addition to the official members, the North Carolina coalition also received informational resources such as data and technical support from state agencies such as the State Division of Public Health, Jim Long, the State Insurance Commissioner and founding board member of the N.C. Prevention Partners, and the State Insurance Department.<sup>472</sup> The goal of the coalition was to pass legislation that required cigarette manufacturing companies to immediately produce and market only FSCs in North Carolina.<sup>472</sup>

The campaign for the fire-safe cigarette legislation was strategically positioned as a public safety issue to navigate through the historically hostile political environment in the tobacco growing state. In a 2007 *Sampson Independent* article, Chapel Hill Fire Chief, and member of the NC Coalition FSCs, Dan Jones stated in support of fire-safe cigarettes:

Such [fire-safe] cigarettes might have prevented a pre-dawn fire that killed five students

at a University of North Carolina fraternity house on graduation morning, May 12, 1996. None of those five participated in the smoking in the basement the night before, yet they lost their lives. This is a true public safety bill. This is a bill that will save the lives of smokers and non-smokers alike.<sup>475</sup>

The campaign for the fire safe cigarette legislation was strategically positioned as a public safety issue to navigate through the historically hostile political environment in the tobacco growing state...

Additionally, a 2007, *Raleigh News and*

*Observer* article reported, “Recent tragic cigarette-related fires reiterate that the time has come for North Carolina to enact such legislation”.<sup>474</sup>

HB 1785, “*An Act to require cigarette fire-safety by adopting a cigarette fire-safety standard,*” primarily sponsored by Verla Insko (D, Chapel Hill, TTICC \$0, Policy Score 9.8), Rick Glazier (D, Fayetteville TTICC \$0, Policy Score 9.8), and Tricia Ann Cotham (D, Matthews, TTICC \$0, Policy Score 8.4) was introduced on April 18, 2007, three months into the legislative session and two weeks before the deadline to introduce new bills.<sup>472</sup> It was very important to the coalition to introduce the bill during the 2007 legislative session otherwise the legislation would have been delayed until the next long legislative session in 2009. The bill required that any tobacco product sold as a cigarette meet the FSC standards.<sup>472</sup>

After the bill was introduced, the Coalition met weekly to monitor progression of the bill, share resources and discuss grassroots activities needed to build support for the legislation. The tobacco manufacturers began to argue against the manufacturing feasibility despite the fact that

the patents for fire-safe cigarettes already existed and were already being sold in other states, claimed adverse economic impact for the legislation, and even threatened to relocate out of North Carolina.<sup>472</sup>

The North Carolina Commissioner of Agriculture was initially designated as the regulatory authority for the fire-safe cigarette legislation. The support of the designated regulatory authority was need for the bill to pass. However, the 2007 Commissioner of Agriculture, Steve Troxler, a tobacco farmer, he had an extensive history of supporting and participating in pro-tobacco industry activities in the state and his support for the fire-safe cigarette legislation was not guaranteed. The coalition learned that the State Fire Marshal, Jim Long, who also was State Insurance Commissioner supported the fire-safe cigarette legislation, Long was also married to state tobacco control advocate Peg O'Connell.

Tobacco manufacturers began to argue against the manufacturing feasibility and the economic impact of the legislation, and even threatened to relocate from the state, despite the fact that the patents for fire-safe cigarettes already existed and were already being sold in other states.

Learning this critical information, the coalition worked with the Judiciary I Committee Chair Deborah Ross (D, Raleigh, TTICC \$0, Policy Score 9.2) to amend the bill and transfer the regulatory authority of the fire-safe cigarette legislation from the Department of Agriculture and the Commission of Agriculture to the Insurance Department and the State Insurance Commissioner. The final legislation, effective January 1, 2010, passed the House, 106 to 5 and the Senate, 47 to 0. Governor Easley signed the bill into law on August 24, 2007, making North Carolina the 21<sup>st</sup> state to adopt a fire-safe cigarette law.

By July 2011, every state in the United States required that all cigarettes be fire-safe.<sup>473</sup>

## **2007: Smoke-free Restaurants**

Despite being restricted from adopting local level clean indoor air laws, anti-smoking sentiment continued to grow at the grassroots level from 1993 to 2007 throughout the state, as was evident with the increasing number of restaurants voluntarily going smokefree. County level tobacco control programs that began with the ASSIST programs in 1993, discussed earlier, were building smoke-free restaurant dining registries as hundreds of local restaurants were voluntarily going smokefree, despite North Carolina's tobacco heritage,<sup>446</sup> and continued to do so after the failure of HB 76 in 2005 that would have imposed a state-wide ban on smoking in restaurants.<sup>446</sup>

In addition, in 2005, the North Carolina Restaurant and Lodging Association (NCRLA) opposed HB 76 because it created an uneven playing field within the hospitality industry by singling out and only requiring restaurants to be smoke-free.<sup>86</sup> As a steward of the hospitality industry in North Carolina,<sup>444</sup> the NCRLA represented 16,000 members who employed 10 percent of North Carolina's workforce in 2010.<sup>445</sup> Of the restaurant owners and members of the NCRLA who were voluntarily going smoke-free, many were doing so because it was good for their business.

In contrast, some restaurant owners and members of the NCLRA did not feel as comfortable voluntarily going smokefree because they still feared losing business. In 2006,

David Gronewoller, President and CEO of GC Partners that operated Golden Corral restaurants and board member of the NCRLA, shared with the *Winston-Salem Journal*: “Many restaurant owners want to go smoke-free but want a legal obligation to do so...they don’t want to be the reason they do it...it’s still the right thing to do.”<sup>476</sup> David Gronewoller’s restaurants did not become 100 percent smokefree until January 2010, when HB 2 passed to end smoking in restaurants and bars as discussed later in this report.

In a 2010 interview, Paul Stone, President and CEO of the NCRLA shared that “a legislative mandate or regulation that banned smoking across the field took pressure off of restaurant owners who didn’t want to voluntarily tell their customers that they couldn’t

“Many restaurant owners want to go smoke-free but want a legal obligation to do so...they don’t want to be the reason they do it...it’s still the right thing to do.”

smoke...and it eliminated the fear of losing customers to competitors who allowed smoking.”<sup>86</sup>

By 2007, many restaurant owners in North Carolina were in favor of statewide regulations because they would have the cost benefits that came with being smokefree, including healthier employees, without fear of losing business to a restaurant that allows smoking down the street of

across the county line.<sup>445</sup> In a 2007 *Charlotte Observer* article Paul Stone, president of the N.C. Restaurant and Lodging Association stated:

We will not oppose a smoking ban statewide if it provides a level playing field (meaning it had to include bars). That is a major change. We are not going to be out in front, we are not going to push for a bill but, if there is one, we will not oppose it. Many of our restaurant owner members support statewide regulations because they would have the benefits - including healthier employees - without fear of losing business to a restaurant that allows smoking down the street or across.<sup>445</sup>

Keenly aware of the national clean indoor air movement and trend of the increasing number of hospitality establishments going smoke-free, and at the insistence of the more progressive new board members as a result of the evolving demographics, the NCRLA surveyed their 16,000 members in 2007 on clean indoor air restrictions, “50 percent of which were already smoke-free.”<sup>86</sup> In a 2010 interview Paul Stone recalled that “when surveyed, the poll results

“Our 2007 position was a major change from 2005...we weren’t in front pushing for the bill...but we didn’t oppose it as long as it created a level playing field.”

showed that 80 percent of our members were in favor and wanted a fair smoking ban.”<sup>86</sup>

In a 2010 interview Paul Stone recalled that “our 2007 position was a major change from 2005...we weren’t in front pushing for the bill...but we didn’t oppose it as long as it created a level playing field”.<sup>86</sup>

## 2007: House Bill 259

State tobacco control advocates ensured that the clean indoor air restaurant and workplaces legislation started off in 2007 as more comprehensive than 2005 by including both restaurants and workplaces, by working with Representative Hugh Holliman (D, Lexington,

TTIC \$500, Policy Score 10.0), and by presenting the results of the 2007 indoor air quality study conducted by the State Health Department and the University of North Carolina Chapel Hill discussed earlier. However, state tobacco control advocates did not include bars and wanted to save them for a later session. A few other changes had taken place in 2007 as well.

Representative Holliman, who was already a very well respected legislator in the NCGA,<sup>438</sup> became the House Majority Leader and was well positioned to carry legislation.<sup>85, 477</sup> The shift in House leadership took place after the resignation of Rep. Black (*see Campaign Contributions*) and the election of Rep. Joe Hackney (D, Chapel Hill, TTICC \$9,000, Policy Score 7.8) as

“We have opposed such legislation in the past...but we also recognize that the issue of public place smoking is an issue of increasing public debate...we want to support reasonable legislation...and we feel that this bill is reasonable.”

Speaker of the House. The clean indoor air legislation had also acquired additional support in the legislature as evidenced by additional sponsors and a companion bill in the Senate. The U.S. Surgeon General Carmona concluded the in the *2006 Surgeon General’s Report on the Health Consequences of Involuntary Smoking* that there is, “no safe level of exposure to secondhand smoke” in 2006.<sup>352</sup> An independent nonpartisan poll conducted by

Elon University showed that nearly 70 percent<sup>478</sup> of North Carolinians supported smoking bans in public places.<sup>479</sup> Along with the North Carolina Restaurant and Lodging Association changing its position to “[n]ot oppose a smoking ban statewide if it creates a level playing field,”<sup>445</sup> a significant change from their opposition and accommodation position in 2005 as discussed above.

House Bill 259, “*An Act to Prohibit Smoking in Public Places and Places of Employment*,” was sponsored by clean indoor air champions Rep. Hugh Holliman and Rep. Larry Hall (D, Durham, TTICC \$0, Policy Score 8.6) In addition, the primary sponsors and advocates worked to add eight additional co-sponsors to HB 259 to demonstrate more support for the bill: Representatives Angela Bryant (D, Rocky Mount, TTICC \$0, Policy Score 9.0), Bob England (D, Ellenboro, TTICC \$0, Policy Score 9.6), Susan Fisher (D, Asheville, TTICC \$0, Policy Score 9.4), Rick Glazier (D, Fayetteville, TTICC \$0, Policy Score 9.8), Verla Insko (D, Chapel Hill, TTICC \$0, Policy Score 9.8), Paul Luebke (D, Durham, TTIC \$0, Policy Score 9.4), Alice Underhill (D, New Bern, TTICC \$250, Policy Score 8.6), and Jennifer Weiss (D, Raleigh, TTICC \$0, Policy Score 8.8)<sup>480</sup> and to add a companion bill, SB 635, sponsored by Sen. Janet Cowell and co-sponsored by Sen. Eleanor Kinnaird (D, Chapel Hill, TTICC \$0, Policy Score 9.6) and Sen. Martin Nesbitt (D, Asheville, TTICC \$0, Policy Score 7.8).<sup>481</sup>

The companion clean indoor air bills were written to prohibit smoking in all public restaurants and workplaces, while exempting age-restricted bars, tobacco retail shops and tobacco manufacturing facilities, places of employment that conduct research on smoking, private clubs and 20 percent of hotel guest rooms, and giving the local health directors the authority to enforce the law.<sup>480, 481</sup> Except for exempting bars, the 2007 clean indoor air legislation was comprehensive and in line with the state tobacco control advocates chipping away without closing doors strategy.

Upon filing, SB 635 was referred to the Senate Committee on Commerce and Small Business Entrepreneurship, chaired by Sen. R.C. Soles (D, Tabor, TTICC \$4,750, Policy Score

4.8) where the bill was blocked by Soles because it did not receive a calendar date and no action was taken.<sup>481</sup> HB 259, however, was referred to the House Judiciary I Committee chaired by Rep. Deborah Ross (D, Raleigh, TTIC \$0, Policy Score 9.2), where technical committee amendments were made that included adding “enclosed area” to the definitions, and changing the tobacco manufacturer exemption to read “the premises of a manufacturer of tobacco products, including a manufacturer’s offices”, instead of “a tobacco manufacturing or processing facility”, because the committee thought this clarification was needed.<sup>480</sup>

Interestingly, Steve Kottak, a spokesman for Reynolds American (formerly known as RJ Reynolds) went on record in support of HB 259. In the *Charlotte Observer*, Steve Kottak was quoted as saying that “[w]e have opposed such legislation in the past...but we also recognize that the issue of public place smoking is an issue of increasing public debate...we want to support reasonable legislation...and we feel that this bill is reasonable”.<sup>445</sup> The tobacco manufacturer probably felt that the legislation was reasonable because HB 259 was written to include an exemption for bars, which was the venue the industry was most interested in keeping unrestricted. Additionally, tobacco farmers did not organize to oppose the smokefree restaurant legislation. While state tobacco control advocates were working to get restaurants and workplaces smokefree in 2007 to chip away at preemption without closing doors, and were willing to go back to work on age-restricted bars as a part of the chipping away strategy.<sup>85</sup>

The North Carolina Alliance for Health sent out legislative updates, which included action alerts throughout the life of the bill asking state tobacco control advocates, to contact both Rep. Holliman and Sen. Purcell to thank them for sponsoring clean indoor air legislation, to contact their state representatives and House Judiciary I Committee members to urge them to support HB 259. The NCAH legislative update also included talking points to facilitate a consistent tobacco control advocacy message. The messaging included:

*Why does North Carolina need to eliminate secondhand smoke from worksites and public places? Because:*

- *Secondhand Smoke Kills. According to the US Surgeon General, there is NO safe level of exposure to secondhand smoke.*
- *North Carolina Citizens Support Smoke-Free Policies. According to an Elon poll (Sept. 06):*
  - *86% of North Carolinians agree or strongly agree that employees in North Carolina should be able to work in a smoke-free environment;*
  - *64.7% of respondents support or strongly support a law in NC that would not allow smoking in restaurants & bars;*
  - *79.2% agree that restaurant employees in NC should be able to work in a smoke-free environment.*
- *Smoke-Free Policies are Good for Business.*
  - *No rigorous, scientifically conducted study has found negative economic impact from smoke-free policies; some, in fact, have found an increase in restaurant and bar sales following local or statewide restrictions on smoking in public places.*
  - *The EPA estimates that smoke-free restaurants can expect to save about \$190 per 1,000 square feet each year in lower cleaning maintenance costs.*
- *Smoke-Free Policies Save Health Care Costs.*

- *Most smokers want to quit and smoke-free policies help smokers quit smoking.*
- *Smoking costs in North Carolina are \$2.46 billion in direct medical costs. Smoking-attributable health care costs to the Medicaid Program are \$769 million annually.*
- *All NC Workers Deserve a Safe, Smoke-Free Workplace.*
  - *HB 259 will protect a majority of NC workers from the harmful effects of secondhand smoke.*
  - *NC has been a leader in all types of workplace safety initiatives and policies—it only makes sense that we extend these policies to include protection from the known dangers of secondhand smoke.*<sup>27</sup>

HB 259 was reported favorably from the House Judiciary I Committee (Table 46) and received a calendar date for March 29, 2007. However, the calendar date was postponed until April 4, 2007 at the request of primary bill sponsor Rep. Hugh Holliman. Representative Holliman was counting votes and, as of the first calendar date to vote on the bill 35 to 40 members of the NCGA House were still undecided.<sup>479</sup> In general, legislators like to know where voting members stand before bringing the bill to the floor to vote<sup>29, 30, 479</sup> and only in rare occasions will a legislator bring a bill to the floor for a vote without enough support to pass.<sup>482</sup> Postponing the calendar date bought the bill’s sponsors and tobacco control advocates a few more days to work on shoring up the undecided members votes. Still in need of more votes, Holliman withdrew HB 259 from the April 4 calendar and the bill was referred to the House Judiciary I Committee a second time, in order to work on getting more votes.

Postponing the calendar date bought the bill’s sponsors and tobacco control advocates a few more days to work on shoring up the undecided members votes.

The tobacco industry was working behind the scenes to stop this legislation to weaken this legislation. As a result of the tobacco industry efforts, while the bill was in committee for the second time, the committee adopted amendments that prohibited smoking only in enclosed areas of public restaurants, and dropped workplaces, to appease the opposition of private-property rights advocates.<sup>483</sup> Tobacco industry lobbyist Roger Bone, who continued to lobby for Lorillard after the dissolution of the Tobacco Institute in 1998 as a result of the Master Settlement Agreement, argued during hearings that “it (the

**Table 46:** Tobacco Industry Campaign Contributions to the 2007 House Judiciary I Committee Members <sup>6, 113</sup>

Representatives	Dist.	2006 TICC	TTICC	09/10 Policy Score
Chair				
Deborah Ross, D	Raleigh	\$0	\$0	9.2
Vice Chairs				
Wayne Goodwin, D	Hamlet	\$0	\$100	n/a
Paul Stam, R	Apex	\$0	\$2000	0.8
Bonner Stiller, R	Oak Island	\$1,000	\$2,500	6.6
Members				
Martha Alexander, D	Charlotte	\$0	\$250	9.4
John Blust, R	Greensboro	\$0	\$900	0.6
Angela Bryant, D	Rocky Mount	\$0	\$0	9.0
Debbie Ann Clary, R	Cherryville	\$0	\$2,000	1.6
Larry Hall, D	Durham	\$0	\$0	8.6
Mary Price (Pricey) Harrison	Greensboro	\$0	\$250	7.8
George Holmes, R	Hamptonville	\$0	\$1,700	n/a
Verla Insko, D	Chapel Hill	\$0	\$0	9.8
Grier Martin, D	Raleigh	\$0	\$0	9.0
Annie Mobley, D	Ahoskie	\$0	\$0	8.0
Roger West, R	Marble	\$0	\$0	1.6

bill) takes the decision of the business owner away”.<sup>484</sup>

In addition to the amendment dropping workplaces to appease the opposition, the committee adopted a amendment that gave local governments authority to prohibit smoking in public places and places of employment including the listed HB 259 exemptions (age-restricted bars and 20 percent of hotel guest rooms).<sup>485</sup> As a result of state tobacco control advocate efforts led by the North Carolina Alliance for Health working and the Tobacco Prevention and Control Branch advising and educating behind the scenes, the second round of committee amendments made HB 259 an even stronger bill by effectively repealing preemption and acknowledged the local governments’ argument that they should be able to make the decision. For example the Greensboro City Council and Mayor Keith Holliday argued that “cities and counties should be able to choose whether or not to be smoke-free in public places”.<sup>479, 484</sup> In addition, local print media supported local control, and the Smoke-Free Mecklenburg coalition worked with Rep. Martha Alexander and Sen. Tony Rand to sponsor legislation to restore local control to adopt clean indoor air rules as also had this back up legislation still in House Health Committee if the statewide measure failed discussed earlier in this report.

Reported favorably from committee on April 18, HB 259 was re-calendared a total of three times, once pulled by Rep. Holliman at the last minute because supporters were not on the floor to vote<sup>482</sup> before finally being debated on May 2, 2007. Much to Rep. Holliman’s dismay, who knew it would be close, HB 259 failed by six votes 55 to 61.<sup>485</sup> Holliman was confident a few hours before the vote that HB 259 had the support to receive the 61 votes required to pass. However, the tobacco industry lobbyist Roger Bone kept working behind the scenes to oppose the bill resulting in 18 Democrats splitting from their majority leader and some even switched on the floor to vote against HB 259.<sup>482</sup>

After the bill had failed on the House floor, the North Carolina Alliance for Health (NCAH) sent out a legislative update action alert to state tobacco control advocates asking advocates to contact legislators in the House who voted in favor of HB 259 to thank them, and to contact those who voted in opposition to express their disappointment in the outcome of HB 259. The legislative update action alert included an example message of thanks and disappointment for state tobacco control advocates to model in communicating with legislators. The NCAH believed the action of thanking or expressing disappointment to legislators for their vote would make legislators aware that advocates are watching their actions on these issues and to keep that in mind when other bills to restrict smoking came up again.

The 18 Democrats who voted against the clean indoor air law represented the tobacco rich parts of state<sup>482</sup> and, while eight

The 18 Democrats who voted against the clean indoor air law represented the tobacco rich parts of state, and while eight Republicans voted in favor of the measure, the remaining 35 stuck with the tobacco industry argument and argued that the bill infringed on personal property rights.

Republicans voted in favor of the measure, the remaining 35 stuck with the tobacco industry argument and argued that the bill infringed on personal property rights.<sup>482</sup> The North Carolina Restaurant and Lodging Association, which had changed its position in 2007 not to oppose clean indoor air legislation as long as it created a level playing field opposed HB 259 because it “put its members at a competitive

disadvantage with the exempt age-restricted bars.”<sup>465</sup> In a 2010 interview, Ashley Bell recalled that “in 2007, we started with a strong comprehensive clean indoor air bill that covered restaurants and workplaces. Throughout the session, the bill had become watered down by dropping workplaces...and ended up failing by six votes, which tobacco control advocates ultimately ended up being grateful for.”<sup>85</sup>

Despite HB 259 failing during the 2007 session, there were still incremental successes for tobacco control advocates as three out of the five clean indoor bills introduced were adopted: SB 1086 prohibited tobacco on all school property (*see Tobacco Free Schools: SB 1086*); HB 24 passed and prohibited smoking in government buildings; and HB 1294 passed to prohibit smoking in nursing homes and adult-care homes.<sup>465, 483</sup>

In *The Sampson Independent*, Governor Easley acknowledged the incremental victories for state tobacco control advocates: “[G]iven that North Carolina is the largest tobacco producing state in the county, I think this Legislature has moved a lot faster than I ever thought they would...they’ve put the health of the people ahead of the industry.”<sup>465</sup> The incremental successes in 2007 encouraged state tobacco control advocates to continue to move forward and seek additional allies in protecting the health of the public from exposure to secondhand smoke in 2009.

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## Conclusion

The chipping away strategy was an innovative tobacco prevention and control strategy that the North Carolina Department of Health and Human Services deployed following the implementation of the “dirty air law of 1993” to incrementally achieve clean indoor air policies. Despite being constrained by preemption, state tobacco control advocates worked with what they had and successfully advocated for legislation that made public schools, prisons, the NC General Assembly, state government buildings, long-term adult care facilities, and universities, smoke-free (Table 47).

State tobacco control advocates worked with legislative champions as a strategy to achieve clean indoor air policies.<sup>85</sup> Policymakers that were proponents of clean indoor air legislation were from more progressive areas of the state, whereas opponents tended to be from the Appalachian<sup>249</sup> and rural farm areas of the state. When it came to passing bills concerning schools, government buildings, and adult care nursing homes the NGCA seamlessly passed those measure with wide margins.<sup>465</sup> However, restaurant and workplace bills were met with the most resistance throughout 2007 and in 2009.

Tobacco farmers did not work to oppose the tobacco control legislation, while the tobacco manufacturer lobbyist did work behind the scenes to weaken tobacco control legislation through legislator sponsored floor amendments.



<b>Table 47: Clean Indoor Air Legislation as Introduced in North Carolina General Assembly<sup>113</sup></b>							
Session	Bill	Sponsor(s)	Venue	Original Intent	Amended Provisions	Final Result	Effective Date
2003-04	SB 283	Sen. Purcell	Public Schools	Prohibit tobacco use on all school property and school functions.	Prohibit tobacco use in school building only.	Passed House 76 to 38 Senate 44 to 3	August 14, 2003
2005-06	SB 1130	Sen. Albertson	Prisons	100 % Tobacco Free Prisons, with the exemption of tobacco used for religious purposes.	Incremental implementation buildings Jan. 1, 2006 and entire grounds Jan. 1, 2008.	Passed House 70 to 43 Senate 44 to 1	September 8, 2005
	HB 1133	Rep. Dickson	General Assembly	100% Smoke Free General Assembly		Passed House 95 to 14 Senate 45 to 1	July 10, 2006
	HB 76	Rep. Holliman	Restaurants	100% Smokefree Restaurants	Separate Ventilation	Failed House 56 to 65	n/a
2007-08	SB 1086	Sen. Purcell	Public Schools	100% Tobacco Free Schools	Must be tobacco free by Aug. 1 <sup>st</sup> , 2008	Passed House 102 to 7 Senate 45 to 0	July 18, 2007
	HB 24	Rep. Weiss Rep. Glazier	Government Buildings	100% Smoke Free Government Buildings		Passed House 110 to 3 Senate 48 to 1	January 1, 2008
	HB 1294	Rep. Howard Rep. Justice	Nursing Homes / Long-term Care Facilities	100% Smoke Free Long-term Care Facilities		Passed House 111 to 3 Senate 45 to 1	October 1, 2007
	SB 862	Sen. Purcell	UNC University System	Allow UNC authorities to regulate tobacco on campuses		Passed House 104 to 3 Senate 49 to 0	July 1, 2007
	SB 1669	Sen. Purcell	Community Colleges	Allow local community college boards to regulate tobacco on campuses		Passed House 116 to 3 Senate 36 to 8	July 11, 2008
	HB 259	Rep. Holliman Rep. Hall	Restaurants and Workplaces	Prohibit smoking in restaurants and workplaces, exempted age-restricted bars and tobacco manufacturing facilities		Failed House 55 to 61	n/a
2009-10	HB 2	Rep. Holliman	Public Places and Places of Employment	Prohibit Smoking in Public Places and Places of Employment	100% Smoke Free Restaurants and Bars. Workplaces where removed.	Passed House 62 to 56 Senate 30 to 18	January 2, 2010

## Chapter 16: Continuing Progress Tobacco Control Policies in 2009

- *In a state where talking against tobacco was taboo, the state tobacco control advocates accomplished by 2010, what many North Carolinians would have considered unthinkable 5 years earlier.*
- *In addition to the statewide smokefree restaurant and bar law approved in 2009, the state tobacco excise tax was increased, the state health plan began covering cessation and incentivizing smokefree lifestyles and the state general fund allocated \$500,000 to N.C. Quitline.*
- *The tobacco industry continued to maintain a strong presence and lobby in North Carolina. However, as alliances with tobacco growers and the hospitality industry shifted, the tobacco industry found themselves without a powerful front group and the accommodation strategy was weakened in North Carolina.*

### 2009: Governor Beverly Perdue Recommends Increasing the Cigarette Excise Tax to \$1.00

In 2009, Governor Beverly Perdue (D, 2009 – 2012, TTICC \$19,800), was the first woman to be elected Governor in North Carolina. When Gov. Purdue took office in 2009, she inherited a \$1 billion state budget shortfall, which grew to more than \$3 billion by the close of the fiscal year in July 2009.<sup>486</sup> During her tenure as Lt. Governor (2001-2009), she was appointed Chair of the Health and Wellness Trust Fund in 2002, funded by 25 percent of the Master Settlement

Governor Perdue proposed a cigarette excise tax increase that was high enough to help the budget deficit, and also high enough to have an impact on youth smoking rates.

Agreement funds to provide Senior Rx programs and youth tobacco prevention programs, which allowed her to develop an understanding of tobacco control issues in North Carolina and became an advocate for tobacco control measures<sup>28</sup> as discussed earlier in this report.

Governor Perdue released her 2009 budget accordingly, which recommended increasing the cigarette excise tax by \$1 per pack, to \$1.35 per pack which was high enough to help the budget deficit, and also high enough to have an impact on youth smoking rates,<sup>28</sup> and<sup>27, 28, 487-489</sup> this was the same year that the federal cigarette excise tax was raised to \$1.00. Governor Perdue's proposal received an endorsement from the Campaign for Tobacco-Free Kids,<sup>28, 35</sup> and the North Carolina Alliance for Health. Additionally, the Alliance did not support a tax increase that was any lower than 35 cents. In the *Greensboro News and Record*, Pam Seamans, Executive Director the NCAH stated:

[T]he Alliance supports raising the tax but only if it will discourage people from smoking...to do that research shows North Carolina's tax would need to go up by at least 35 cents...the Alliance will not support anything lower than that, and our official position is that it ought to be raised to the national average of around \$1.15 per pack.<sup>490</sup>

The General Assembly legislators, however, were leery of increasing taxes during the greatest economic down turn since the Great Depression.<sup>486</sup> Senate President Pro Tem Marc Basnight (D, Manteo, TTICC \$42,000, Policy Score 9.2) was supportive of increasing the cigarette tax, but it could be a “double-edged” sword as the “[u]ser will either pay or cut back,

which would save money on long-term healthcare costs” related to tobacco-attributable disease, but “[c]ounting on a tax to raise more revenue while at the same time discouraging people from using those products may not net much of a positive revenue source”.<sup>488</sup> Additionally, Linda Daves, N.C. Republican Party Chairwoman felt the increase would “[p]lace the burden on some of our state’s taxpayers least able to afford to pay more in difficult times.”<sup>488</sup>

During the 2009 legislative session, there were three bills,<sup>491-493</sup> all proposing to increase the cigarette excise to \$1.00 and allocating 70 percent to mental health services and 30 percent to the general fund. Additionally, Rep. Weiss’s bill HB 640 also proposed to increase the excise tax on other tobacco products to 31 percent of the cost price. The legislation was referred to the respective Finance Committees, never receiving a calendar date. However, a 10 cent increase per pack to 45 cents per pack and 12.8 percent of the cost price for other tobacco products other than cigarettes resurfaced in a Senate Appropriations Committee tax package, and passed in an Appropriations Act during the 2009 legislative session.<sup>494</sup>

Not wanting to split their resources in 2009, North Carolina Alliance for Health coalition prioritized the cigarette excise tax increase as second<sup>28</sup> and focused their efforts on getting clean indoor air legislation passed<sup>27</sup> as discussed below. With the cigarette excise tax increase state tobacco control advocates used earned media to promote the health benefits and youth prevention, and support a substantial tax increase.

Coalition members felt this strategy worked to their advantage and believed that “the tobacco industry got caught off guard”<sup>85</sup> because the tobacco manufacturers without the support of tobacco farmers had to split their efforts to lobby against both tobacco control measures in 2009, whereas the Alliance was able to allocate all of its resources to clean indoor air.<sup>4, 27, 28, 85</sup>

Coalition members felt this strategy worked to their advantage and believed that the tobacco industry got caught off guard.

When the 10 cent tobacco excise tax increase passed in the General Assembly state budget plan, Seamans stated in a *Jefferson Post* newspaper article:

[W]e are disappointed that a substantial increase in the cigarette tax was not part of the revenue proposal...increasing the cigarette tax by \$1 would prevent almost 87,000 North Carolina children from beginning to smoke. If we are going to save lives and stem the tide of tobacco-related illnesses, we must prevent our children from starting to smoke...the Alliance will continue to push for this important public health measure.<sup>495</sup>

In 2009, North Carolina ranked as one of the bottom five states for cigarette excise tax at 45 cents per pack.

### **2009: State Allocations for Tobacco Control Programming in the DHHS**

The sentiment of being a tobacco growing state is expressed by many North Carolinians, including policymakers, and has historically fueled an unfavorable political environment to request state funding for tobacco control programming. The federal CDC National Tobacco Control Program funding was the mainstay for tobacco prevention and control programming funding in the state.

Prior to 2009, the North Carolina General Assembly had never specifically allocated any funds toward tobacco prevention and control. In 2009, the NCGA allocated \$500,000 through the State Health Plan to provide funding for the state Quitline. In 2009, the General Assembly passed SB 287, sponsored by Senator Tony Rand (D, Fayetteville, TTICC \$13,500, Policy Score 9.4), which included the Comprehensive Wellness Initiative (CWI). The plan was progressive and developed to encourage state employees to make healthy lifestyle choices by incentivizing primary prevention healthy lifestyle behaviors, such as tobacco cessation and weight management, to help control health care costs and save money for members, the plan and taxpayers, and to create a healthier workforce. The State Health Plan covered all eligible state employees and their families (667,000 individuals) and provided support to help members quit using tobacco and maintain a healthy weight. Participants covered under the plan who smoked, or had a body mass index (BMI) greater than 40, had to pay higher premiums<sup>356</sup> unless they participated in a plan-provided tobacco cessation or weight management program, which in the case of tobacco was the state Quitline. During enrollment, members had to complete an “Attestation” that declared that they did not use tobacco, or that they were participating in a tobacco cessation program. To ensure compliance, the Attestation gave the plan the authorization to test the members for tobacco at anytime during the plan year.<sup>496</sup>

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State public health advocates were proponents of the State Health Plan incentivizing healthy lifestyle choices. In addition, the North Carolina Association of Educators believed the plan was a reasonable approach<sup>497</sup> and Jack Walker, executive director of the State Health Plan, agreed that employees who smoke and weigh 35 percent more than what is considered fit, cost the plan more money on average and therefore should shoulder more of the burden.<sup>497</sup>

However, the State Employees Association (55,000 member) remained on the fence about the plan. On one hand, Chuck Stone, who represented the State Employees Association of North Carolina on health care issues, praised the plan for seeking to curb smoking,<sup>497</sup> but on the other hand, opposed the differing rates as invasive and unfair.<sup>498, 499</sup>

In 2000, the Tobacco Prevention and Control Branch organized a statewide Vision 2010 Conference to bring together state tobacco control partners from public health, medicine, education and law enforcement<sup>341</sup> to create and adopt a unified vision and blueprint for tobacco control. The conference resulted in the Vision 2010 Plan. The youth component of the Vision 2010 Plan is the only tobacco prevention and control program consistently funded since 2002, with state funds through a small portion of the state’s portion of the Master Settlement Agreement revenue (Table 41).

The approximate \$1.7 million a year the TPCB received from the CDC was the sole consistent source of revenue for staffing and operating expenditures. Other than the North Carolina Health and Wellness Trust Fund three-percent (\$6.2 million) MSA allocation for teen tobacco prevention programs beginning in 2002, and the State Health Plan providing \$500,000 to

the Quitline, no state funding was made available for tobacco control and prevention in North Carolina through 2010.

## **2009: Smokefree Public Places and Places of Employment**

### *State Tobacco Control Advocates Prepare for the 2009 Legislative Session*

What the N.C. Restaurant and Lodging Association viewed as a level playing field by including both restaurants and bars in the smokefree law, state tobacco control advocates viewed as comprehensive. State tobacco control advocates identified this commonality and strategized on what they could do to work with the NCRLA. Prior to the 2009 legislative session, tobacco control advocate Ashley Bell, Government Relations Director for the NC ACS chapter, had the opportunity to hire a new lobbyist for her organization and saw this as an opportunity to facilitate an alliance with a non-traditional tobacco control partner.<sup>85</sup> In a 2010 interview Ashley Bell recalled:

I got tired of seeing the NCRLA on the other side of the hall at the General Assembly with tobacco industry lobbyists, when there was no reason for them to be, because we both wanted the same thing. And so I had the opportunity to select a contract lobbyist. When I did, I decided I was going to go with a contract firm that also represented the North Carolina Restaurant and Lodging Association because I wanted to develop that relationship. The first request I made of my new lobbyist was I want you to set up a meeting for me with the NCRLA executive director and their lobbyist, and let's talk about how we can work on this because we already had the bill prepared. And then I made him [the Restaurant and Lodging Association executive director] one of my closest friends behind the scenes. But, you know, that's a unique situation I think where a restaurant and lodging association, has been so involved in the state...and that was a huge difference from the fight in House Bill 256 from 2007.<sup>85</sup>

Beginning in the 1970's the tobacco industry "co-opted and manipulated" hospitality industry associations to serve as a public face in opposition to clean indoor air legislation and regulations, allowing the industry to remain the shadows.<sup>191</sup> In 2009, North Carolina Restaurant and Lodging Association (NCRLA) reversed the traditional hospitality industry lobby against clean indoor air legislation and became a direct ally of statewide clean indoor air legislation by developing a position statement on HB 2 that "the NCRLA opposes government-mandated smoking policies, as well as any statewide smoking bans that do not create a level playing field for all indoor public places and places of employment. NCRLA also opposes legislation that would give cities and counties the right to pass local smoking bans or non-smoking policies."<sup>444</sup>

In preparation for the 2009 legislative session, the North Carolina Alliance for Health, in collaboration with the American Heart Association, launched a new website SmokefreeNC.org which included an updated grassroots advocacy feature, allowing state tobacco control advocates, to e-mail their state legislators. Ongoing legislative updates that included action alerts were a key component of the state grassroots tobacco control advocacy lead by the NCAH.

In addition to the new website grassroots advocacy feature, the NCAH also encouraged state tobacco control advocates to invite friends, family, and associates to visit the website to take action by emailing state legislators and signing the coalition's "Resolution in Support of

Eliminating Secondhand Smoke in NC's Worksites and Public Places." The Resolution received positive results and the Coalition used these results to demonstrate public support to the state legislators. These actions contributed to the ongoing persistence and patience state tobacco control advocates exercised to chip away at preemption.

Not having an extensive budget to implement elaborate media campaigns to build public support for tobacco prevention and control policies, such as increased cigarette taxes and clean indoor air, the NC Alliance for Health had to rely on earned media and the mobilizing of

I had hearts coming in, I had, people emailing me about wanting to get paper hearts, and then people were making their own and I had little kits and classes where they were making their own and sending them to me.

grassroots advocacy by major partners. For example, in an ongoing effort to build public support for statewide clean indoor air legislation and to gear up for the third attempt during the 2009 legislative session, NC Alliance for Health partner, AHA implemented a grassroots postcard heart campaign titled, "You're the Cure for Smokefree NC" (Figure 20) that was

promoted through earned media and at established institutional events like the ACS Relay for Life and the AHA Heart Walk. In a 2010 interview, Betsy Vetter shared:

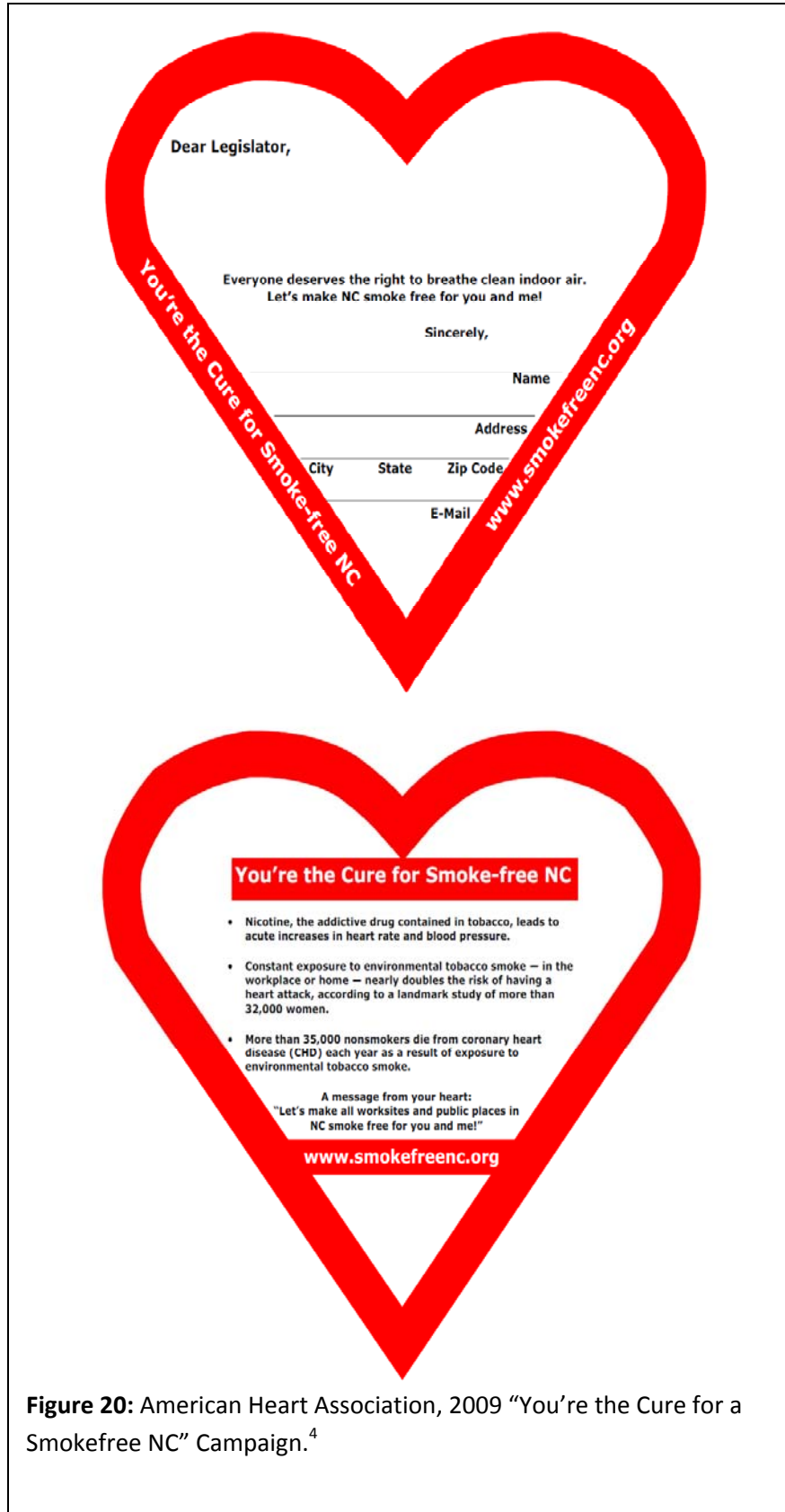
The heart campaign idea came from our volunteers...Dr. Blackburn (former chairman of the Tri-Agency Council) told me to keep it simple. We're the Heart Association, do hearts...because you're saving hearts. So that is what we did. We made simple paper hearts. Nothing that was overly expensive or hard to do. It was just hearts. And we took those hearts everywhere and people loved them. We had our volunteers just blitz the state and get people to sign hearts that said, 'Dear Legislator' and write their own little message, but, with a basic message of, we want a smokefree North Carolina, and they would sign their names. I had hearts coming in, I had, people emailing me about wanting to get paper hearts, and then people were making their own and I had little kits and classes where they were making their own and sending them to me. We collected over 3000 of those during the course of the fall months before we went into the 2009 legislative session from the end of September through the middle of January. We collected those hearts and we strung them together and made a chain of hearts and we presented them all to the legislators at a media conference on our state lobby day, which was early March 2009.<sup>4</sup>

In a 2010 interview for this report, legislative champion, Senator Purcell, complimented the NC Alliance for Health and AHA for the heart campaign and recalled, "seeing all of those hearts strung together on the floor of the legislature was impressive and moving".<sup>30</sup>

In addition to the heart campaign, the North Carolina Alliance for Health and members including AHA, ACS, ALA, ANR and CTFK also regularly implemented ongoing legislative updates that included action alerts to facilitate grassroots advocacy that encouraged state tobacco control advocates friends, family and associates to contact their legislators to support priority legislation.

Additionally, in 2009 NCAH, in collaboration with the AHA, created a new website, [www.SmokefreeNC.org](http://www.SmokefreeNC.org) which included a feature that allowed advocates to send their state representatives a message supporting tobacco control legislation with the click of a mouse. This feature enhanced NCAH's mobilization efforts. Gathering e-mail contact information at partner events, the Alliance was able to demonstrate strong public support for HB 2 by sending over 12,000 emails to state legislators during the 2009 legislative session.

The state Tobacco Prevention and Control Branch (TPCB) worked to continue educating the public and state legislators about the health and economic benefits of smokefree clean indoor air environments. In 2009 the TPCB worked with Blue Cross Blue Shield of North Carolina to replicate the Johns Hopkins University and Blue Cross Blue Shield of Minnesota Study on the burden of secondhand smoke in Minnesota, using North Carolina data. The study analyzed the cost of diseases caused by secondhand smoke as



**Figure 20:** American Heart Association, 2009 “You’re the Cure for a Smokefree NC” Campaign.<sup>4</sup>

documented in the 2006 *Surgeon General's Report, The Health Consequences of Involuntary Exposure to Tobacco Smoke*.<sup>352</sup> For adults, those diseases included lung cancer, heart attacks and other heart diseases. Diseases caused by secondhand smoke in infants and children included low birth weight, acute lower respiratory illness, and asthma. The study calculated the proportion of each disease caused by secondhand smoke, and found that at least 107,067 North Carolinians were treated for conditions caused by secondhand smoke each year and concluded that \$288.8 million was spent each year in the state on excess medical expenditures to treat health conditions caused by exposure to secondhand smoke.<sup>353</sup>

The TPCB presented the findings of this study to the House Judiciary I Committee hearing on HB 2 in 2009, Representative Hugh Holliman's (D, Lexington, TTICC \$500, Policy Score 10.0) third consecutive legislative attempt by to pass a statewide clean indoor law discussed below.

### *2009: House Bill 2*

The 2009 House Majority Leader and tobacco control champion, Representative Hugh Holliman (D, Lexington, TTIC \$500, Policy Score 10.0) believed that "[i]n the North Carolina General Assembly, we have a great deal of sway over what happens in public places and places that are state regulated...these duties, granted to us by the voters of this state, give us a powerful platform in the public health debate."<sup>500</sup>

The 2009 legislative session represented the third attempt by Rep. Holliman to pass clean indoor air legislation. On January 28, 2009, HB 2, *An Act to Prohibit Smoking in Public Places and Places of Employment*, was filed by House Majority Leader Hugh Holliman, during his fifth term in the NC House. A companion clean indoor air bill was also introduced in the Senate by Senator Purcell, SB 205 *An Act to Prohibit Smoking in Public Places and Places of Employment*. In the preceding legislative sessions of 2005 and 2007, the clean indoor air bills sponsored by Rep. Holliman (HB 76 and HB 259) had failed by 6 votes on the floor of the House each year respectively; during the 2009 legislative session, however, a few things had changed.

Rep. Holliman wanted to establish priority for the clean indoor air legislation during the

"We have a great deal of sway over what happens in public places and places that are state regulated...these duties, granted to us by the voters of this state, give us a powerful platform in the public health debate."

2009 session to show that clean indoor air was his most important piece of legislation. To show that he meant business, he worked with his staff to be the first in line at the filing office by 12 noon on the first day of the session to to have one of the first bills filed.<sup>29</sup> The efforts paid off when the 2009 clean indoor air legislation was number HB 2. In a 2010 interview, Sally Herndon recalled that Rep.

Holliman strategically numbered the SHS exposure bill HB 2 to illustrate that this issue was a top priority for him during the 2009 legislative session.<sup>116</sup>

Support among the General Assembly legislators for clean indoor air legislation had grown as a result of the state tobacco control advocates' efforts to demonstrate grassroots support discussed above. The number of sponsors for the clean indoor air legislation in 2009 tripled. HB



2 had a total of 30 sponsors (4 primary and 26 co-sponsors) in 2009, whereas HB 259 had a total of 10 sponsors (2 primary and 8 co-sponsors) during the 2007 legislative session. Additionally, HB 2 had bi-partisan support as Republicans Rep. Jeff Barnhart (Concord, TTIC \$5,350) became a primary sponsor, and Pearl Burris-Floyd (Dallas, TTIC \$0), Wil Neumann (Belmont, TTIC \$1,000), and Democrat William Hurley (D, Dublin, TTIC \$0) co-sponsored HB 2.

Upon introduction of the legislation in the House and Senate, the NCAH sent out a legislative update action alert to state tobacco control advocates, asking them to contact their representatives to urge their support for the clean indoor air legislation. In addition, the North Carolina Alliance for Health asked state tobacco control advocates, to contact Rep. Holliman and Senator Purcell to thank them for sponsoring the clean indoor air legislation, to sign the resolution, and encourage others to visit the website to take action.

As written, the companion bills prohibited smoking in all restaurants, bars and workplaces, and repealed preemption by restoring local control to adopt more stringent regulations in public areas, while exempting private residences, tobacco shops, tobacco manufacturing facilities and 20 percent of hotel rooms.<sup>360</sup> HB 2 was referred to the House Committee on Health co-chaired by Representative Bob England (D, Ellenboro, TTIC \$0, Policy Score 9.6) and Verla Insko (D, Chapel Hill, TTIC \$0, Policy Score 9.8), and then if reported favorable to, the House Judiciary I Committee chaired by Rep. Deborah Ross (D, Raleigh, TTIC \$0, Policy Score 9.2) all of whom were co-sponsors of HB 2. The companion bill, SB 205 was referred to the Senate Judiciary I Committee, where no action was taken, because HB 2 moved through its assigned committee first.

In the House Committee on Health, technical amendments were made to HB 2 to clarify the exemption for tobacco shops, to exempt only tobacco shops that did not serve food or alcohol, and to revise the tobacco manufacturing facilities to read “all of the premises, facilities and vehicles owned operated or leased by any tobacco manufacturer.”<sup>501</sup> The exemption for tobacco shops that did not serve food or alcohol was an issue, because cigar bars in North Carolina served both food and alcohol and, under HB 2 they would no longer be able to do so.

The NCAH legislative update action alert asked state tobacco control advocates, to contact the members of the House Committee on Health to urge them to support HB 2 and to avoid amendments that would weaken the comprehensive legislation. Legislators were monitored the number of contacts they received for and against HB 2. In 2009 state legislators received 12,000 combined contacts through emails and phone calls in support of HB 2.<sup>27</sup> The NCAH wanted to make sure House members understood there was strong public support for smokefree worksites and public places in and continuously urged advocates to keep up the contacts.

Reported favorably from the House Committee on Health, HB 2 moved to the House Judiciary I Committee. The NCAH legislative update action alert asked state tobacco control advocates, to contact the members of the House Judiciary I Committee and urge them to support HB2. In addition, the NCAH legislative update action alert also asked state tobacco control advocates, to attend the House Judiciary I Committee hearing on HB 2 scheduled for March 17, 2009.

While in the House Judiciary I Committee, the cigar bar issue rose again and a handful of cigar bar owners successfully lobbied for a ventilation provision in tobacco shops that served alcohol and food.<sup>86</sup> Cigar bars in North Carolina commonly served wine and appetizers in their establishments and wanted to continue to be able to do so.<sup>86</sup> The House Judiciary I Committee adopted amendments that included an ventilation provision for tobacco shops as long as the smoking area was physically closed off from the smoking restricted areas, and a technical amendment made to clarify exemptions for private residences as long as they were not commercially used for adult or childcare services.<sup>502</sup>

In addition to the ongoing legislative update action alerts, state tobacco control advocates were at the House lobbying everyday during the legislative session, so much so that in a 2010 interview Ashley Bell recalled:

Rep. Holliman would joke with us, ‘You three [Ashley, Betsy and Pam] must live at the General Assembly and have a cot set-up outside of my office,’ [b]ecause we were at his office everyday and he would joke and call us his staff... the relationship allowed us to have some really frank conversations with each other about what we were willing to accept and not willing to accept.<sup>85</sup>

State tobacco control advocates were also content that HB 2 made it through the two House committees still remaining relatively strong. When the legislation received its first calendar date for March 26, 2009, it was postponed until April 1, 2009 at the request of Rep. Holliman to give sponsors and advocates more time to get the required 61 votes for passage. State tobacco control advocates continued to mobilize grassroots support both through earned media and community events as discussed above.

#### *House Floor Amendments Attempt to Weaken House Bill 2*

Prior to the second reading House floor debate, Rep. Neumann (R, Ellenboro, TTICC \$1,000, Policy Score 8.2) sponsored an amendment that defined cigar bars as separate from tobacco shops, and exempted cigar bars from being smokefree as long as they did not allow minors and generated a 60 percent alcohol and food, and a 25 percent tobacco split on gross revenue. The amendment was adopted 93 to 24, with all but one of the bill cosponsors Rep. Douglas Yongue (D, Laurinberg, TTICC \$100, Policy Score 8.2) voting in support of the amendment. This amendment weakened the bill because it added an age-restricted and alcohol and food sales receipt provision that would exempt cigar bars if they met these criteria. This did not worry state tobacco control advocates because it was clearly defined.

State tobacco control advocates were also content that HB 2 made it through the two House committees still remaining relatively strong.

Following the adoption of Amendment 1, Rep. Cole (D, Reidsville, TTICC \$17,242, Policy Score 0.4) introduced the infamous “Cole amendment”.<sup>316</sup> The Cole amendment, likely a tobacco industry backed,<sup>316</sup> was a provision that exempted bars and restaurants from being smokefree if they prohibited minors and was adopted 70 to 46 with only three of the bill cosponsors, Adams (D, Greensboro, TTICC \$0, Policy Score 9.0), Harrison (D, Greensboro, TTICC \$250, Policy Score 7.8), and Mackey (D, Charlotte, TTICC \$0, Policy Score 8.2) voting

in favor of the Cole amendment. The Cole amendment created an unlevel playing field and activated the N.C. Restaurant and Lodging Association (NCRLA); however, they could only make public statements through the media, and wait to testify in the assigned Senate committee if the bill made it out of the house as they could not testify during the House floor debate and vote.<sup>86</sup> In the Greensboro News and Record Paul Stone, executive director of the NCRLA stated “[W]e’re going to tell the Senate we’re opposed to House Bill 2...restaurants that stay open late, mainly to serve bar patrons, would be at a disadvantage if they could not allow smoking but

adults-only bars could...there’s no longer a level playing field”.<sup>503</sup>

The Cole amendment created an unlevel playing field by exempting adult only bars and restaurants which activated the N.C. Restaurant and Lodging Association however, they could only make public statements through the media, and wait to testify in the assigned Senate committee if the bill made it out of the house as they could not testify during the House floor debate and vote.

Continuing to weaken HB 2, Amendment 3, introduced by Rep. Paul Stam (R, Apex, TTICC \$2,000, Policy Score 0.8) was adopted, 113 to 3, to exempt private workplaces of individual businesses closed to the public.<sup>360</sup> Representatives Jennifer Weiss (D, Raleigh, TTICC \$0, Policy Score 8.8) and Paul Luebke (D, Durham, TTIC \$0, Policy Score 9.4) were the only sponsor and cosponsor to vote in opposition of the amendment. Amendment 4, introduced by Thom Tillis (R, Cornelius, TTICC \$0, Policy Score 0.6), was adopted, 115

to 2, to include tobacco leaf growers in the tobacco manufacturer exemption.

Passing the second House reading, 75 to 42, on April 1, 2009, the third reading was held over until the next day. On April 2, 2009, Amendment 5, introduced by Rep. Earline Parmon (D, Winston-Salem, TTICC \$6,000, Policy Score 0.8 ), was adopted, 97 to 21, to define and exempt not for profit private clubs such as country clubs that required an exclusive membership and not open to the general public to be included in the list of exemptions of HB 2. Seeking to protect the health of the private club workers primary sponsor Rep. Weiss, and eleven HB 2 cosponsors voted in opposition of the fifth HB 2 amendment.

There was no documented opposition from tobacco farmers on the smokefree restaurant legislation. However, while the Lorillard lobbyist Roger Bone did not publicly testify against the HB 2 during the House Committee hearings, it is apparent that he was working behind the scenes and was behind the Cole amendment adopted in the House. In a 2010 interview, Ashley Bell recalled, that “they [tobacco manufacturer lobbyists] didn’t speak out publicly against the legislation...they try to find back door ways to do it and get other people to do their dirty work for them...so they would never publicly testify in a committee”.<sup>85</sup>

HB 2 was weakened considerably to include exemptions for cigar bars, stand-alone bars and restaurants, private workplaces and private clubs prior to passing the third House floor reading, 72 to 45<sup>504</sup> and sent to the Senate Chamber. In a 2010 interview, Sen. William Purcell recalled that, “[HB 2] was dead on arrival”.<sup>30</sup> State tobacco control advocates had their work cut out for them and decided to work with the Senate to try to strengthen HB 2 again instead of advocating to kill the bill.<sup>4, 27, 85</sup>

The NCAH issued a press release to alert the media about the amendments made to weaken HB 2, and sent out a legislative update action alert to ask state tobacco control advocates to contact members of the Senate and urge them to remove the amendments and restore HB 2 to its original form to protect the public from exposure from exposure to secondhand smoke. The press release generated a great deal of coverage as ending smoking in restaurants and other public places had been an ongoing topics of discussion since 2003 beginning with the tobacco-free school legislation discussed earlier.

Sen. Purcell then met with Senate President Pro Tempore Marc Basnight , a restaurant owner who was a proponent of the clean indoor air legislation, to figure out how they could, save the bill from going down the drain.

In the action alert, the NCAH also noted that HB 2 passing the House floor was the furthest that clean indoor air legislation for public places had gotten in history. This fact reinforced the importance to state tobacco control advocates of contacting Rep. Holliman and primary sponsors of HB 2 to thank them for their leadership and dedication to clean indoor air. The NCRLA was also ready to testify in opposition because of the age-restricted exemption created an unlevel playing field.<sup>86</sup>

### *The HB 2 Senate Compromise*

HB 2 was referred to the Senate Committee on Health Care, co-chaired by Senators Stan Bingham (R, Bingham, TTICC \$2,000, Policy Score 6.0) and William Purcell (D, Scotland, TTICC \$400, Policy Score 10.0). The NCAH sent out a legislative update action alert to asking state tobacco control advocates to contact members of the Senate Committee on Health Care and all members of the Senate to urge them to restore and support HB 2. Meanwhile the state Tobacco Prevention and Control Branch continued to advise and educate the state legislators on the importance of restoring HB 2 and why it was needed to see the health and cost benefit of the legislation.

While in the Senate Committee on Health Care, the exemption for restaurants and bars which excluded minors was removed as a result of the NCRLA's opposition to the provision. However, the committee also made an amendment to exempt all motion picture live production, lobbied, by the Motion Picture Association of America, to be added to the list of HB 2 exemptions<sup>505</sup> Reported favorably from the Senate Committee on Health Care on April 30, 2009, HB 2 was placed Senate floor calendar for May 6, 2009 and then withdrawn by Senator Purcell from the calendar on May 5, 2009 and re-referred to the Senate Committee on Health Care, following a Democrat Caucus vote that was two votes short of that needed to pass HB 2 in the Senate.<sup>30</sup>

At that time, Sen. Purcell met with state tobacco control advocates from the NC Alliance for Health to discuss leaving restaurants and bars in the bill, and removing workplaces from HB 2, because it was in line with the chipping away strategy of restricting smoking one venue at a time. Sen. Purcell then met with Senate President Pro Tempore Marc Basnight (D, Manteo, TTICC \$42,000, Policy Score 9.2), a restaurant owner who was a proponent of the clean indoor air legislation, to figure out how they could, "save the bill from going down the drain."<sup>30</sup> In a 2010 interview, Senator Purcell recalled:

He [Sen. Basnight] got two of the Democrat Senators [whose identities were undisclosed] who were going vote against it in his office, and I was there with him, and I believe his staff person was there and but they said ‘We can't support it.’ And we needed two votes. And

During the week of April 30 to May 6, the Senate Committee on Health Care amended HB 2 to remove workplaces and add country club to the definition of the private club exemption...

I said, and I had talked to the Alliance advocates ahead of time and I said, Well, how about just restaurants and bars, leave workplaces alone. And they said, ‘Okay give us, country clubs.’ And I said “okay”. So that's the way the deal was made. So, so we had a pretty clear definition of country clubs and it had to be a not-for-profit organization that

served members.”<sup>30</sup>

State tobacco control advocates continued to use earned media to advocate that the Senate restore HB 2. In a 2009 News and Observer editorial, Dr. Leah Devlin (retired State Health Officer) wrote:

If North Carolina is to continue our excellent tradition of protecting the public's health, then legislation must provide a safe work site environment for all workers, free from the risks of exposure to secondhand smoke. The personal loss of health due to secondhand smoke is compounded by financial losses. Health care costs from diseases caused by secondhand smoke total an estimated \$289 million per year in our state. Businesses and the public must bear the burden of increased health care costs caused by exposing workers to a known and costly - but preventable - risk for heart disease, cancer, asthma and low birth-weight babies. Small businesses with fewer than 100 employees are the least likely to cover employees with health insurance. Thus, many restaurant workers may not be covered and will have difficulty getting needed medical treatment for these diseases. And if the cost of care exceeds these workers' resources, those costs will be passed on to taxpayers.<sup>201</sup>

In the *Winston-Salem Journal* opponents of the bill accused the bill's supporters of exaggerating the dangers of secondhand smoke, and they said that business owners should have the right to set their own smoking policies on their own property.<sup>506</sup> Additionally, in the same *Winston-Salem Journal* article Reynolds America Inc. stated, “Reynolds American Inc. does not oppose efforts to restrict public smoking if they exempt adult-only establishments. For that reason, Reynolds is OK with the House version, but opposes the Senate version.”<sup>506</sup> Meanwhile, Governor Perdue stated in the *Winston-Salem Journal*, “that she would sign a bill that restricts public smoking”.<sup>506</sup>

During the week of April 30 to May 6, the Senate Committee on Health Care amended HB 2 to remove workplaces and add “country club” to the definition “private club” for the exemption. The bill was calendared for May 7, 2009. Prior to the second reading debate, Sen. Jim Jacumin (R, Connellys Springs, TTICC \$0, Policy Score 0.6) introduced an amendment to derail HB 2 once again, but this time by removing local government’s ability to prohibit smoking in enclosed areas of restaurants and bars that had no minor employees; the amendment failed 20 to 26.<sup>360</sup> In an attempt to facilitate cohesion among local boards of health and local governments, Sen. Pete Brunstetter (R, Winston-Salem, TTICC \$8,250, Policy Score 5.2) introduced an amendment that would require Boards of County Commissioners to adopt an

ordinance that approved smoking restrictions adopted by local boards of health. The amendment passed 46 to 0. A final Senate floor amendment sponsored by Sen. Berger (R, Youngsville, TTICC \$17,900, Policy Score 3.2) attempting to sneak in a bar exemption in proposing to include business establishments with permits to sell alcohol and maintain selective membership to be added to the private club exemption failed 23 to 25.<sup>507</sup>

Before the third and final reading, the NCAH sent out a legislative update and action alert to ask state tobacco control advocates to contact their state Senate representative to urge them to support HB 2 without weakening amendments.

HB 2 passed the third reading on the Senate floor, 30 to 18, and was concurred by the House on May 13, 2009, 62 to 56. In a large ceremony in the State Capitol, the bill was signed into law by Governor Beverly Perdue on May 19, 2009, making North Carolina the first tobacco growing state to adopt a statewide 100 percent smokefree restaurant and bar law. In addition to signing the bill into law, Governor Perdue voiced her support of the legislation throughout the HB2 debate.

### *Implementation of House Bill 2*

Following commonly accepted CDC best practices, from June 2009 to December 2009, the TPCB led the efforts to focus the implementation efforts on education. Over 24,000 restaurants and bars were subject to the new law. In collaboration with the North Carolina Association of Local Health Directors, and with support from the Health and Wellness Trust Fund and the Americans for Nonsmokers' Rights (ANR) Foundation, the DHHS developed and implemented the "Now Serving Smokefree Air" media campaign and the related [www.Smokefree.NC.gov](http://www.Smokefree.NC.gov) internet resource clearinghouse to provide a cohesive facilitation of the implementation efforts.

North Carolina the first tobacco growing state to adopt a statewide 100 percent smoke-free restaurant and bar law.

The media campaign was primarily an earned media campaign where local health departments partnered with local venues to implement celebratory events to generate earned media on and around the effective date January 2, 2010. The media campaign included press releases and promotional materials provided by the TPCB to the local health departments, as well as activities to encourage the public to dine out in support of the new law. Additionally, the Health and Wellness Trust Fund developed and placed paid "Now Serving Smokefree Air" radio and television ads, and provided grants to local health departments to pay for billboard, radio and print ads educating the public about the new law.<sup>316</sup> The website made information about the law accessible to the public and business owners throughout the state and included tools, such as non-smoking signs, to help businesses comply with the law. Demonstrating support for the law, the NCRLA distributed compliance tools to their members throughout the state and made them available on their website as well.

Over 24,000 restaurants and bars were subject to the new law.

The state DHHS website included a sophisticated complaint tracking system, to help encourage public regulation of the law. Since the implementation of the law complaints dropped

from 500 during the first month of implementation in January 2010, to less than 50 complaints in November 2010, less than one year after implementation.<sup>508, 509</sup> All, complaints were monitored at the state level and then filtered down to the corresponding local health department to be enforced. Businesses allowing smoking to take place inside of the establishment received two warning letters before being issued \$200 fines by the local county health department for repeated violations. In 2010, 83 businesses in a total of six counties (Guilford, Pitt, Orange, New Hanover, Forsyth, and Wake) were fined for failing to comply with the law.<sup>509</sup>

Demonstrating support for the law, the NCRLA distributed compliance tools to their members throughout the state and made them available on their website as well

As of January 1, 2011, the establishments that had been fined in Forsyth and Wake counties were in compliance. The establishments in Orange and New Hanover counties were hookah bars, the hookah bar in Orange County closed, and the latter was still in operation with nontobacco products such as tea leaves.<sup>509</sup> As for the fined establishments in both Pitt and Guilford counties the owners of the establishments appealed their fines with the local county boards of health, only to be defeated and continue their appeal in the court system. The court upheld the board of health ruling and the establishments paid the fines coming into compliance with the law.

“...there has been some pushback from a handful of establishments that have received fines for being out of compliance with the enforcement of the law...and that pushback has resulted in a two legal cases around the state...”

Based on statewide complaint data, between 2010 and 2011 the state received an average of less than 50 complaints per month. All businesses receiving complaints are inspected by local health department and businesses and validated violations receive administrative penalties.<sup>316</sup>

Additionally, in 2011, state tobacco control advocates also implemented a statewide public opinion survey conducted by Public Opinion Strategies, in February 2011.<sup>394</sup> The survey results showed that 74 percent of voters in North Carolina favored the law prohibiting smoking in restaurants and bars.<sup>394</sup> These results were instrumental during the 2011 legislative session when Senator Don East (R, Pilot Mountain, TTICC \$2,200, Policy Score 1.4) introduced SB 149 to create an age-restricted exemption for restaurants and bars that did not allow minors.<sup>510</sup> State advocates used the survey results to advocate against SB 149. As a result of these efforts, the bill never received a calendar date and died in the Senate Rules and Operations Committee, chaired by Senator Tom Apodaca (R, Hendersonville, TICC \$10,500, Policy Score 0.6).<sup>510</sup>

### *Pushback on the Enforcement of House Bill 2: A Handful of Establishments Appeal Their Fines in Court*

A handful of isolated push backs by establishments assessed fines by local county health departments, have occurred since the implementation of HB 2. In a 2011 interview for this report, Pam Seamans, Executive Director of the North Carolina Alliance for Health shared that “there has been some pushback from a handful of establishments that have received fines for

being out of compliance with the enforcement of the law... and that pushback has resulted in two legal cases around the state. One is in Guilford County, which is where Greensboro is, the home of Lorillard... and the other is in Pitt County. That one is proving much more challenging... where there are still a lot of tobacco growers and a big tobacco producing community.”<sup>27</sup>

In 2010, Gate City Billiards County Club in Guilford County (Greensboro) was cited twice for allowing smoking in the alcohol-serving pool hall, a direct violation of the law. To no avail, the owner, Don Liebes, appealed the fines to the Guilford County Board of Health, which then lead to him to appeal the fines to the Guilford County District Court. The Gate City appeals involved two tactics. First, the owner added “country club” to the legal name of the establishment even though he was a for-profit establishment.<sup>509</sup> The clean indoor air law expressly exempted not-for-profit country clubs and clubs such as the Elks Lodge and VFW from the smoking restrictions. Second, the establishment appealed on the ground of the Equal Protection Clause under the 14<sup>th</sup> Amendment to the U.S. Constitution. The second attempt to appeal the citations failed in District Court as well. The district court judge rejected the owner’s claim in July 2010, and determined that the narrow private club exemption in the state’s clean indoor air law was constitutional. Gate City Country Club appealed to the Court of Appeals.

Research indicates that tobacco industry backed lawsuits have lost all challenges brought under equal protection claims; although willing to spend substantial amounts of money on these lawsuits, the tobacco industry has never won on constitutional equal protection grounds.<sup>194</sup> In December 2010, state tobacco control advocates, the AHA, ALA, ACS, ANR, CTFK, and the Tobacco Control Legal Consortium filed an amicus brief in support of the Guilford County Department of Public Health. They argued that the smokefree law does not violate the equal protection rights under the 14<sup>th</sup> Amendment of the U.S. Constitution, nor the North Carolina Constitution, and pointed out that equal protection challenges to smokefree legislations in the U.S. on constitutional grounds have consistently failed; the incremental approach the general assembly adopted in exempting non-profit private clubs is rationally related to a legitimate governmental interest; and that both the private club exemption and the Act are constitutionally valid. The brief also requested that if the Court finds an equal protection violation, it hold only the private club exemption unconstitutional while upholding the remainder of the statute to accomplish the General Assembly’s intent in protecting North Carolina residents from harmful secondhand smoke exposure.<sup>511</sup> As of June 2011, the owner was awaiting a hearing in the North Carolina Appellate Court.

The owners of four establishments, represented by Attorney Mark Owens III, appealed the Board of Health’s decision to uphold the fines to the Pitt County District Court, alleging that the state’s clean indoor air law violated the equal protection amendment of the U.S. Constitution by creating a subclass of private clubs. District Court Judge G. Galen Braddy ruled on November 17, 2010, that the owners of four bars; Live, Club 519, 5th Street Distillery and Mac Billiards did not have to pay the fines and that the four establishments could allow smoking. His

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ruling said it was unfair to enforce the law against private nightclubs that require membership dues to enter.

On December 6, 2010, Assistant County Attorney Lisa Overton filed a notice to appeal on behalf of the Pitt County Board of Health. On the same day, Pitt County Commissioner Mark Owens Jr., father of Mark Owens III and partner in the firm that represented the four bars in Pitt County, was unanimously elected chairman of the Pitt County Board of Commissioners. The Board of Commissioners held a closed session meeting and voted to withhold funds to support the Board of Health in appealing the ruling, and ordered the county attorney's office to withdraw from the case and representation of the Pitt County Board of Health.

Assistant County Attorney Lisa Overton filed a motion to withdraw from the case, two weeks after the closed Commissioner meeting, on December 21, 2010. In the motion to withdraw, Overton stated that "with respect to the present matter, the Pitt County attorney has been directed by the board not to assist the local health director in an appeal from the District Court decision entered on November 17, 2010, by the Honorable Judge G. Galen Braddy",<sup>512</sup> never citing the conflict of interest between the Board of Health and the Board of County Commissioners. The Commissioners' orders to the County Attorney left the Pitt County Board of Health without support, and the burden of finding new representation to uphold the law appeal Braddy's ruling.

"We have been told that the attorney general intends to be heard on the case. And if that's not necessary then at a minimum [Roy Cooper] will write an amicus brief in support of the law."

The North Carolina Press Association (NCPA) and state tobacco control advocates received an anonymous tip about the Pitt County Board of Commissioners' actions during the

The Pitt County attorney has been directed by the board not to assist the local health director in an appeal from the District Court decision entered on November 17, 2010...

secret meeting. Much to the Board of Commissioners surprise, the NCPA questioned the commissioners' actions in conducting a closed session that allowed an obvious conflicting interest with Owens Jr. being present but claiming to "abstain from participation in the discussion and voting," on the order to the county attorney's office to

withdraw from a case involving a public matter.<sup>512</sup> When the NCPA requested the minutes from the closed meeting involving a public matter, County Attorney Janis Gallagher stated that "[i]f Braddy approves the motion to withdraw and there is no need for additional action she will consult with County Manager Scott Elliot about releasing the minutes from the December 6 closed session".<sup>512</sup>

The NCPA released an editorial<sup>512</sup> exposing these questionable actions on January 5, 2011, five days before the scheduled monthly Board of County Commissioners meeting on January 10, 2010. As of June 13, 2011, the minutes had not been released. In a 2011 interview for this report, Pam Seamans, Executive Director for the North Carolina Alliance for Health (NCAH) recalled that "we [NCAH] were planning on attending the County Commissioner meeting (on January 10, 2010) and worked to get volunteers to speak at the meeting, and then

slam them in the media with a press release but somebody else ...we don't know who alerted the media first and the NCPA released an editorial".<sup>27</sup> State tobacco control advocates did attend the Commissioner meeting on January 10, 2010 and provided public comment in support of the state clean indoor air law and disagreement with the Commissioners' actions.

The NCAH continued to work with advocates in Pitt County and the Pitt County Board of Health to find representation to appeal the November 17, 2010 District Court ruling, permitting four bars in Pitt County to allow smoking in their establishments, and also contacted the State Attorney General's office which agreed that, if the constitutionality of a state law comes into question, then the attorney general may be heard on the case. In a 2011 interview for this report, Seamans reported that "we have been told that the Attorney General intends to be heard on the case. And if that's not necessary then at a minimum he [Roy Cooper (D, TTICC \$66,150)] will write an amicus brief in support of the law."<sup>27</sup>

## **Conclusion**

Tobacco control in tobacco country has come a long way. In a state where talking against tobacco was taboo, the state tobacco control advocates accomplished by 2010, what many North Carolinians would have considered unthinkable 5 years earlier.

The tobacco industry continued to maintain a strong presence and lobby in North Carolina. When state tobacco control advocates began the implementation of their strategy to chip away at preemption, the tobacco industry continued to lobby unsuccessfully behind the scenes for accommodation, private property rights, and age-restriction provisions.

However, as alliances with tobacco growers and the hospitality industry shifted, the tobacco industry found themselves without a powerful front group and the accommodation lobby was weakened in North Carolina. Additionally, as the science continued to build about exposure to secondhand smoke, the tobacco industry lost out to health.

The state tobacco control advocate story is truly a story of persisting with patience as community support and awareness for clean indoor air increased over time as a result of the Commit and ASSIST intervention opportunities that established the infrastructure and committed State Tobacco Prevention and Control Branch leadership from the late 1980's into the late 1990's.

Using their strength to protect children from tobacco use and exposure, state tobacco control advocates worked with schools first to show policy makers that it could be done. Following schools, state tobacco control advocates identified that health costs were important to legislators and replicated the Blue Cross Blue Shield Minnesota Cost of Smoking study to illustrate the cost benefit associated with clean indoor air laws in North Carolina which supported the prison ban and forced the legislature to set the example.

With a constant effort in the legislature and media for a period of six years, the health message began to resonate with the legislators and finally moved the six opposing votes to ban smoking in restaurants and bars and repeal preemption to vote in favor in 2009. In a 2010 interview Pam Seamans recalled: "It was all incremental, it all kept the issue out, and kept the

education effort going, it was done in little bits and pieces that people generally felt that they could bite off'.<sup>27</sup>

Based on 2011 statewide complaint data, the State is receiving an average of less than 50 complaints per month.

## Chapter 17: Discussion

Despite resistance to tobacco control efforts created by heavy tobacco industry presence, state tobacco control advocates in North Carolina have achieved notable success in tobacco prevention and control. For decades, the influence of tobacco growers and the tobacco manufacturers together created a political climate that allowed the tobacco industry to dominate the agenda; keeping tobacco excises taxes low, limiting restrictions on the where people could smoke, and circumventing product liability. As in other states, the tobacco industry made significant political campaign contributions to elected officials in North Carolina to influence state tobacco control policy. Between 1996 and 2008, the tobacco industry contributed nearly \$1.3 million to North Carolina political parties and individual candidates for state-level office, focusing contributions around pivotal elections, with candidates for governor and key legislative leadership being the largest recipients. In addition, as in other states, the tobacco manufacturers have used third parties, including restaurant and bar organizations, as a local presence to oppose tobacco control laws in North Carolina.<sup>72, 81, 168, 169, 513-517</sup> In addition North Carolina is a major tobacco growing state (as of 2011, over half of its 100 counties grew tobacco), which made tobacco growers a strong public and political influence that the tobacco manufacturers also used to represent their interests. As in tobacco-growing states of South Carolina<sup>26</sup> and Virginia,<sup>82</sup> the Tobacco Institute relied on grower organizations to oppose strong tobacco control laws and looked for opportunities to collaborate with tobacco growers to promote the industry's interest.

Despite this tobacco-dominated environment, the public health infrastructure created by the National Cancer Institute COMMIT (1986-1990) and ASSIST (1991-1998) projects played an important role in the development of tobacco control advocacy in North Carolina (North Carolina was one of a few states, and the only tobacco growing state to participate in both COMMIT and ASSIST). The implementation of the COMMIT study mobilized the Raleigh community to provide tobacco cessation resources for smokers who wanted to quit and to create awareness about the dangers of smoking. Like its surrounding tobacco growing states, Virginia and South Carolina, the ASSIST intervention was the first organized tobacco prevention and control program spearheaded by the State Health Department. In North Carolina, the ASSIST project created local tobacco control coalitions in the majority of key media markets throughout the state, which were provided technical assistance and coordination by the State Department of Health and Human Services, Division of Public Health, Tobacco Prevention and Control Branch. ASSIST programming also built on the impetus of public support to restrict public smoking and youth prevention developed by COMMIT and ASSIST to propel the tobacco control movement forward.

States that received the ASSIST intervention had a greater decrease in smoking prevalence than states that did not;<sup>518</sup> in North Carolina ASSIST had the additional benefit of creating a tobacco control coalition infrastructure that remained in place after the intervention was over (and was still in place as of 2011). This was not the case in South Carolina, where the coalition created by ASSIST disbanded in 1997, undermining tobacco control efforts in that state.<sup>26</sup> In Virginia, ASSIST coalition efforts were hampered by industry interference and dominance.<sup>82</sup> In comparison to North Carolina, by 2011 Virginia was the only one of the 17 states selected to participate in the ASSIST intervention that did not have a statewide law nor any local smoking restriction ordinances that required 100 percent smokefree restaurants, bars or workplaces.<sup>207</sup>

As in other ASSIST states,<sup>9, 26, 82, 126, 519</sup> the industry's primary reaction to ASSIST and local grassroots movement it sought to build, was to work for state preemption of local smoking and youth access sales restriction ordinances to make it impossible for these local coalitions to advance tobacco control policies.<sup>263</sup> In North Carolina, after the application and planning phase of ASSIST, the industry began to lobby the state Legislature to preempt clean indoor air regulations, at first without success in 1991 (*HB 149*), then successfully in 1993 (*HB 957*). One compromise the industry was forced to accept was a 90-day window in which localities could enact local clean indoor air laws and regulations before preemption took effect. Local coalitions won smoking restrictions in 89 jurisdictions before this window closed. The Tobacco Prevention and Control Branch set up under the ASSIST project provided technical assistance during this time period, which allowed the state tobacco control advocates to act in an efficient and coordinated manner.

In response to the 89 jurisdictions adopting clean indoor air policies, the tobacco industry backed lawsuits against the local boards of health to challenge their authority to regulate public smoking.<sup>166</sup> The tobacco industry and its allies have a history of challenging tobacco control laws and regulations in court and using litigation as a threat to undermine strong tobacco control policies.<sup>81, 168, 191, 194, 195, 513, 514, 520</sup> When the Court of Appeals ruled in favor of the tobacco industry on December 3, 1996, it invalidated the enforcement of the 27 board of health rules, while the less protective 21 county commission and 41 city ordinances remained intact (Table 33).<sup>56, 223, 228</sup> State tobacco control advocates and the North Carolina Department of Health and Human Services re-strategized and focused on "chipping away" at tobacco control issues within the state to incrementally achieve clean indoor air policies.

As part of this chipping away strategy, in 1997 advocates began working to implement voluntary tobacco-free school campus policies, efforts that were helped when the Legislature allocated 25 percent of 1998 Master Settlement Agreement (MSA) funds, to the Health and Wellness Trust Fund, set up to fund statewide health and teen tobacco prevention programs. State tobacco control advocates utilized the grassroots support generated as a result of the NC Project ASSIST youth activities to advocate for a portion of the MSA funds to be used for tobacco prevention. The MSA changed the history of tobacco and tobacco control in the state by providing state resources for farmers to diversify to crops other than tobacco, and to fund state tobacco prevention programming through the state Health and Wellness Trust Fund. In 1999, the Legislature allocated 75 percent of North Carolina's MSA money to diversify the state's tobacco dependent economy and 25 percent to health related programs, of which a small portion (3 percent, \$6.2 million) was spent on youth-oriented tobacco-related projects, which included the 100 percent tobacco-free school initiative, beginning in 2002.<sup>301, 521</sup> To provide a plan for allocating these new resources, in 2000 the Department of Health and Human Services Tobacco Prevention and Control Branch, along with tobacco control advocates, created the *Vision 2010*<sup>10</sup> strategic plan for the tobacco control, including youth prevention programs and tobacco-free school campuses, and funding this programming.

Youth prevention efforts were also enhanced by Governor Hunt's (D) "Governor's Summit to Prevent Tobacco Use" in 2000. This strategic state tobacco control initiative was the first time in the history of the tobacco growing state that the state's top elected official held a summit to prevent tobacco use among youth. Following the summit, Governor Hunt (D) encouraged North Carolina's 115 school boards to adopt 100 percent tobacco-free policies,

including teachers, staff and visitors, as well as students. One hundred percent tobacco-free school policies are effective in encouraging social norm change and reducing tobacco use among youth and adults.<sup>460, 522, 523</sup> Step by step, public schools became 100 percent tobacco-free. To further support this initiative, beginning in 2006 the Health and Wellness Trust Fund began implementing the first US statewide media campaign to promote the adoption of and compliance with tobacco-free school policies.<sup>345</sup> As a result, 87 of the 115 school districts had become 100 percent tobacco-free by 2007, when the legislature adopted a 100 percent tobacco-free school campus statewide law. The efforts of the tobacco-free school intervention, supported by the state Health and Wellness Trust Fund, contributed to the dramatic decline in youth tobacco use rates. Between 1999 and 2007, the middle school students cigarette use rate decreased from 15 percent to 4.5 percent and cigarette use among high school students decreased from 31.6 percent to 19 percent.<sup>319</sup> In 2009, youth smoking rates in North Carolina continued to decline, and the state ranked 11<sup>th</sup> in the nation for high school smoking rates of 16.7 percent, nearly three percentage points lower than the national average of 19.5 percent.<sup>38</sup>

For years the alliance between tobacco farmers and tobacco manufacturers slowed tobacco control policies in the state, an alliance bolstered by North Carolina's status as the #1 tobacco growing state. This alliance began to fray when, encouraged by the cigarette manufacturers (who wanted to cut costs by using more imported tobacco), Congress ended the tobacco price support system in 2004 by "buying out" tobacco quotas and leaving tobacco leaf prices to be set by market forces. The federal tobacco quota buy-out exacerbated tensions between the tobacco growers and manufacturers just as in South Carolina<sup>26</sup> and Virginia.<sup>82</sup> Communication between tobacco control advocates and tobacco growers also created an awareness among tobacco growers that their interests were not the same as those of the manufacturers.<sup>405</sup> As the interest of the tobacco farmers and tobacco manufacturers increasingly diverged, tobacco farmers became less resistant to tobacco control policies. Tobacco control advocates used this lack of opposition to begin a push for stronger tobacco control laws as, without the influence of tobacco farmers, the tobacco manufacturer political influence was considerably weakened.

As tobacco farmers became less resistant to tobacco control policies, state tobacco control advocates were increasingly able to make progress in adopting tobacco-free schools and a range of other smokefree and tobacco-free laws that chipped away at the 1993 statewide "dirty air" preemption law.<sup>301, 414</sup> State tobacco control advocates built strong coalitions including other nontraditional partners such as the hospitality industry. In 2009, the North Carolina Restaurant and Lodging Association (NCRLA) did not oppose the statewide 100 percent smoking and restaurant and bar law. This was a result of state tobacco control advocates establishing a common ground with the NCRLA by getting them to recognize that a statewide comprehensive restaurant and bar smokefree law would provide the NCRLA with the "level playing field" it wanted. In addition to developing non-traditional partners, state tobacco control advocates also cultivated relationships with key legislators, and generated grassroots support resulting in 100 percent tobacco-free schools, prisons and hospitals, and 100 percent smokefree government buildings, long-term care facilities, restaurants, and bars between 2003 and 2009.

Smokefree workplaces, restaurant and bar bills that included provisions to repeal preemption, which would have allowed state tobacco control advocates to more effectively work at the local level, were met with the most resistance throughout 2007 and in 2009. While

tobacco farmers did not work to oppose the clean indoor air tobacco control legislation, tobacco manufacturer lobbyists continuously worked behind the scenes to weaken the statewide clean indoor air tobacco control bills by removing workplaces. The efforts of the state tobacco advocates, to build a strong coalition and alliance with the NCRLA, resulted in the 2009 smokefree restaurant and bar law in line with the chipping away strategy. However state tobacco control advocates will still have to work at the state level to pass a statewide smokefree workplace law and repeal the remaining preemption provision as well as protect the progress that has been made. The 2009 legislation (*HB 2*) also gave local governments the authority to enact more stringent restrictions on outdoor public property, but left preemption in place for private workplaces.

Tobacco industry campaign contributions in North Carolina peaked in 2004, though it was not uncommon for some legislators to accept tobacco industry campaign contributions and still vote in favor of tobacco control legislation such as clean indoor air. By 2009, the tobacco industry contributions had declined, as illustrated by the number of legislators who had never received tobacco industry campaign contributions. Eighty-four (49 percent) of the 2009 General Assembly legislators never received tobacco industry-related campaign contributions, compared to 2000 when only 59 (35 percent) of the 2000 General Assembly legislators took no tobacco related campaign contributions.

While North Carolina has made significant progress with clean indoor air laws, advocacy regarding tobacco excise taxes has not been as successful. Increases in excise taxes are associated with a decline in tobacco use, and in youth and adult smoking prevalence rates, and this remains a tobacco control weakness in North Carolina.<sup>524</sup> Historically, tobacco excise tax increases in North Carolina have been limited. North Carolina was the 50th state to enact an excise tobacco tax in 1969 (2 cents), and since then (as of 2011) has consistently ranked among the lowest five states with the lowest tobacco excises taxes. The first tobacco excise tax and licensing legislation in North Carolina was not adopted as a tobacco control measure, but rather to generate revenue for the state during a fiscal emergency. The tobacco industry has singled North Carolina as an important state in the fight against excise tax as early as the late 1960s and have devoted considerable resources to defeating tax measures in this state. From the late 1960s onward, tobacco manufacturers viewed North Carolina as a tipping point, anticipated that if North Carolina increased their tobacco excise tax other states would follow this “tobacco state” lead and that tobacco control advocates would capitalize on any gains made in this state. Tobacco excise taxes remained low throughout the 1980s and 1990s and advocates did not prioritize this issue. It was not until a failed attempt in 2003, that the state tobacco control advocates proposed to increase the state excise tax as a tobacco control measure.

Despite advocacy related to this issue, tobacco excise taxes remain limited measures used to generate revenue for the state, which has resulted in only small incremental increases in the taxes. As of 2011, North Carolina ranked 45<sup>th</sup> in the amount of tobacco excises taxes levied by the state at \$0.45. In comparison to the other tobacco states, North Carolina was only ahead of Georgia which ranked 48<sup>th</sup> at \$0.38 per pack and Virginia, which ranked 50<sup>th</sup> at \$0.30 per pack.<sup>38</sup> In 2011, the state tobacco control advocates advocated to raise the excise tobacco tax by \$1.00 to counteract state budget cuts being proposed, including the elimination of the Health and Wellness Trust Fund.

In 2011, Republican Senators Richard Stevens (R, Cary), Peter Brunstetter (R, Winston-Salem) and Neal Hunt (R, Raleigh) along with Republican Representative Harold Brubaker (R, Asheboro), who all received significant campaign contributions from the tobacco industry between 1996-2008, were pushing for major budget cuts in the state, and they had the votes to do it.

In 2011, for the first time since 1870, Republicans gained control of the North Carolina General Assembly. The historic shift in power in North Carolina was felt throughout the nation as a result of a response to the monumental economic recession 2008-2011, and the conservative Tea Party movement. Republicans in North Carolina gained 33 first-term legislators who immediately attacked the Health and Wellness Trust Fund, claiming that balancing the state budget required abolishing the HWTF along with several other programs. In 2011, two bills were introduced, SB 13 *Balanced Budget Act of 2011*, and HB 200 *Appropriations Act of 2011*, both proposing to abolish the HWTF.

State tobacco control advocates worked to raise the tobacco excise tax by \$1.00 to generate revenue for the state and avoid debilitating budget cuts, and mobilized grassroots advocacy to advocate against the budget cuts. Additionally, Governor Perdue proposed an alternative biennium budget that reduced spending by \$4.0 million while avoiding cuts to the Health and Wellness Trust Fund and other state services, and vetoed both of the Republican sponsored bills. Despite Governor Perdue's (D) veto of both appropriation bills, the Republican-controlled legislature overrode the veto of HB 200, thereby abolishing the state Health and Wellness Trust Fund.

The Health and Wellness Trust Fund has been the only state revenue for tobacco control programming, leaving North Carolina with no dedicated funding for tobacco control. This action by the Republican controlled legislature has the potential to end and even reverse the progress that has been made in North Carolina during the last ten years.

## **Chapter 18: Conclusions and Recommendations**

North Carolina represents a unique case where tobacco control advocates have achieved significant state-level legislative successes despite being a tobacco growing state, significant industry presence in the state, and weak state-level clean indoor air legislation which preempted local clean indoor air policies. The "dirty air law" enacted in 1993 forestalled the progress on smokefree environments that had begun during the 1980s in North Carolina by preempting any additional smokefree local laws after October 15, 1993. Tobacco industry influence on the 1993 "dirty air" law forced North Carolina advocates to begin to operate at the state to fight preemption and the required 20 percent designated smoking areas in state controlled buildings, and at the local level to encourage voluntary policies that build support for statewide laws. Voluntary smokefree policies, while popular (particularly with the tobacco industry) and not politically contentious, have been ineffective strategies in other cases and advocates should not attempt to replicate North Carolina's success with these interventions.<sup>295, 296, 460, 522, 523</sup>

The strategy of using an incremental approach to tobacco-free and smokefree laws aimed at specific classes of venues one at a time, and advocacy of voluntary smokefree policies as foundation for greater tobacco control efforts worked well in North Carolina to reduce the effects



of preemption. The voluntary smokefree policies, not unique to North Carolina, were successful before the 2009 statewide smokefree restaurant and bar law passed, as 72.3 percent of nonsmokers (and 53.0 percent of smokers) in North Carolina reported in 2006-07 that they worked in smokefree workplaces.<sup>525</sup>

Making the ASSIST infrastructure permanent was a key to the gains achieved in North Carolina showing that a consistent infrastructure is important in achieving widespread success. As tobacco control gains in North Carolina were incremental, they required continued persistence and coordinated collaboration among tobacco control advocates that a consistent infrastructure provided.

Tobacco control advocates should continue to work to protect and strengthen state tobacco control laws by advocating to repeal of preemption, restoration of the Health and Wellness Trust Fund with adequate levels of state funding for comprehensive tobacco control programming, passage of a statewide 100 percent smokefree workplaces law, and higher tobacco excise taxes. Advocates can achieve this by continuing to leverage the existing divergence between the interests of tobacco manufacturers and growers by promoting alternative crop production and uses for tobacco, and coalition building with tobacco farmers to further strengthen the state's tobacco control policies. In addition, advocates can further strengthen their efforts by exposing the tobacco manufacturer ties, through campaign contributions, to legislators who propose to threaten the advances that have been made in tobacco control.

State tobacco control advocates have the opportunity to make history again by repealing preemption, and mobilizing public pressure to restore dedicated funding for the state tobacco control program. Advocates have shown the determination to fight on when things went awry in 1993 by adapting a new strategy to the changed conditions, and, if they continue on the course that has proven successful, more tobacco control achievements should be forthcoming in North Carolina.

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## **Appendices**

**Appendix A: Tobacco Industry Campaign Contributions by Candidate, 1996-2008**

**Appendix B: Tobacco Industry Campaign Contributions by Contributor, 1996-2008**

**Appendix C: Tobacco Industry Contributions to Political Party Organizations, 1998-2008**

**Appendix D: Legislative Policy Scores, 2009/2010 Biennium Session of the North Carolina General Assembly**

## Appendix A: Tobacco Industry Campaign Contributions by Candidate, 1996-2008

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
ADAMS, ALMA	D	H	58				Sum Total 98-08	\$0
ALBERTSON, CHARLES (CHARLIE) W	D	S	10	1996	R J REYNOLDS	\$500	1996 Total	\$500
				1998	ALTRIA/PM	\$690		
					TOBACCO WAREHOUSE	\$1,000	1998 Total	\$1,690
				2000	ALTRIA/PM	\$450		
					BROWN & WILLIAMSON	\$300		
					Doug Lanier (Individual)	\$500		
					Tony Miller (Individual)	\$500		
					R J REYNOLDS	\$1,000	2000 Total	\$2,750
				2002	ALTRIA/PM	\$500		
					Kendell Hill (Individual)	\$350		
					HUDSON FARMS	\$500		
					Tony Miller (Individual)	\$500		
					Jerry Simpson (Individual)	\$300		
					Victor Swinson (Individual)	\$500		
					Marus Thigpen (Individual)	\$500		
					TOBACCO WAREHOUSE	\$1,000		
					US SMOKELESS TOBACCO	\$150	2002 Total	\$4,520
				2004	Jerry Simpson (Individual)	\$250		
					R J REYNOLDS	\$1,000		
					SAMPSON TOBACCO WAREHOUSE	\$1,000	2004 Total	\$2,250
				2008	LORILLARD	\$500	2008 Total	\$500
							Sum Total 98-08	\$12,210
ALEXANDER JR., KELLY M.	D	H	107				Sum Total 98-08	\$0
ALEXANDER, MARTHA	D	H	56	2000	BROWN & WILLIAMSON	\$250	2000 Total	\$250
							Sum Total 98-08	\$250
ALLEN, BERNARD	D	H	33	2004	GOLDEN LEAF FARMS	\$1,000	2004 Total	\$1,000
							Sum Total 98-08	\$1,000
ALLEN, GORDON P	D	H	55	2000	ALTRIA/PM	\$400		
					BROWN & WILLIAMSON	\$250		
					PLANTERS WAREHOUSE	\$1,000		
					R J REYNOLDS	\$1,000	2000 Total	\$2,650
				2002	ALTRIA/PM	\$700		
					GOLDEN LEAF FARMS	\$100		
					LIGGETT VECTOR BRANDS	\$2,250		
					LORILLARD	\$300		
					US SMOKELESS TOBACCO	\$250		
					VECTOR TOBACCO CO	\$1,750	2002 Total	\$6,250
							Sum Total 98-08	\$8,900
ALLEN, LUCY	D	H	49				Sum Total 98-08	\$0
ALLRAN, AUSTIN M	R	S	42	1996	R J REYNOLDS	\$500	1996 Total	\$500



Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				2002	ALTRIA/PM	\$200		
					R J REYNOLDS	\$1,000	2002 Total	\$1,200
				2006	R J REYNOLDS	\$1,000	2006 Total	\$1,000
				2008	R J REYNOLDS	\$1,000	2008 Total	\$1,000
							Sum Total 98-08	\$3,700
ALLRED, CARY D	R	H	64	2004	CONWAY COMPANY LLC	\$500	2004 Total	\$500
							Sum Total 98-08	\$500
ANSLEY, RONNIE	D	LTG	SW	2000	LORILLARD	\$125	2000 Total	\$125
							Sum Total 98-08	\$125
APODACA, TOM	R	S	48	2004	R J REYNOLDS	\$1,000	2004 Total	\$1,000
				2006	LORILLARD	\$3,000		
					R J REYNOLDS	\$2,000	2006 Total	\$5,000
				2008	LORILLARD	\$500		
					R J REYNOLDS	\$4,000	2008 Total	\$4,500
							Sum Total 98-08	\$10,500
ARNOLD, GENE	R	H	72	1998	ALTRIA/PM	\$350	1998 Total	\$350
				2000	R J REYNOLDS	\$500		
					STANDARD COMMERCIAL	\$500	2000 Total	\$1,000
							Sum Total 98-08	\$1,350
ARNOLD, STEVE	R	LTG	SW	1996	LORILLARD	\$250	1996 Total	\$250
							Sum Total 98-08	\$250
ATWATER, BOB	D	S	18				Sum Total 98-08	\$0
AVILA, MARILYN	R	H	40				Sum Total 98-08	\$0
BADDOUR JR, PHIL	D	H	11	2000	ALTRIA/PM	\$450		
					BROWN & WILLIAMSON	\$250		
					R J REYNOLDS	\$3,000		
					TOBACCO WAREHOUSE	\$120		
					US SMOKELESS TOBACCO	\$500	2000 Total	\$4,320
				2002	GOLDEN LEAF FARMS	\$4,000		
					STANDARD COMMERCIAL	\$1,000		
					TOBACCO WAREHOUSE	\$150		
					US SMOKELESS TOBACCO	\$500	2002 Total	\$5,650
							Sum Total 98-08	\$9,970
BAKER, REX L	R	H	91	1996	R J REYNOLDS	\$500	1996 Total	\$500
				1998	R J REYNOLDS	\$500		
					R J REYNOLDS	\$500		
					STANDARD COMMERCIAL	\$500	1998 Total	\$1,500
				2000	ALTRIA/PM	\$200		
					BROWN & WILLIAMSON	\$250		
					GOLD LEAF TOBACCO WAREHOUSE	\$500		

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
					R J REYNOLDS	\$500		
				2004	R J REYNOLDS	\$1,800	2000 Total	\$3,250
					GOLDEN LEAF FARMS	\$1,000		
					US SMOKELESS TOBACCO	\$250	2004 Total	\$1,250
							Sum Total 98-08	\$6,500
BALANCE JR, FRANK W	D	S	2	1998	ALTRIA/PM	\$250	1998 Total	\$250
				2000	BROWN & WILLIAMSON	\$300	2000 Total	\$300
							Sum Total 98-08	\$550
BALLANTINE, PATRICK J	R	S	4	1996	ALTRIA/PM	\$200		
					R J REYNOLDS	\$1,000	1996 Total	\$1,200
				1998	ALTRIA/PM	\$250	1998 Total	\$250
				2000	ALTRIA/PM	\$500		
					BROWN & WILLIAMSON	\$300		
					R J REYNOLDS	\$2,000		
					US SMOKELESS TOBACCO	\$500	2000 Total	\$3,300
	R	S	9	2002	ALTRIA/PM	\$1,000		
					LORILLARD	\$1,000		
					US SMOKELESS TOBACCO	\$250	2002 Total	\$2,250
	R	G	SW	2004	Tina Lee (Individual)	\$8,000		
					CENTRAL COMPANIES	\$4,000		
					CENTRAL TOBACCO EXCHANGE	\$4,000		
					DIMON INC	\$500		
					HUDSON FARMS	\$4,000		
					R J REYNOLDS	\$9,800		
					R J REYNOLDS	\$4,750		
					SMOTHER BROTHERS WAREHOUSE	\$100		
					STANDARD COMMERCIAL	\$8,500		
					STEPHENSON III, DAVID T	\$2,000		
					US SMOKELESS TOBACCO	\$750	2004 Total	\$46,400
							Sum Total 98-08	\$53,400
BANNELLY, CHARLIE SMITH	D	S	38				Sum Total 98-08	\$0
BARBEE SR, BOBBY HAROLD	R	H	82	2000	R J REYNOLDS	\$500	2000 Total	\$500
				2002	ALTRIA/PM	\$250	2002 Total	\$250
							Sum Total 98-08	\$750
BAREFOOT, DANIEL W	D	H	44	2000	R J REYNOLDS	\$1,000	2000 Total	\$1,000
							Sum Total 98-08	\$1,000
BARNHART, JEFF	R	H	82	2002	ALTRIA/PM	\$350	2002 Total	\$350
				2004	GOLDEN LEAF FARMS	\$4,000	2004 Total	\$4,000
				2006	ALTRIA/PM	\$1,000	2006 Total	\$1,000
							Sum Total 98-08	\$5,350

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
BARRETT, DAN	NP	APP	SW	2008	JONES, MURRAY	\$50		
					SHIRLEN, DAVID	\$200	2008 Total	\$250
							Sum Total 98-08	\$250
BASNIGHT, MARC	D	S	1	1996	Ralph Britt (Individual)	\$500		
					James Speed (Individual)	\$500		
					ALTRIA/PM	\$250		
				1998	R J REYNOLDS	\$1,000	1996 Total	\$2,250
					C B Griffin Jr. (Individual)	\$500		
					ALTRIA/PM	\$250		
				2000	R J REYNOLDS	\$1,250		
					W S CLARK FARMS	\$2,000	1998 Total	\$3,500
					ALTRIA/PM	\$5,000		
					BROWN & WILLIAMSON	\$500		
				2002	R J REYNOLDS	\$4,000		
					W S CLARK FARMS	\$4,000	2000 Total	\$9,000
					ALTRIA/PM	\$1,000		
				2004	LORILLARD	\$500		
					R J REYNOLDS	\$4,500	2002 Total	\$6,000
					LORILLARD	\$2,000		
					R J REYNOLDS	\$1,000		
				2006	R J REYNOLDS	\$4,000		
					STEPHENSON III, DAVID T	\$4,000	2004 Total	\$11,000
					ALTRIA/PM	\$1,000		
LIGGETT VECTOR BRANDS	\$1,000							
LORILLARD	\$1,000							
R J REYNOLDS	\$4,000							
2008	US SMOKELESS TOBACCO	\$750	2006 Total	\$7,750				
	LORILLARD	\$1,000						
	STEPHENSON III, DAVID T	\$1,000	2008 Total	\$2,000				
			Sum Total 98-08	\$42,000				
BEATTY, ANNETTE	D	H	72	2002	R J REYNOLDS	\$200	2002 Total	\$200
							Sum Total 98-08	\$200
BELL, LARRY M	D	H	21	2006	CONWOOD CO	\$500	2006 Total	\$500
							Sum Total 98-08	\$500
BERGER, DOUG	D	S	7	2000	CENTRAL TOBACCO EXCHANGE	\$500	2000 Total	\$500
							Sum Total 98-08	\$500
BERGER, PHILIP E	R	S	26	2000	LORILLARD	\$250	2000 Total	\$250
				2002	ALTRIA/PM	\$600		
					LORILLARD	\$650		
					XXX	\$150	2002 Total	\$1,400

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				2004	LORILLARD	\$1,000		
					R J REYNOLDS	\$1,000	2004 Total	\$2,000
				2006	ALTRIA/PM	\$1,000		
					COMMONWEALTH BRANDS	\$1,250		
					LORILLARD	\$5,000		
					R J REYNOLDS	\$4,000	2006 Total	\$11,250
				2008	R J REYNOLDS	\$3,000	2008 Total	\$3,000
							Sum Total 98-08	\$17,900
BERRY, CHERIE	R	LABOR	SW	2008	R J REYNOLDS	\$4,000	2008 Total	\$4,000
							Sum Total 98-08	\$4,000
BESSE, DAN	D	H	39	1998	R J REYNOLDS	\$100	1998 Total	\$100
							Sum Total 98-08	\$100
BINGHAM, STAN	R	S	33	2006	LORILLARD	\$1,000		
					R J REYNOLDS	\$1,000	2006 Total	\$2,000
							Sum Total 98-08	\$2,000
BLACK, JAMES B	D	H	36	1996	ALTRIA/PM	\$250		
					R J REYNOLDS	\$500	1996 Total	\$750
				1998	ALTRIA/PM	\$150	1998 Total	\$150
				2000	John Malloy (Individual)	\$500		
					ALTRIA/PM	\$700		
					BROWN & WILLIAMSON	\$500		
					R J REYNOLDS	\$8,000		
					US SMOKELESS TOBACCO	\$500	2000 Total	\$10,200
				2002	ALTRIA/PM	\$1,000		
					GOLDEN LEAF FARMS	\$4,000		
					LIGGETT VECTOR BRANDS	\$500		
					LORILLARD	\$4,000		
					STANDARD COMMERCIAL	\$1,000		
					US SMOKELESS TOBACCO	\$500	2002 Total	\$11,000
				2004	CONWOOD CO	\$1,000		
					GOLDEN LEAF FARMS	\$8,000		
					LIGGETT VECTOR BRANDS	\$1,850		
					R J REYNOLDS	\$500		
					R J REYNOLDS	\$8,500		
					US SMOKELESS TOBACCO	\$1,000	2004 Total	\$20,850
				2006	ALTRIA/PM	\$1,000		
					CIGAR ASSOC OF AMERICA	\$2,000		
					LIGGETT VECTOR BRANDS	\$4,200		
					LORILLARD	\$4,000		
					R J REYNOLDS	\$6,000		

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
					US SMOKELESS TOBACCO	\$2,750	2006 Total	\$19,950
							Sum Total 98-08	\$62,900
BLACKWELL, HUGH	R	H	86				Sum Total 98-08	\$0
BLACKWOOD, CURTIS	R	H	68	2008	LORILLARD	\$500	2008 Total	\$500
							Sum Total 98-08	\$500
BLAKE, HARRIS	R	S	22	2002	R J REYNOLDS	\$500	2002 Total	\$500
				2006	R J REYNOLDS	\$1,000	2006 Total	\$1,000
				2008	LORILLARD	\$500		
					R J REYNOLDS	\$1,000	2008 Total	\$1,500
							Sum Total 98-08	\$3,000
BLUE, DANIEL	D	H	21	1998	ALTRIA/PM	\$150	1998 Total	\$150
							Sum Total 98-08	\$150
BLUST, JOHN M	R	H	27	2000	R J REYNOLDS	\$500	2000 Total	\$500
				2002	ALTRIA/PM	\$200		
					LORILLARD	\$200	2002 Total	\$400
							Sum Total 98-08	\$900
BOLES JR., JAMES L.	R	H	52				Sum Total 98-08	\$0
BORDSEN, ALICE L.	D	H	63				Sum Total 98-08	\$0
BOSEMAN, JULIA	D	S	9				Sum Total 98-08	\$0
BOWIE, JOANNE W.	R	H	57	1996	R J REYNOLDS	\$250	1996 Total	\$250
				1998	LORILLARD	\$500	1998 Total	\$500
				2002	LORILLARD	\$200	2002 Total	\$200
				2004	LORILLARD	\$1,000		
					US SMOKELESS TOBACCO	\$500	2004 Total	\$1,500
							Sum Total 98-08	\$2,450
BOYCE, DANIEL	R	AG	SW	2000	CENTRAL TOBACCO EXCHANGE	\$500	2000 Total	\$500
							Sum Total 98-08	\$500
BOYD, GRAHAM	D	AGRIC	SW	2000	Mike Little (Individual)	\$250		
					Milton Macon (Individual)	\$1,000		
					B&W EXPORT LEAF TOBACCO	\$1,000		
					HUDSON FARMS	\$1,000	2000 Total	\$3,250
							Sum Total 98-08	\$3,250
BOYLES, HARLAN E	D	TREAS	SW	1996	R J REYNOLDS	\$4,000	1996 Total	\$4,000
							Sum Total 98-08	\$4,000
BRAWLEY, C ROBERT	R	H	43	1998	ALTRIA/PM	\$150	1998 Total	\$150
							Sum Total 98-08	\$150
BRAXTON, R. VAN	D	H	10				Sum Total 98-08	\$0
BRIDGEMAN, JOHN D	D	H	76	2000	ALTRIA/PM	\$150	2000 Total	\$150
							Sum Total 98-08	\$150
BRISSON, WILLIAM D	d	H	22	2008	LORILLARD	\$500	2008 Total	\$500

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
							Sum Total 98-08	\$500
BROCK, ANDREW C	R	S	34	2002	R J REYNOLDS	\$1,000	2002 Total	\$1,000
				2004	R J REYNOLDS	\$1,000	2004 Total	\$1,000
				2006	LORILLARD	\$500		
					R J REYNOLDS	\$1,000	2006 Total	\$1,500
				2008	R J REYNOLDS	\$1,000	2008 Total	\$1,000
						Sum Total 98-08	\$4,500	
BROWN, HARRY	R	S	6	2006	R J REYNOLDS	\$1,000	2006 Total	\$1,000
				2008	R J REYNOLDS	\$1,000	2008 Total	\$1,000
							Sum Total 98-08	\$2,000
BROWN, JOHN WALTER	R	H	41	1996	R J REYNOLDS	\$250	1996 Total	\$250
				1998	ALTRIA/PM	\$500	1998 Total	\$500
							Sum Total 98-08	\$750
BROWN, LARRY R	R	H	73	2004	R J REYNOLDS	\$500	2004 Total	\$500
							Sum Total 98-08	\$500
BROWN, TED	R	H	12	2000	William Honrine (Individual)	\$200	2000 Total	\$200
							Sum Total 98-08	\$200
BRUBAKER, HAROLD J	R	H	78	1996	R J REYNOLDS	\$1,000	1996 Total	\$1,000
				1998	ALTRIA/PM	\$300	1998 Total	\$300
				2000	R J REYNOLDS	\$1,000	2000 Total	\$1,000
				2004	ALTRIA/PM	\$500		
					LORILLARD	\$1,000		
					R J REYNOLDS	\$1,000	2004 Total	\$2,500
				2006	CIGAR ASSOC OF AMERICA	\$2,000		
					LORILLARD	\$500		
					R J REYNOLDS	\$1,000		
				2008	US SMOKELESS TOBACCO	\$1,000	2006 Total	\$4,500
	LORILLARD	\$1,000						
	R J REYNOLDS	\$1,000	2008 Total	\$2,000				
			Sum Total 98-08	\$11,300				
BRUNSTETTER, PETER SAMUEL (PETE)	R	S	31	2006	R J REYNOLDS	\$4,250	2006 Total	\$4,250
				2008	R J REYNOLDS	\$4,000	2008 Total	\$4,000
							Sum Total 98-08	\$8,250
BRYAN, GEORGE	D	H	72	2002	R J REYNOLDS	\$100	2002 Total	\$100
							Sum Total 98-08	\$100
BRYANT, ANGELA R.	D	H	7				Sum Total 98-08	\$0
BRYANT, JOHN W.	R	S	14	1996	R J REYNOLDS	\$200	1996 Total	\$200
				1998	William Harris (Individual)	\$250		
					EXPORT LEAF TOBACCO CO	\$250	1998 Total	\$500
				2000	EXPORT LEAF TOBACCO CO	\$200		

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
					R J REYNOLDS	\$200	2000 Total	\$400
							Sum Total 98-08	\$1,100
BUCHANAN, CHARLES M.	R	H	84	2002	ALTRIA/PM	\$200	2002 Total	\$1,200
					GOLDEN LEAF FARMS	\$1,000	Sum Total 98-08	\$1,200
BURR, JUSTIN P.	R	H	67				Sum Total 98-08	\$0
BURRIS-FLOYD, PEARL	R	H	110				Sum Total 98-08	\$0
BUTTERFIELD, JEAN FARMER	D	H	24	2002	ALTRIA/PM	\$100	2002 Total	\$100
							Sum Total 98-08	\$100
BUXTON, J. B.	D	SPI	SW	2004	LIGGETT VECTOR BRANDS	\$500	2004 Total	\$750
					R J REYNOLDS	\$250	Sum Total 98-08	\$750
CAMPBELL, RALPH	D	AUD	SW	2000	R J REYNOLDS	\$200	2000 Total	\$200
CAMPBELL, RALPH							Sum Total 98-08	\$200
CANSLER, LANIER	R	H	51	1996	R J REYNOLDS	\$250	1996 Total	\$250
				1998	ALTRIA/PM	\$350	1998 Total	\$350
				2000	ALTRIA/PM	\$300		
					BROWN & WILLIAMSON	\$250		
					R J REYNOLDS	\$1,000	2000 Total	\$1,550
							Sum Total 98-08	\$2,150
CAPPS, J RUSSELL	R	H	41	2006	R J REYNOLDS	\$1,000	2006 Total	\$1,000
							Sum Total 98-08	\$1,000
CARNEY, BECKY	D	H	102				Sum Total 98-08	\$0
CARPENTER, JAMES C.	R	H	53	1996	R J REYNOLDS	\$250	1996 Total	\$250
							Sum Total 98-08	\$250
CARPENTER, ROBERT C.	R	S	50	2000	R J REYNOLDS	\$1,500	2000 Total	\$1,500
				2004	R J REYNOLDS	\$1,000	2004 Total	\$1,000
							Sum Total 98-08	\$2,500
CARSON, DON	R	S	3	2002	STANDARD COMMERCIAL	\$200	2002 Total	\$200
							Sum Total 98-08	\$200
CARTER, CHARLES	D	S	28	2000	ALTRIA/PM	\$250	2000 Total	\$1,250
					R J REYNOLDS	\$1,000	Sum Total 98-08	\$1,250
CARTER, MARLEEN A.	R	H	54	1996	R J REYNOLDS	\$250	1996 Total	\$250
							Sum Total 98-08	\$250
CAUSEY, MIKE	R	IC	SW	2000	CENTRAL TOBACCO EXCHANGE	\$1,000	2000 Total	\$1,000
							Sum Total 98-08	\$1,000
CHURCH SR., WALT	D	H	86	2008	LORILLARD	\$500	2008 Total	\$500
							Sum Total 98-08	\$500
CLARY, DEBBIE ANN	R	H	110	2004	GOLDEN LEAF FARMS	\$1,000		

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				2008	US SMOKELESS TOBACCO	\$500	2004 Total	\$1,500
					LORILLARD	\$500	2008 Total	\$500
							Sum Total 98-08	\$2,000
CLEVELAND, GEORGE G.	R	H	14	2004	R J REYNOLDS	\$500	2004 Total	\$500
							Sum Total 98-08	\$500
CLODFELTER, DANIEL G.	D	S	37	2002	GOLDEN LEAF FARMS	\$1,000	2002 Total	\$1,000
				2004	GOLDEN LEAF FARMS	\$2,000	2004 Total	\$2,000
							Sum Total 98-08	\$3,000
COATES, LORENE T.	D	H	77	2002	ALTRIA/PM	\$250		
					LORILLARD	\$200	2002 Total	\$450
				2004	LORILLARD	\$250		
					R J REYNOLDS	\$1,500	2004 Total	\$1,750
				2006	R J REYNOLDS	\$1,000	2006 Total	\$1,000
				2008	LORILLARD	\$500		
					R J REYNOLDS	\$1,000	2008 Total	\$1,500
							Sum Total 98-08	\$4,700
COBB, BRITT	D	AGRIC	SW	2004	CENTRAL TOBACCO EXCHANGE	\$6,000		
					Dudley Langdon (Individual)	\$25		
					LIGGETT VECTOR BRANDS	\$1,700		
					R J REYNOLDS	\$2,000		
					STANDARD COMMERCIAL	\$1,000		
					TOBACCO ASSOCIATES	\$920		
					TOBACCO TRUST FUND	\$200		
					US SMOKELESS TOBACCO	\$650		
					VECTOR TOBACCO CO	\$100	2004 Total	\$12,595
							Sum Total 98-08	\$12,595
COCHRANE, BETSY	R	LTG	SW	1996	R J REYNOLDS	\$500	1996 Total	\$500
				2000	R J REYNOLDS	\$1,750	2000 Total	\$1,750
							Sum Total 98-08	\$2,250
COCKLEREECE, JOHN A.	R	H	89	1996	R J REYNOLDS	\$250	1996 Total	\$250
							Sum Total 98-08	\$250
COLE, NELSON	D	H	65	1996	R J REYNOLDS	\$250	1996 Total	\$250
				1998	ALTRIA/PM	\$750	1998 Total	\$650
				2000	ALTRIA/PM	\$700		
					R J REYNOLDS	\$1,500	2000 Total	\$2,200
				2002	ALTRIA/PM	\$750	2002 Total	\$750
				2004	ALTRIA/PM	\$1,000		
					LORILLARD	\$500		
					R J REYNOLDS	\$1,000	2004 Total	\$2,500
				2006	ALTRIA/PM	\$1,000		



Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
					COMMONWEALTH BRANDS	\$3,892		
					LORILLARD	\$1,500		
				2008	R J REYNOLDS	\$2,000	2006 Total	\$8,392
					LORILLARD	\$1,500		
					R J REYNOLDS	\$1,000	2008 Total	\$2,500
							Sum Total 98-08	\$17,242
COLEMAN, LINDA	D	H	39	2006	LORILLARD	\$1,000	2006 Total	\$1,000
							Sum Total 98-08	\$1,000
CONDER, J. RICHARD	D	S	17	1996	ALTRIA/PM	\$250		
					R J REYNOLDS	\$1,000	1996 Total	\$1,250
							Sum Total 98-08	\$1,250
CONRAD, THAYNE N.	R	H	41	2004	GOLDEN LEAF FARMS	\$4,000	2004 Total	\$4,000
							Sum Total 98-08	\$4,000
CONRAD-SHRADER, DEBRA	R	H	74	2004	R J REYNOLDS	\$1,500	2004 Total	\$1,500
							Sum Total 98-08	\$1,500
COOPER, ROY	D	AG	SW	1996	ALTRIA/PM	\$200		
					R J REYNOLDS	\$500		
					Robert Minor (Individual)	\$350	1996 Total	\$1,050
				1998	ALTRIA/PM	\$500		
					BARNES FARMING CORP	\$2,500		
					W S CLARK FARMS	\$250	1998 Total	\$3,250
				2000	ALTRIA/PM	\$200		
					BARNES FARMING CORP	\$7,000		
					BROWN & WILLIAMSON	\$2,000		
					Kathern Tyson (Individual)	\$1,000		
					LORILLARD	\$4,000		
					R J REYNOLDS	\$9,700		
					RAYNORS TOBACCO WAREHOUSE	\$200		
					Robert Minor (Individual)	\$1,000		
					STANDARD COMMERCIAL	\$2,250		
					US SMOKELESS TOBACCO	\$500		
					W S CLARK FARMS	\$1,000	2000 Total	\$28,850
				2004	GOLDEN LEAF FARMS	\$8,000		
					LIGGETT VECTOR BRANDS	\$2,500		
					LORILLARD	\$2,000		
					RAYNORS TOBACCO WAREHOUSE	\$500		
					R J REYNOLDS	\$5,500		
					US SMOKELESS TOBACCO	\$500	2004 Total	\$19,000
				2006	ALTRIA/PM	\$4,000		
				2008	ALTRIA/PM	\$4,000		

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
					LORILLARD	\$1,000		
					R J REYNOLDS	\$4,000		
					STEPHENSON III, DAVID T	\$1,000	2008 Total	\$10,000
							Sum Total 98-08	\$66,150
COTHAM, TRICIA ANN	D	H	100				Sum Total 98-08	\$0
COX, LESLIE	D	H	51	2000	ALTRIA/PM	\$350		
					BROWN & WILLIAMSON	\$250		
					R J REYNOLDS	\$500	2000 Total	\$1,100
				2002	ALTRIA/PM	\$250		
					LORILLARD	\$200		
					US SMOKELESS TOBACCO	\$500	2002 Total	\$800
				2004	Dudley Langdon (Individual)	\$25	2004 Total	\$25
							Sum Total 98-08	\$4,150
CRAWFORD, JIM	D	H	32	1996	R J REYNOLDS	\$250	1996 Total	\$250
				2000	R J REYNOLDS	\$500	2000 Total	\$500
				2002	ALTRIA/PM	\$200		
					LORILLARD	\$300	2002 Total	\$500
				2004	R J REYNOLDS	\$1,000	2004 Total	\$1,000
				2006	ALTRIA/PM	\$500		
					LORILLARD	\$1,000		
					R J REYNOLDS	\$1,000	2006 Total	\$2,500
				2008	LORILLARD	\$500		
					LORILLARD	\$500		
					R J REYNOLDS	\$1,000	2008 Total	\$2,000
							Sum Total 98-08	\$6,750
CREECH, BILLY J.	R	H	20	1996	R J REYNOLDS	\$250	1996 Total	\$250
				1998	ALTRIA/PM	\$450	1998 Total	\$450
				2000	R J REYNOLDS	\$500	2000 Total	\$500
							Sum Total 98-08	\$1,200
CULP, ARLIE F.	R	H	67	2002	LORILLARD	\$200		
					R J REYNOLDS	\$500	2002 Total	\$700
							Sum Total 98-08	\$700
CULPEPPER, BILL	D	H	2	2000	ALTRIA/PM	\$550	2000 Total	\$550
				2002	ALTRIA/PM	\$1,000	2002 Total	\$1,000
				2004	GOLDEN LEAF FARMS	\$4,000		
					LORILLARD	\$300	2004 Total	\$4,300
							Sum Total 98-08	\$11,700
CURRENT SR., WILLIAM A.	R	H	109				Sum Total 98-08	\$0
DALTON, WALTER H.	D	S	46	1998	ALTRIA/PM	\$850	1998 Total	\$850
				2000	ALTRIA/PM	\$700		

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				2002	R J REYNOLDS	\$1,000	2000 Total	\$1,700
				2002	ALTRIA/PM	\$1,000		
				2004	R J REYNOLDS	\$1,000	2002 Total	\$2,000
				2004	GOLDEN LEAF FARMS	\$4,000		
				2004	LORILLARD	\$500		
				2004	R J REYNOLDS	\$4,000	2004 Total	\$8,500
				2006	ALTRIA/PM	\$2,000		
				2006	LORILLARD	\$2,000	2006 Total	\$4,000
				2008	LORILLARD	\$2,000		
				2008	R J REYNOLDS	\$4,000	2008 Total	\$6,000
							Sum Total 98-08	\$23,050
DANIEL, GEORGE B.	D	S	21	1996	Betty Lou Long (Individual)	\$30	1996 Total	\$30
							Sum Total 98-08	\$30
DAUGHTRIDGE, BILL	R	H	25	2002	RAYNORS TOBACCO WAREHOUSE	\$100		
				2002	R J REYNOLDS	\$250		
				2002	US SMOKELESS TOBACCO	\$100	2002 Total	\$450
				2004	R J REYNOLDS	\$250		
				2004	US SMOKELESS TOBACCO	\$475	2004 Total	\$725
				2006	LORILLARD	\$500		
				2006	US SMOKELESS TOBACCO	\$125	2006 Total	\$625
							Sum Total 98-08	\$1,800
DAUGHTRY, LEO	R	H	95	1996	R J REYNOLDS	\$500	1996 Total	\$500
				1998	ALTRIA/PM	\$750		
				1998	Joseph Boyett (Individual)	\$250		
				1998	Samuel Brewer (Individual)	\$125		
				1998	CAROLINA TOBACCO WAREHOUSE	\$4,000		
				1998	CENTRAL TOBACCO EXCHANGE	\$4,000		
				1998	Bobby Creech (Individual)	\$200		
				1998	FARMERS TOBACCO WHOLESALE	\$1,375		
				1998	Jesse Faulkner (Individual)	\$250		
				1998	Harry Gary (Individual)	\$125		
				1998	C B Griffin Jr. (Individual)	\$325		
				1998	Lawerence McDougald (Individual)	\$500		
				1998	Roy Tew III (Individual)	\$500		
				1998	Ann Thornton (Individual)	\$1,500		
				1998	TOBACCO WAREHOUSE	\$200		
				1998	UNIVERSAL LEAF TOBACCO CO	\$200	1998 Total	\$14,300
				2000	BARNES FARMING CORP	\$4,000		
				2000	Jack Cox (Individual)	\$2,000		
				2000	Jesse Faulkner (Individual)	\$1,000		

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
					J R Freshwater Jr. (Individual)	\$325		
					Harry Gary (Individual)	\$250		
					Scott Pope (Individual)	\$350		
					Clay Strickland (Individual)	\$250		
					Roy Tew III (Individual)	\$500		
					BROWN & WILLIAMSON	\$250	2000 Total	\$25,795
					CAROLINA TOBACCO WAREHOUSE	\$2,250		
					CENTRAL TOBACCO EXCHANGE	\$4,000		
					COLUMBUS COUNTY TOBACCO WAREHOUSE	\$100		
					DIMON INC	\$2,000		
					FARMERS TOBACCO WHOLESALE	\$1,000		
					HALL BROTHERS FARMS	\$250		
					HUDSON FARMS	\$1,500		
					PLANTERS WAREHOUSE	\$1,020		
					R J REYNOLDS	\$1,500		
					STANDARD COMMERCIAL TOBACCO WAREHOUSE	\$2,500		
				2002	ALTRIA/PM	\$500		
					GOLDEN LEAF FARMS	\$1,000		
					LORILLARD	\$500		
					R J REYNOLDS	\$2,000		
					TOBACCO WAREHOUSE	\$500		
					YEARGIN WAREHOUSE	\$250	2008 Total	\$4,750
				2006	LORILLARD	\$500	2006 Total	\$500
				2008	LORILLARD	\$500		
					LORILLARD	\$500		
					R J REYNOLDS	\$1,000	2008 Total	\$2,000
							Sum Total 98-08	\$47,845
DAVIDSON, TOM	R	AGRIC	SW	2000	CENTRAL TOBACCO EXCHANGE	\$3,500	2000 Total	\$3,500
							Sum Total 98-08	\$3,500
DAVIS, DONALD SPENCER	R	H	19	1996	R J REYNOLDS	\$250	1996 Total	\$250
				2000	R J REYNOLDS	\$500	2000 Total	\$500
							Sum Total 98-08	\$750
DECKER, MICHAEL	R	H	84	1996	R J REYNOLDS	\$250	1996 Total	\$250
				2000	R J REYNOLDS	\$500	2000 Total	\$500
				2002	LORILLARD	\$200	2002 Total	\$200
							Sum Total 98-08	\$800
DEDMON, ANDY	D	H	48	1998	ALTRIA/PM	\$200	1998 Total	\$200
				2000	ALTRIA/PM	\$300		
					R J REYNOLDS	\$1,000	2000 Total	\$1,300

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				2002	ALTRIA/PM	\$450		
					GOLDEN LEAF FARMS	\$1,000	2002 Total	\$1,450
							Sum Total 98-08	\$2,950
DELLINGER, HAMPTON	D	LTG	SW	2008	Ann Bernstein (Individual)	\$4,000		
					Ronald Bernstein (Individual)	\$2,000		
					John Long (Individual)	\$1,100	2008 Total	\$7,100
							Sum Total 98-08	\$7,100
DIAMONT, DAVID HUNTER	D	SPI	SW	1996	ALTRIA/PM	\$50	1996 Total	\$50
							Sum Total 98-08	\$50
DICKSON HIGHSMITH, MARGARET	D	H	44				Sum Total 98-08	\$0
DOCKHAM, JERRY C.	R	H	80	1998	ALTRIA/PM	\$100	1998 Total	\$100
				2002	ALTRIA/PM	\$250	2002 Total	\$250
				2008	LORILLARD	\$500	2008 Total	\$500
							Sum Total 98-08	\$850
DOLLAR, NELSON	R	H	36	2006	R J REYNOLDS	\$1,000	2006 Total	\$1,000
				2008	LORILLARD	\$500	2008 Total	\$500
							Sum Total 98-08	\$1,500
DORSETT, KATIE G.	D	S	28	2002	LORILLARD	\$130	2002 Total	\$130
							Sum Total 98-08	\$130
DULL, W. DEAN	R	S	32	1996	LORILLARD	\$250	1996 Total	\$250
							Sum Total 98-08	\$250
EARLE, BEVERLY MILLER	D	H	101	2006	LORILLARD	\$1,000	2006 Total	\$1,000
							Sum Total 98-08	\$1,000
EASLEY, MICHAEL	D	G	SW	1996	ALTRIA/PM	\$450		
					LORILLARD	\$1,100		
					R J REYNOLDS	\$3,000	1996 Total	\$4,550
				2000		\$875		
					ALTRIA/PM	\$2,000		
					BARNES FARMING CORP	\$14,000		
					BROWN & WILLIAMSON	\$1,000		
					CENTRAL TOBACCO EXCHANGE	\$3,000		
					DIAMOND TOBACCO	\$1,450		
					LIGGETT VECTOR BRANDS	\$4,000		
					LORILLARD	\$4,100		
					R J REYNOLDS	\$4,875		
					STANDARD COMMERCIAL	\$2,000		
					W S CLARK FARMS	\$6,000	2000 Total	\$43,300
				2002	R J REYNOLDS	\$2,000		
					W S CLARK FARMS	\$2,000	2002 Total	\$4,000
				2004	ALTRIA/PM	\$24,250		

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
					LARRY SAMPSON FARMS	\$2,000		
					LIGGETT VECTOR BRANDS	\$2,000		
					R J REYNOLDS	\$7,000		
					R J REYNOLDS	\$4,000		
					STANDARD COMMERCIAL	\$500		
					STEPHENSON III, DAVID T	\$4,000		
					US SMOKELESS TOBACCO	\$4,500	2004 Total	\$48,250
							Sum Total 98-08	\$100,100
EAST, DON W.	R	S	30	1996	R J REYNOLDS	\$1,000	1996 Total	\$1,000
				1998	ALTRIA/PM	\$200	1998 Total	\$200
				2004	R J REYNOLDS	\$1,000	2004 Total	\$1,000
							Sum Total 98-08	\$2,200
EDDINS, RICK	R	H	40	1996	R J REYNOLDS	\$250	1996 Total	\$250
				2000	R J REYNOLDS	\$500	2000 Total	\$500
				2004	GOLDEN LEAF FARMS	\$1,000		
					R J REYNOLDS	\$500	2004 Total	\$1,500
				2006	R J REYNOLDS	\$1,000	2006 Total	\$1,000
							Sum Total 98-08	\$3,250
EDWARDS JR., ZENO L.	D	H	2	1996	R J REYNOLDS	\$250	1996 Total	\$250
				2000	ALTRIA/PM	\$200		
					R J REYNOLDS	\$1,000	2000 Total	\$1,200
							Sum Total 98-08	\$1,750
ELLIS, JAMES S.	R	H	39	2000	ALTRIA/PM	\$200	2000 Total	\$200
				2002	ALTRIA/PM	\$200	2002 Total	\$200
							Sum Total 98-08	\$400
ENGLAND M.D., BOB	D	H	112				Sum Total 98-08	\$0
ESPOSITO, THERESA H.	R	H	88	1996	R J REYNOLDS	\$500	1996 Total	\$500
							Sum Total 98-08	\$500
FAIRCLOTH, HOLT	R	H	4	1998	ALTRIA/PM	\$250	1998 Total	\$250
							Sum Total 98-08	\$250
FAISON, BILL	D	H	50	2006	LORILLARD	\$5,000		
					R J REYNOLDS	\$1,000	2006 Total	\$6,000
				2008	LORILLARD	\$500	2008 Total	\$500
							Sum Total 98-08	\$6,500
FARMER-BUTTERFIELD, JEAN	D	H	24				Sum Total 98-08	\$0
FISHER, SUSAN C.	D	H	114				Sum Total 98-08	\$0
FITCH JR, MILTON F (TOBY)	D	H	70	1998	ALTRIA/PM	\$150	1998 Total	\$150
							Sum Total 98-08	\$150
FLOYD, ELMER	D	H	43				Sum Total 98-08	\$0
FOLWELL, DALE R.	R	H	74	2004	R J REYNOLDS	\$1,000	2004 Total	\$1,000

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				2008	LORILLARD	\$500		
					R J REYNOLDS	\$2,000		
					R J REYNOLDS	\$1,000	2008 Total	\$3,500
							Sum Total 98-08	\$4,500
FORIEST, TONY	D	S	24				Sum Total 98-08	\$0
FORRESTER, JAMES (JIM)	R	S	41	2000	ALTRIA/PM	\$100	2000 Total	\$100
				2002	ALTRIA/PM	\$450	2002 Total	\$450
				2004	R J REYNOLDS	\$1,000	2004 Total	\$1,000
							Sum Total 98-08	\$1,550
FOXX, VIRGINIA	R	S	12	1996	R J REYNOLDS	\$1,000	1996 Total	\$1,000
				2000	R J REYNOLDS	\$2,000	2000 Total	\$2,000
				2002	ALTRIA/PM	\$200	2002 Total	\$200
							Sum Total 98-08	\$3,200
FRAZIER, HAROLD N.	R	S	7	2004	STANDARD COMMERCIAL	\$100	2004 Total	\$100
							Sum Total 98-08	\$100
FREEMAN, FRANKLIN	D	SUPCOURT	SC	2000	XXX	\$250	2000 Total	\$250
							Sum Total 98-08	\$250
FRYE, HENRY E.	D	SUPCOURT	SWC	2000	R J REYNOLDS	\$750	2000 Total	\$750
							Sum Total 98-08	\$750
FRYE, PHILLIP	R	H	84	2006	R J REYNOLDS	\$1,000	2006 Total	\$1,000
							Sum Total 98-08	\$1,000
FURR, KENNY	R	H	67	2008	LORILLARD	\$500	2008 Total	\$500
							Sum Total 98-08	\$500
GARROU, LINDA	D	S	32	1996	R J REYNOLDS	\$1,100	1996 Total	\$1,100
				1998	R J REYNOLDS	\$500	1998 Total	\$500
				2000	ALTRIA/PM	\$900		
					BROWN & WILLIAMSON	\$300		
					R J REYNOLDS	\$10,350	2000 Total	\$11,550
				2002	ALTRIA/PM	\$450		
					R J REYNOLDS	\$250		
					R J REYNOLDS	\$3,000	2002 Total	\$3,700
				2004	R J REYNOLDS	\$1,700		
					R J REYNOLDS	\$11,350		
					R J REYNOLDS	\$400	2004 Total	\$13,450
				2006	R J REYNOLDS	\$5,000	2006 Total	\$5,000
				2008	IVEY, SUSAN M	\$1,000		
					LORILLARD	\$1,000		
					R J REYNOLDS	\$8,000	2008 Total	\$10,000
							Sum Total 98-08	\$45,300
GARWOOD, JOHN	R	S	45	1996	R J REYNOLDS	\$500	1996 Total	\$500

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				2000	ALTRIA/PM	\$400	2000 Total	\$400
				2002	ALTRIA/PM	\$250	2002 Total	\$250
				2004	R J REYNOLDS	\$1,000	2004 Total	\$1,000
				2006	R J REYNOLDS	\$1,000	2006 Total	\$1,000
							Sum Total 98-08	\$3,150
GIBSON, PRYOR	D	H	69	2000	R J REYNOLDS	\$1,000	2000 Total	\$1,000
				2002	ALTRIA/PM	\$250		
					GOLDEN LEAF FARMS	\$1,000		
					LORILLARD	\$200		
					R J REYNOLDS	\$1,000		
					US SMOKELESS TOBACCO	\$150	2002 Total	\$2,600
				2004	GOLDEN LEAF FARMS	\$4,000		
					LORILLARD	\$300		
					R J REYNOLDS	\$1,000		
					US SMOKELESS TOBACCO	\$500	2004 Total	\$5,800
				2006	ALTRIA/PM	\$500		
					R J REYNOLDS	\$1,500		
					US SMOKELESS TOBACCO	\$1,000	2006 Total	\$3,000
				2008	LORILLARD	\$500		
					R J REYNOLDS	\$1,000	2008 Total	\$1,500
							Sum Total 98-08	\$13,900
GILL, ROSA U.	D	H	33				Sum Total 98-08	\$0
GILLESPIE, MITCH	R	H	85	2000	R J REYNOLDS	\$500	2000 Total	\$500
				2004	R J REYNOLDS	\$500	2004 Total	\$500
				2006	R J REYNOLDS	\$1,000	2006 Total	\$1,000
				2008	R J REYNOLDS	\$1,000	2008 Total	\$1,000
							Sum Total 98-08	\$3,000
GLAZIER, RICK	D	H	45				Sum Total 98-08	\$0
GOFORTH, D. BRUCE	D	H	115	2004	R J REYNOLDS	\$1,000	2004 Total	\$1,000
				2008	LORILLARD	\$500		
					R J REYNOLDS	\$1,000	2008 Total	\$1,500
							Sum Total 98-08	\$2,500
GOODALL, W. EDWARD	R	S	35				Sum Total 98-08	\$0
GOODWIN WADE, MELANIE	D	H	66				Sum Total 98-08	\$0
GOODWIN, WAYNE	D	H	32	2000	ALTRIA/PM	\$100	2000 Total	\$100
							Sum Total 98-08	\$100
GORMAN, MIKE	R	H	3	2004	GOLDEN LEAF FARMS	\$1,000	2004 Total	\$1,000
							Sum Total 98-08	\$1,000
GOSS, STEVE	D	S	45				Sum Total 98-08	\$0
GRADY, ROBERT	R	H	15	1996	R J REYNOLDS	\$250	1996 Total	\$250



Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				2000	ALTRIA/PM	\$100	2000 Total	\$100
				2002	ALTRIA/PM	\$200	2002 Total	\$200
				2004	R J REYNOLDS	\$500		
					US SMOKELESS TOBACCO	\$500	2004 Total	\$1,000
				2006	R J REYNOLDS	\$2,000	2006 Total	\$2,000
				2008	LORILLARD	\$500		
					R J REYNOLDS	\$1,000	2008 Total	\$1,500
								\$5,050
GRAHAM, JAMES A (JIM)	D	AGRIC	SW	1996	ALTRIA/PM	\$400		
					R J REYNOLDS	\$1,000	1996 Total	\$1,400
							Sum Total 98-08	\$1,400
GRAHAM, MALCOLM	D	S	40				Sum Total 98-08	\$0
GRAY, LYONS	R	H	39	1996	R J REYNOLDS	\$1,500	1996 Total	\$1,500
				1998	ALTRIA/PM	\$200	1998 Total	\$200
				2000	BROWN & WILLIAMSON	\$250		
					R J REYNOLDS	\$3,250	2000 Total	\$3,250
							Sum Total 98-08	\$4,700
GUICE, W. DAVID	R	H	113				Sum Total 98-08	\$0
GULLEY, JIM	R	H	103				Sum Total 98-08	\$0
GULLEY, WIB	D	S	18	2002	LIGGETT VECTOR BRANDS	\$1,000	2002 Total	\$1,000
							Sum Total 98-08	\$1,000
GUTHRIE, BILLY	R	AGRIC	SW	2000	TOBACCO WAREHOUSE	\$300	2000 Total	\$300
							Sum Total 98-08	\$300
HACKNEY, JOE	D	H	54	2002	GOLDEN LEAF FARMS	\$4,000	2002 Total	\$4,000
				2004	GOLDEN LEAF FARMS	\$4,000	2004 Total	\$4,000
				2008	BERNSTEIN, RONALD J	\$500		
					LORILLARD	\$500	2008 Total	\$1,000
							Sum Total 98-08	\$9,000
HAGAN, KAY R	D	S	27	1998	LORILLARD	\$500	1998 Total	\$500
				2000	ALTRIA/PM	\$350		
					LORILLARD	\$1,000		
					R J REYNOLDS	\$1,000	2000 Total	\$2,350
				2002	ALTRIA/PM	\$400		
					LORILLARD	\$1,500	2002 Total	\$1,900
				2004	LORILLARD	\$2,000		
					R J REYNOLDS	\$1,000	2004 Total	\$3,000
				2006	LORILLARD	\$4,000	2006 Total	\$4,000
							Sum Total 98-08	\$11,750
HAIR, R. PHILLIP	D	H	52	2000	ALTRIA/PM	\$350		
					R J REYNOLDS	\$1,000	2000 Total	\$1,350

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
							Sum Total 98-08	
							Sum Total 98-08	\$1,350
	D	H	119	2002	ALTRIA/PM	\$100	2002 Total	\$100
				2004	R J REYNOLDS	\$500	2004 Total	\$500
				2008	LORILLARD	\$500	2008 Total	\$500
							Sum Total 98-08	\$1,100
HALL, LARRY D.	D	H	29				Sum Total 98-08	\$0
HANES, ELDRIDGE C.	D	S	20	1996	R J REYNOLDS	\$250	1996 Total	\$250
							Sum Total 98-08	\$250
HARRELL, JAMES	D	H	90	2004	R J REYNOLDS	\$2,000	2004 Total	\$2,000
				2006	ALTRIA/PM	\$500		
					LORILLARD	\$500		
					R J REYNOLDS	\$1,000	2006 Total	\$2,000
				2008	R J REYNOLDS	\$1,000	2008 Total	\$1,000
							Sum Total 98-08	\$5,000
HARRELL, TY	D	H	41				Sum Total 98-08	\$0
HARRIS, OSCAR N.	D	S	22	1998	CENTRAL TOBACCO EXCHANGE	\$500	1998 Total	\$500
				2000	CENTRAL TOBACCO EXCHANGE	\$250	2000 Total	\$250
				2004	CENTRAL TOBACCO EXCHANGE	\$1,000	2004 Total	\$1,000
							Sum Total 98-08	\$1,750
HARRISON, MARY PRICE (PRICEY)	D	H	57	2008	CULLMAN, HUGH	\$250	2008 Total	\$250
							Sum Total 98-08	\$250
HARTSELL JR., FLETCHER L.	R	S	36	1996	ALTRIA/PM	\$200	1996 Total	\$200
				2000	R J REYNOLDS	\$1,000	2000 Total	\$1,000
				2004	GOLDEN LEAF FARMS	\$4,000	2004 Total	\$4,000
				2006	ALTRIA/PM	\$1,500		
					R J REYNOLDS	\$1,000	2006 Total	\$2,500
				2008	R J REYNOLDS	\$1,000	2008 Total	\$1,000
							Sum Total 98-08	\$8,700
HEAGARTY, CHRIS	D	H	41				Sum Total 98-08	\$0
HIATT, WILLIAM S (BILL)	R	H	40	1996	ALTRIA/PM	\$50		
					R J REYNOLDS	\$250	1996 Total	\$300
							Sum Total 98-08	\$300
HILL, DEWEY L.	D	H	20	2000	BROWN & WILLIAMSON	\$250		
					R J REYNOLDS	\$500	2000 Total	\$750
				2002	ALTRIA/PM	\$350		
					LORILLARD	\$200	2002 Total	\$550
				2004	ALTRIA/PM	\$500		
					LORILLARD	\$500		
					R J REYNOLDS	\$1,000	2004 Total	\$2,000
				2006	LORILLARD	\$1,000	2006 Total	\$1,000

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				2008	LORILLARD	\$1,000	2008 Total	\$1,000
							Sum Total 98-08	\$5,300
HILTON, MARK K.	R	H	96				Sum Total 98-08	\$0
HOLLIMAN, L. HUGH	D	H	81	2002	ALTRIA/PM	\$250	2002 Total	\$250
				2004	LORILLARD	\$250	2004 Total	\$250
							Sum Total 98-08	\$500
HOLLOMAN, WAYNE	R	H	9	2000	DIAMOND TOBACCO	\$250	2000 Total	\$250
							Sum Total 98-08	\$250
HOLLOWAY, BRYAN	R	H	91	2006	R J REYNOLDS	\$2,350	2006 Total	\$2,350
				2008	LORILLARD	\$500		
					R J REYNOLDS	\$2,000	2008 Total	\$2,500
							Sum Total 98-08	\$4,850
HOLMES, GEORGE M.	R	H	41	1998	R J REYNOLDS	\$500	1998 Total	\$500
				2000	R J REYNOLDS	\$1,000	2000 Total	\$1,000
				2002	ALTRIA/PM	\$200	2002 Total	\$200
							Sum Total 98-08	\$1,700
HORN, JIM	D	H	48	2000	ALTRIA/PM	\$300		
					R J REYNOLDS	\$1,000	2000 Total	\$1,300
							Sum Total 98-08	\$1,300
HORNER, RICHARD P.	R	S	10	2000	BARNES FARMING CORP	\$2,000		
					STANDARD COMMERCIAL	\$1,700	2000 Total	\$3,700
							Sum Total 98-08	\$3,700
HORTON JR, HAMILTON C.				1996	R J REYNOLDS	\$1,500	1996 Total	\$1,500
	R	S	20	2000	R J REYNOLDS	\$6,250	2000 Total	\$6,250
				2004	R J REYNOLDS	\$200	2004 Total	\$200
							Sum Total 98-08	\$7,950
HOWARD, JULIA CRAVEN	R	H	79	2000	R J REYNOLDS	\$500	2000 Total	\$500
				2004	GOLDEN LEAF FARMS	\$8,000		
					RENEGADE TOBACCO	\$500		
					R J REYNOLDS	\$1,000		
					US SMOKELESS TOBACCO	\$500	2004 Total	\$10,000
				2006	LORILLARD	\$500		
					R J REYNOLDS	\$1,000	2006 Total	\$1,500
							Sum Total 98-08	\$12,000
HOYLE, DAVID W.	D	S	43	1996	ALTRIA/PM	\$200		
					R J REYNOLDS	\$1,000	1996 Total	\$1,200
				1998	ALTRIA/PM	\$250	1998 Total	\$250
				2000	ALTRIA/PM	\$200		
					R J REYNOLDS	\$1,000	2000 Total	\$1,200
				2002	ALTRIA/PM	\$1,000		

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
					LORILLARD	\$1,000		
				2004	US SMOKELESS TOBACCO	\$250	2002 Total	\$2,250
					LORILLARD	\$500		
				2006	R J REYNOLDS	\$4,000	2004 Total	\$4,500
					ALTRIA/PM	\$1,000		
				2008	US SMOKELESS TOBACCO	\$500	2006 Total	\$1,500
					LORILLARD	\$500		
					R J REYNOLDS	\$4,000	2008 Total	\$4,500
							Sum Total 98-08	\$15,400
HUGHES SPAULDING, SANDRA	D	H	18				Sum Total 98-08	\$0
HUNT, JAMES B JR	D	G	SW	1996	ALTRIA/PM	\$3,750		
					R J REYNOLDS	\$8,000	1996 Total	\$11,750
							Sum Total 98-08	\$11,750
HUNT, NEAL	R	S	15	2004	R J REYNOLDS	\$1,000	2004 Total	\$1,000
				2006	R J REYNOLDS	\$3,000	2006 Total	\$3,000
				2008	LORILLARD	\$500		
					R J REYNOLDS	\$3,000	2008 Total	\$3,500
							Sum Total 98-08	\$9,500
HUNTER, ROBERT C. (BOB)	D	H	49	1996	ALTRIA/PM	\$225		
					R J REYNOLDS	\$250	1996 Total	\$475
							Sum Total 98-08	\$475
HURLEY, J. WILLIAM	D	H	18	2000	ALTRIA/PM	\$200		
					R J REYNOLDS	\$500	2000 Total	\$700
							Sum Total 98-08	\$700
HURLEY, PAT B.	R	H	70				Sum Total 98-08	\$0
ILER, FRANK	R	H	17				Sum Total 98-08	\$0
INGLE, DAN W.	R	H	64				Sum Total 98-08	\$0
INSKO, VERLA	D	H	56				Sum Total 98-08	\$0
JACKSON, DARREN G.	D	H	39				Sum Total 98-08	\$0
JACUMIN, JIM	R	S	44				Sum Total 98-08	\$0
JARRELL, MARY	D	H	89	1998	LORILLARD	\$200	1998 Total	\$200
				2000	ALTRIA/PM	\$100		
					LORILLARD	\$500	2000 Total	\$600
							Sum Total 98-08	\$800
JEFFUS, MAGGIE	D	H	59	1998	LORILLARD	\$200	1998 Total	\$200
				2000	ALTRIA/PM	\$400	2000 Total	\$400
				2002	ALTRIA/PM	\$450	2002 Total	\$450
				2006	LORILLARD	\$1,500	2006 Total	\$1,500
				2008	LORILLARD	\$500	2008 Total	\$500
							Sum Total 98-08	\$3,050

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
JENKINS, CLARK	D	S	3	2002	US SMOKELESS TOBACCO	\$1,500	2002 Total	\$1,500
				2006	R J REYNOLDS	\$2,000	2006 Total	\$2,000
				2008	LORILLARD	\$500	2008 Total	\$500
							Sum Total 98-08	\$4,000
JOHNSON, LINDA P.	R	H	83	2002	ALTRIA/PM	\$450	2002 Total	\$450
				2008	LORILLARD	\$500	2008 Total	\$500
							Sum Total 98-08	\$950
JONES, EARL	D	H	60	2004	LORILLARD	\$250	2004 Total	\$250
				2006	LORILLARD	\$1,000	2006 Total	\$1,000
				2008	LORILLARD	\$500		
					LORILLARD	\$500		
					LORILLARD	\$500	2008 Total	\$1,500
			Sum Total 98-08	\$2,750				
JONES, ED	D	S	4				Sum Total 98-08	\$0
JUSTUS, CAROLYN K	R	H	117	2008	LORILLARD	\$500	2008 Total	\$500
								Sum Total 98-08
KERR, JOHN				1996	AMERICAN TOBACCO	\$150	1996 Total	\$150
				1998	ALTRIA/PM	\$500	1998 Total	\$500
				2000		\$1,500		
					ALTRIA/PM	\$700		
					BROWN & WILLIAMSON	\$300		
				2002	R J REYNOLDS	\$1,000	2000 Total	\$3,500
						\$350		
					GOLDEN LEAF FARMS	\$1,000		
				2004	LORILLARD	\$500		
					WHOLESALE-DISTRIBUTOR	\$1,000	2002 Total	\$2,850
						\$100		
					ALTRIA/PM	\$1,250		
					COASTAL PLAINS GIN CO	\$550		
LORILLARD	\$500							
2006	R J REYNOLDS	\$2,000	2004 Total	\$4,400				
	LORILLARD	\$1,000						
	US SMOKELESS TOBACCO	\$500	2006 Total	\$1,500				
			Sum Total 98-08	\$13,900				
KILLIAN, RIC	R	H	105				Sum Total 98-08	\$0
KINCAID, DONALD R.	R	S	27	1996	R J REYNOLDS	\$500	1996 Total	\$500
								Sum Total 98-08
KINNAIRD, ELEANOR	D	S	23				Sum Total 98-08	\$0
KISER, JOE L.	R	H	97	2004	GOLDEN LEAF FARMS	\$1,000		
					US SMOKELESS TOBACCO	\$250	2004 Total	\$1,250

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				2006	R J REYNOLDS	\$1,000	2006 Total	\$1,000
							Sum Total 98-08	\$2,250
LANGDON JR, JAMES H.	R	H	28	2008	LORILLARD	\$500	2008 Total	\$500
							Sum Total 98-08	\$500
LAROQUE, STEPHEN	R	H	10	2002	HUDSON FARMS	\$200	2002 Total	\$700
					R J REYNOLDS	\$500		
				2004	GOLDEN LEAF FARMS	\$1,000	2004 Total	\$1,500
					HUDSON FARMS	\$250		
					US SMOKELESS TOBACCO	\$250		
				2006	ALTRIA/PM	\$1,000	2006 Total	\$2,000
					R J REYNOLDS	\$1,000		
							Sum Total 98-08	\$3,700
LAWSON, BARRY	R	H	91	2002	R J REYNOLDS	\$500	2002 Total	\$500
							Sum Total 98-08	\$500
LEE, HOWARD N.	D	S	16	1996	R J REYNOLDS	\$500	1996 Total	\$500
				1998	ALTRIA/PM	\$550	1998 Total	\$550
				2000	ALTRIA/PM	\$500	2000 Total	\$1,500
					R J REYNOLDS	\$1,000		
				2002	ALTRIA/PM	\$500		
					LIGGETT VECTOR BRANDS	\$300	2002 Total	\$2,050
					LIGGETT VECTOR BRANDS	\$1,250		
							Sum Total 98-08	\$4,600
LEMOND, J SHAWN	R	H	UNK	1996	R J REYNOLDS	\$250	1996 Total	\$250
LEMOND, J SHAWN							Sum Total 98-08	\$250
LEWIS, DAVID	R	H	53	2004	ALTRIA/PM	\$500	2004 Total	\$1,500
					R J REYNOLDS	\$1,000		
				2006	LORILLARD	\$500	2006 Total	\$1,500
					R J REYNOLDS	\$1,000		
				2008	LORILLARD	\$500		
					R J REYNOLDS	\$1,000	2008 Total	\$1,500
							Sum Total 98-08	\$4,500
LEWIS, WILLIAM W (BILL)	R	S	10	1996	STANDARD COMMERCIAL	\$300	1996 Total	\$300
							Sum Total 98-08	\$300
LITTLE, TEENA S.	R	S	16	1996	ALTRIA/PM	\$275	1996 Total	\$775
					R J REYNOLDS	\$500		
				1998	ALTRIA/PM	\$125	1998 Total	\$125
							Sum Total 98-08	\$900
LOCKE, L.W.	D	H	UNK	1996	R J REYNOLDS	\$250	1996 Total	\$250
							Sum Total 98-08	\$250
LOVE SR., JIMMY L.	D	H	51				Sum Total 98-08	\$0

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
LUCAS, MARVIN W.	D	H	42				Sum Total 98-08	\$0
LUEBKE, PAUL	D	H	30				Sum Total 98-08	\$0
MACKEY, NICK	D	H	99				Sum Total 98-08	\$0
MALONE, VERNON	D	S	14				Sum Total 98-08	\$0
MARSHALL, ELAINE F.	D	SS	SW	1996	ALTRIA/PM	\$100	1996 Total	\$100
				2008	BERNSTEIN, RONALD J	\$1,000	2008 Total	\$1,000
							Sum Total 98-08	\$1,100
MARTIN, GRIER	D	H	34				Sum Total 98-08	\$0
MARTIN, R. L. (BOB)	D	S	6	1996	R J REYNOLDS	\$500	1996 Total	\$500
				1998		\$350		
				2000	W S CLARK FARMS	\$500	1998 Total	\$850
					R J REYNOLDS	\$1,000	2000 Total	\$1,000
							Sum Total 98-08	\$2,350
MCCOMAS, DANNY	R	H	19	1996	R J REYNOLDS	\$250	1996 Total	\$250
				2002	GOLDEN LEAF FARMS	\$1,000	2002 Total	\$1,000
				2004	GOLDEN LEAF FARMS	\$1,000		
					LORILLARD	\$300		
					R J REYNOLDS	\$1,500		
					US SMOKELESS TOBACCO	\$250	2004 Total	\$3,050
				2006	R J REYNOLDS	\$1,000	2006 Total	\$1,000
				2008	R J REYNOLDS	\$1,000	2008 Total	\$1,000
							Sum Total 98-08	\$6,300
MCCOMBS, EUGENE	R	H	83	1996	R J REYNOLDS	\$250	1996 Total	\$250
				2000	R J REYNOLDS	\$500	2000 Total	\$500
							Sum Total 98-08	\$750
MCCORMICK, DARRELL G.	R	H	92				Sum Total 98-08	\$0
MCDANIEL, JAMES MARK JR	R	S	20	1996	R J REYNOLDS	\$4,700	1996 Total	\$4,700
							Sum Total 98-08	\$4,700
MCELRAFT, PATRICIA (PAT)	R	H	13	2008	LORILLARD	\$500	2008 Total	\$500
							Sum Total 98-08	\$500
MCGEE, WILLIAM C (BILL)	R	H	75	2006	R J REYNOLDS	\$1,000	2006 Total	\$1,000
				2008	LORILLARD	\$500		
					R J REYNOLDS	\$1,000		
					R J REYNOLDS	\$2,000	2008 Total	\$3,500
							Sum Total 98-08	\$4,500
MCLAWHORN, MARIAN N.	D	H	9	2000	R J REYNOLDS	\$1,000	2000 Total	\$1,000
				2002	ALTRIA/PM	\$250	2002 Total	\$250
				2008	LORILLARD	\$500	2008 Total	\$500
							Sum Total 98-08	\$1,750
MCMAHAN, ED	R	H	104	1998	ALTRIA/PM	\$150	1998 Total	\$150

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				2000	R J REYNOLDS	\$2,000	2000 Total	\$2,000
				2002	ALTRIA/PM	\$300	2002 Total	\$300
				2004	R J REYNOLDS	\$1,000	2004 Total	\$1,000
							Sum Total 98-08	\$3,450
MELTON, MAX	D	H	34	2000	ALTRIA/PM	\$350		
					R J REYNOLDS	\$500	2000 Total	\$850
							Sum Total 98-08	\$850
MERCER, LINWOOD E.	D	H	8	1996	R J REYNOLDS	\$500	1996 Total	\$500
							Sum Total 98-08	\$500
METCALF, JEANNIE A.	R	S	20	2000	R J REYNOLDS	\$500	2000 Total	\$500
							Sum Total 98-08	\$500
METCALF, STEVE	D	S	28	1998	ALTRIA/PM	\$100	1998 Total	\$100
				2000	ALTRIA/PM	\$450		
					R J REYNOLDS	\$1,000	2000 Total	\$1,450
							Sum Total 98-08	\$1,550
MICHAUX JR, H M (MICKEY)	D	H	31	1998	ALTRIA/PM	\$150	1998 Total	\$150
				2006	LORILLARD	\$500	2006 Total	\$500
				2008	LORILLARD	\$500	2008 Total	\$500
							Sum Total 98-08	\$1,150
MILLER, BRAD	D	S	14	2000	ALTRIA/PM	\$250	2000 Total	\$250
							Sum Total 98-08	\$250
MILLER, DEMPSEY	R	H	99	2008	BICKETT, JULIUS	\$100	2008 Total	\$100
							Sum Total 98-08	\$100
MILLS, GREY	R	H	95				Sum Total 98-08	\$0
MIMS, ALLEN L.	R	S	11	1996		\$200		
					STANDARD COMMERCIAL	\$500	1996 Total	\$700
							Sum Total 98-08	\$700
MINER, DAVID	R	H	36	1996	R J REYNOLDS	\$500	1996 Total	\$500
				2000	R J REYNOLDS	\$500	2000 Total	\$500
				2004	CENTRAL TOBACCO EXCHANGE	\$500		
					GOLDEN LEAF FARMS	\$4,000		
					R J REYNOLDS	\$500		
					US SMOKELESS TOBACCO	\$500	2004 Total	\$5,000
							Sum Total 98-08	\$6,000
MITCHELL, FRANK	R	H	42	1996	R J REYNOLDS	\$250	1996 Total	\$250
				1998	ALTRIA/PM	\$200	1998 Total	\$200
				2000	ALTRIA/PM	\$200		
					R J REYNOLDS	\$1,000	2000 Total	\$1,200
				2002	ALTRIA/PM	\$400		
					LORILLARD	\$500		



Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
					R J REYNOLDS	\$1,000	2002 Total	\$1,900
							Sum Total 98-08	\$3,550
MKISSICK JR., FLOYD B.	D	S	20				Sum Total 98-08	\$0
MOBLEY, ANNIE W.	D	H	5				Sum Total 98-08	\$0
MOORE, RICHARD H.	D	TREAS	SW	2000	FRIENDS OF TOBACCO	\$400		
					LIGGETT VECTOR BRANDS	\$4,000		
					LORILLARD	\$700		
					STANDARD COMMERCIAL	\$4,150		
					W S CLARK FARMS	\$600	2000 Total	\$9,850
				2004	LIGGETT VECTOR BRANDS	\$3,250		
					STANDARD COMMERCIAL	\$4,763	2004 Total	\$8,013
				2008	BERNSTEIN, ANN C	\$2,000		
					LONG, JOHN R	\$1,000	2008 Total	\$3,000
							Sum Total 98-08	\$20,863
MOORE, RICHARD L.	D	H	90	1998	ALTRIA/PM	\$500	1998 Total	\$500
							Sum Total 98-08	\$500
MOORE, TIM	R	H	111	2004	GOLDEN LEAF FARMS	\$1,000		
					R J REYNOLDS	\$500	2004 Total	\$1,500
				2006	R J REYNOLDS	\$1,000	2006 Total	\$1,000
							Sum Total 98-08	\$2,500
MORGAN, RICHARD T.	R	H	52	1996	R J REYNOLDS	\$500	1996 Total	\$500
				2000	ALTRIA/PM	\$200		
					R J REYNOLDS	\$1,000	2000 Total	\$1,200
				2002	GOLDEN LEAF FARMS	\$4,000	2002 Total	\$4,000
				2004	GOLDEN LEAF FARMS	\$4,000		
					LORILLARD	\$3,000		
					R J REYNOLDS	\$500		
					R J REYNOLDS	\$5,000		
					US SMOKELESS TOBACCO	\$2,000	2004 Total	\$14,500
				2006	R J REYNOLDS	\$1,000		
					US SMOKELESS TOBACCO	\$1,000	2006 Total	\$2,000
							Sum Total 98-08	\$22,200
MORRIS, AMELIA A. H.	R	H	UNK	1996	R J REYNOLDS	\$250	1996 Total	\$250
							Sum Total 98-08	\$250
MORRIS, MIA	R	H	18	2000	R J REYNOLDS	\$500	2000 Total	\$500
				2002	ALTRIA/PM	\$250	2002 Total	\$250
							Sum Total 98-08	\$750
MOSS, DARRYL D.	D	S	7	2004	R J REYNOLDS	\$1,000	2004 Total	\$1,000
							Sum Total 98-08	\$1,000
MUNFORD, DON	R	H	34	2002	R J REYNOLDS	\$500	2002 Total	\$500

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				2004	R J REYNOLDS	\$1,000	2004 Total	\$1,000
							Sum Total 98-08	\$1,500
NEELY, CHARLES B. JR	R	G	SW	1996	ALTRIA/PM	\$650	1996 Total	\$1,150
					R J REYNOLDS	\$500	1998 Total	\$150
				1998	ALTRIA/PM	\$150		
				2000	BARNES FARMING CORP	\$1,000		
					R J REYNOLDS	\$500	2000 Total	\$6,277
					R J REYNOLDS	\$4,777	Sum Total 98-08	\$7,577
NESBITT JR., MARTIN L.	D	S	49				Sum Total 98-08	\$0
NESBITT, MARTIN L.	D	H	51	1998	ALTRIA/PM	\$150	1998 Total	\$150
				2000	ALTRIA/PM	\$700	2000 Total	\$1,700
					R J REYNOLDS	\$1,000	Sum Total 98-08	\$1,850
NEUMANN, WIL	R	H	108	2006	R J REYNOLDS	\$1,000	2006 Total	\$1,000
							Sum Total 98-08	\$1,000
NORTH CAROLINIANS FOR JOBS AND PROGRESS	A1	BD	NA	2004	R J REYNOLDS	\$200	2004 Total	\$10,200
					R J REYNOLDS	\$10,000	Sum Total 98-08	\$10,200
NYE, EDD	D	H	22	2000	ALTRIA/PM	\$500	2000 Total	\$1,500
					R J REYNOLDS	\$1,000	2004 Total	\$500
				2004	R J REYNOLDS	\$500	Sum Total 98-08	\$2,000
ODOM, T L (FOUNTAIN)	D	S	34	1996		\$100	1996 Total	\$100
				2002	CONWOOD CO	\$1,000	2002 Total	\$1,250
					US SMOKELESS TOBACCO	\$250	Sum Total 98-08	\$1,250
OLDHAM, WARREN (PETE)	D	H	67	2000	ALTRIA/PM	\$100	2000 Total	\$1,550
					R J REYNOLDS	\$1,450	Sum Total 98-08	\$1,550
ORR, ROBERT F (BOB)	R	G	SW	2008	JONES, MURRAY	\$250	2008 Total	\$250
							Sum Total 98-08	\$250
OWENS JR, W C (BILL)	D	H	1	2000	ALTRIA/PM	\$300	2000 Total	\$300
				2002	ALTRIA/PM	\$100	2002 Total	\$300
					LORILLARD	\$200	2004 Total	\$250
				2004	LORILLARD	\$300	2008 Total	\$500
					US SMOKELESS TOBACCO	\$250	Sum Total 98-08	\$1,350
				2008	LORILLARD	\$500		

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year			
PARKER, SARAH	NP	SUPCOURT	SW	2004	R J REYNOLDS	\$1,100	2004 Total	\$1,100		
							Sum Total 98-08	\$1,100		
PARMON, EARLINE W.	D	H	72	2004	R J REYNOLDS	\$1,000	2004 Total	\$1,000		
				2006	R J REYNOLDS	\$1,000	2006 Total	\$1,000		
				2008	R J REYNOLDS	\$2,000	2008 Total	\$4,000		
					R J REYNOLDS	\$2,000				
					Sum Total 98-08	\$6,000				
PATE JR, LOUIS M.	R	H	11	2004	R J REYNOLDS	\$1,000	2004 Total	\$1,000		
				2008	LORILLARD	\$1,000	2008 Total	\$2,000		
					R J REYNOLDS	\$1,000				
					Sum Total 98-08	\$3,000				
PERDUE, BEVERLY EAVES	D	LTG	SW	2000	BROWN & WILLIAMSON	\$500	2000 Total	\$8,750		
					LORILLARD	\$1,000				
				2004	R J REYNOLDS	\$5,000			2004 Total	\$6,250
					TOBACCO MARKET	\$250				
					W S CLARK FARMS	\$2,000				
					LIGGETT VECTOR BRANDS	\$2,000				
				2008	R J REYNOLDS	\$4,000			2008 Total	\$4,000
					TOBACCO MARKET	\$250				
					IVEY, SUSAN M	\$4,000				
					Sum Total 98-08	\$19,000				
PERDUE, BEVERLY M.	D	S	3	1996	ALTRIA/PM	\$100	1996 Total	\$600		
				R J REYNOLDS	\$500					
				1998	ALTRIA/PM	\$500	1998 Total	\$750		
					W S CLARK FARMS	\$250				
Sum Total 98-08	\$1,350									
PETTY, RICHARD	R	SS	SW	1996	ALTRIA/PM	\$300	1996 Total	\$1,300		
					R J REYNOLDS	\$1,000				
					Sum Total 98-08	\$1,300				
PHIPPS, MEG SCOTT	D	AGRIC	SW	2000	STANDARD COMMERCIAL	\$500	2000 Total	\$500		
				2002		\$700	2002 Total	\$3,450		
					ALTRIA/PM	\$500				
					LARRY SAMPSON FARMS	\$250				
					R J REYNOLDS	\$2,000				
				Sum Total 98-08	\$3,950					
Sum Total 98-08	\$0									
PIERCE, GARLAND E.	D	H	48	2002	R J REYNOLDS	\$1,000	2002 Total	\$1,100		
					R J REYNOLDS	\$100				
					2004	R J REYNOLDS	\$300	2004 Total	\$1,300	
						R J REYNOLDS	\$1,000			
						Sum Total 98-08	\$1,300			

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year		
							Sum Total 98-08	\$2,400	
PLYLER, AARON W.	D	S	17	1996	ALTRIA/PM	\$300			
					R J REYNOLDS	\$500	1996 Total	\$800	
				1998	ALTRIA/PM	\$500	1998 Total	\$500	
				2000	ALTRIA/PM	\$450			
					BROWN & WILLIAMSON	\$300			
					R J REYNOLDS	\$1,000	2000 Total	\$1,750	
					Sum Total 98-08	\$3,050			
POPE, J ART	R	H	61	2000	ALTRIA/PM	\$100	2000 Total	\$100	
					\$200.00		Sum Total 98-08	\$100	
PRESNELL, KEITH	R	S	47	2006	R J REYNOLDS	\$2,000	2006 Total	\$2,000	
								Sum Total 98-08	\$2,000
PRESTON, JEAN R.	r	H	13	1996	R J REYNOLDS	\$250	1996 Total	\$250	
				1998	ALTRIA/PM	\$300	1998 Total	\$300	
				2004	R J REYNOLDS	\$500	2004 Total	\$500	
				2006	LORILLARD	\$500	2006 Total	\$500	
				2008	R J REYNOLDS	\$1,000	2008 Total	\$1,000	
							Sum Total 98-08	\$2,550	
PURCELL, WILLIAM R.	D	S	25	2000	ALTRIA/PM	\$100	2000 Total	\$100	
				2002	ALTRIA/PM	\$300	2002 Total	\$200	
							Sum Total 98-08	\$400	
QUEEN, JOE SAM	D	S	47				Sum Total 98-08	\$0	
RAMSEY, LISTON BRYAN	D	H	52	1996	R J REYNOLDS	\$250	1996 Total	\$250	
								Sum Total 98-08	\$250
RAND, ANTHONY E (TONY)	D	S	19	1996	ALTRIA/PM	\$200			
					R J REYNOLDS	\$500	1996 Total	\$700	
				1998	ALTRIA/PM	\$300	1998 Total	\$300	
					2000	ALTRIA/PM	\$450		
				BROWN & WILLIAMSON		\$300			
				R J REYNOLDS		\$1,000	2000 Total	\$1,750	
				2002		ALTRIA/PM	\$1,000		
						US SMOKELESS TOBACCO	\$250	2002 Total	\$1,250
				2004		ALTRIA/PM	\$2,000		
					LORILLARD	\$500			
					R J REYNOLDS	\$2,000	2004 Total	\$4,500	
					2006	ALTRIA/PM	\$1,000		
				LORILLARD		\$1,000			
				R J REYNOLDS		\$1,000			
US SMOKELESS TOBACCO	\$500	2006 Total	\$3,500						
2008	LORILLARD	\$500							

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
					R J REYNOLDS	\$1,000	2008 Total	\$1,500
							Sum Total 98-08	\$13,500
RANDLEMAN, SHIRLEY B.	R	H	94				Sum Total 98-08	\$0
RAO, JAY	R	SS	SW	2004	STANDARD COMMERCIAL	\$100	2004 Total	\$100
							Sum Total 98-08	\$100
RAPP, RAY	D	H	118				Sum Total 98-08	\$0
RAY, KAREN	R	H	95	2006	LORILLARD	\$500		
					R J REYNOLDS	\$1,000		
					US SMOKELESS TOBACCO	\$250	2006 Total	\$1,750
				2008	LORILLARD	\$500		
					R J REYNOLDS	\$1,000	2008 Total	\$1,500
							Sum Total 98-08	\$3,250
RAYFIELD, JOHN MELVIN	R	H	93	1996	R J REYNOLDS	\$250	1996 Total	\$250
							Sum Total 98-08	\$250
REDWINE, E DAVID	D	H	17	1996	ALTRIA/PM	\$425		
					R J REYNOLDS	\$450	1996 Total	\$1,750
				1998	ALTRIA/PM	\$300	1998 Total	\$300
				2000	ALTRIA/PM	\$450		
					R J REYNOLDS	\$1,500	2000 Total	\$1,950
				2002	ALTRIA/PM	\$500		
					US SMOKELESS TOBACCO	\$150	2002 Total	\$650
							Sum Total 98-08	\$3,775
REEVES, ERIC MILLER	D	S	14	1998	ALTRIA/PM	\$250	1998 Total	\$250
				2000	ALTRIA/PM	\$450		
					BROWN & WILLIAMSON	\$250		
					R J REYNOLDS	\$1,500	2000 Total	\$2,200
				2002	ALTRIA/PM	\$700	2002 Total	\$700
							Sum Total 98-08	\$3,150
REYNOLDS, SUZANNE	NP	SUPCOURT	SW	2008	BLYNN, GUY M	\$250		
					LAMBETH, E JULIA	\$1,000	2008 Total	\$1,250
							Sum Total 98-08	\$1,250
RHYNE JR., JOHNATHAN	R	H	129				Sum Total 98-08	\$0
ROBINSON, GEORGE S.	R	S	44	2004	R J REYNOLDS	\$1,000	2004 Total	\$1,000
							Sum Total 98-08	\$1,000
ROBINSON, JONATHAN	R	H	4	1996	R J REYNOLDS	\$250	1996 Total	\$250
							Sum Total 98-08	\$250
ROGERS, GENE	D	H	6	2000	ALTRIA/PM	\$250		
					R J REYNOLDS	\$500	2000 Total	\$750
							Sum Total 98-08	\$750
ROSS, DEBORAH K.	D	H	38				Sum Total 98-08	\$0

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
ROUZER, DAVID	R	S	12	2000	ALTRIA/PM	\$2,950		
					CENTRAL TOBACCO EXCHANGE	\$1,000		
					R J REYNOLDS	\$250	2000 Total	\$4,200
				2008	JONES, MURRAY	\$100		
					LORILLARD	\$1,000		
					R J REYNOLDS	\$1,000		
					R J REYNOLDS	\$1,000	2008 Total	\$3,100
					Sum Total 98-08	\$7,400		
RUCHO, ROBERT A.	R	S	35	1996	R J REYNOLDS	\$500	1996 Total	\$1,000
				2000	ALTRIA/PM	\$250		
					R J REYNOLDS	\$1,500	2000 Total	\$1,750
				2002	ALTRIA/PM	\$650		
					R J REYNOLDS	\$1,000	2002 Total	\$1,650
				2008	R J REYNOLDS	\$1,000	2008 Total	\$1,000
					Sum Total 98-08	\$4,900		
RUSSELL, CAROLYN B.	R	H	77	1996		\$250	1996 Total	\$250
				2000	ALTRIA/PM	\$300		
					BROWN & WILLIAMSON	\$250	2000 Total	\$550
							Sum Total 98-08	\$800
SAGER, EFTON M.	R	H	11				Sum Total 98-08	\$0
SAMUELSON, RUTH	R	H	104				Sum Total 98-08	\$0
SAULS, JOHN	R	H	51	2004	CENTRAL TOBACCO EXCHANGE	\$1,000	2004 Total	\$1,000
SAULS, JOHN							Sum Total 98-08	\$1,000
SAUNDERS, DREW	D	H	54	2000	ALTRIA/PM	\$200		
					R J REYNOLDS	\$1,000	2000 Total	\$1,200
				2002	ALTRIA/PM	\$200	2002 Total	\$200
				2008	R J REYNOLDS	\$1,000	2008 Total	\$1,000
						Sum Total 98-08	\$2,400	
SETZER, MITCHELL S.	R	H	89				Sum Total 98-08	\$0
SEXTON, WAYNE	R	H	73	1996	R J REYNOLDS	\$250	1996 Total	\$250
				1998	ALTRIA/PM	\$250	1998 Total	\$250
				2000	R J REYNOLDS	\$500	2000 Total	\$500
							Sum Total 98-08	\$1,000
SHALLCROSS JR, JOHN S	R	S	11	2000	CENTRAL TOBACCO EXCHANGE	\$1,000	2000 Total	\$1,000
							Sum Total 98-08	\$1,000
SHARPE, JOANNE	R	H	89	1996	R J REYNOLDS	\$250	1996 Total	\$250
				1998	LORILLARD	\$175	1998 Total	\$175
							Sum Total 98-08	\$425
SHAW, LARRY	D	S	21				Sum Total 98-08	\$0
SHAW, ROBERT G.	R	S	19	1996	R J REYNOLDS	\$1,000	1996 Total	\$1,000

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				2000	R J REYNOLDS	\$1,000	2000 Total	\$1,000
							Sum Total 98-08	\$2,000
SHERRILL, WILMA M.	R	H	116	1996	R J REYNOLDS	\$250	1996 Total	\$250
				2000	R J REYNOLDS	\$500	2000 Total	\$500
				2002	ALTRIA/PM	\$250	2002 Total	\$250
				2004	US SMOKELESS TOBACCO	\$250	2004 Total	\$250
							Sum Total 98-08	\$1,250
SHERRON, J. K. JR	D	S	14	1996	ALTRIA/PM	\$200		
					R J REYNOLDS	\$500	1996 Total	\$700
							Sum Total 98-08	\$700
SHUBERT, FERN	R	S	35	2002	ALTRIA/PM	\$200	2002 Total	\$200
							Sum Total 98-08	\$200
SLOAN JR, RB	R	S	41	2002	BEEF & TOBACCO FARM	\$10		
					R J REYNOLDS	\$500	2002 Total	\$510
							Sum Total 98-08	\$510
SMITH, FRED	R	S	12	2004	CENTRAL COMPANIES	\$2,000		
					GOLDEN LEAF FARMS	\$4,000		
					R J REYNOLDS	\$2,000		
					STANDARD COMMERCIAL	\$250	2004 Total	\$8,250
				2006	R J REYNOLDS	\$3,000	2006 Total	\$3,000
							Sum Total 98-08	\$11,250
SMITH, RONALD L.	D	H	4	1998	ALTRIA/PM	\$250	1998 Total	\$250
				2000	ALTRIA/PM	\$200		
					R J REYNOLDS	\$500	2000 Total	\$700
							Sum Total 98-08	\$950
SNOW, JOHN	D	S	50				Sum Total 98-08	\$0
SOLES JR, R C	D	S	18	1996	ALTRIA/PM	\$200	1996 Total	\$200
				1998	ALTRIA/PM	\$500	1998 Total	\$500
				2000	ALTRIA/PM	\$200		
					BROWN & WILLIAMSON	\$300		
					R J REYNOLDS	\$1,000	2000 Total	\$1,500
				2002	ALTRIA/PM	\$500		
					GOLDEN LEAF FARMS	\$1,000	2002 Total	\$1,500
				2008	LORILLARD	\$1,000	2008 Total	\$1,000
							Sum Total 98-08	\$4,700
SOSSAMON JR, LEONARD B	D	H	90	2000	ALTRIA/PM	\$1,000	2000 Total	\$1,000
							Sum Total 98-08	\$1,000
SPEAR, TIMOTHY L (TIM)	D	H	2	2008	LORILLARD	\$500	2008 Total	\$500
							Sum Total 98-08	\$500
STAM, PAUL	R	H	37	2008	LORILLARD	\$1,000		

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				2008	R J REYNOLDS	\$1,000	2008 Total	\$2,000
							Sum Total 98-08	\$2,000
STARNES, EDGAR V.	R	H	87	2002	GOLDEN LEAF FARMS	\$1,000	2002 Total	\$1,000
				2004	R J REYNOLDS	\$500	2004 Total	\$500
				2008	LORILLARD	\$500		
					R J REYNOLDS	\$1,000	2008 Total	\$1,500
							Sum Total 98-08	\$3,000
STEEN II, FRED F	R	H	76	2004	GOLDEN LEAF FARMS	\$500	2004 Total	\$500
							Sum Total 98-08	\$500
STEIN, JOSH	D	S	16		\$0.00		Sum Total 98-08	\$0
STEVENS, RICHARD	R	S	17	2004	GOLDEN LEAF FARMS	\$4,000	2004 Total	\$4,000
							Sum Total 98-08	\$4,000
STEVENS, SARAH	R	H	90				Sum Total 98-08	\$0
STEWART, RANDY	D	H	25				Sum Total 98-08	\$0
STILLER, BONNER	R	H	17	2004	GOLDEN LEAF FARMS	\$1,000	2004 Total	\$1,000
				2006	R J REYNOLDS	\$1,000	2006 Total	\$1,000
				2008	LORILLARD	\$500	2008 Total	\$500
							Sum Total 98-08	\$2,500
STITH, THOMAS	R	LTG	SW	2004	CENTRAL COMPANIES	\$1,000	2004 Total	\$1,000
							Sum Total 98-08	\$1,000
SUTTON, RONNIE	D	H	47	2000	ALTRIA/PM	\$100	2000 Total	\$100
							Sum Total 98-08	\$100
SWINDELL IV, A. B.	D	S	10	2000	ALTRIA/PM	\$500		
					BARNES FARMING CORP	\$1,000		
					R J REYNOLDS	\$2,200		
					THORPE RICKS TOBACCO CO	\$100		
					W S CLARK FARMS	\$250	2000 Total	\$1,475
				2002	ALTRIA/PM	\$500		
					STANDARD COMMERCIAL	\$450		
					US SMOKELESS TOBACCO	\$150	2002 Total	\$1,100
				2004	R J REYNOLDS	\$200		
					R J REYNOLDS	\$2,000		
					STANDARD COMMERCIAL	\$500	2004 Total	\$2,700
				2006	ALTRIA/PM	\$2,000		
					R J REYNOLDS	\$1,000		
					US SMOKELESS TOBACCO	\$250	2006 Total	\$3,250
				2008	R J REYNOLDS	\$1,000	2008 Total	\$1,000
							Sum Total 98-08	\$11,000
TALLENT, TIMOTHY N.	R	H	81	1996	ALTRIA/PM	\$150		
					R J REYNOLDS	\$250	1996 Total	\$400



Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				1998	ALTRIA/PM	\$200	1998 Total	\$200
							Sum Total 98-08	\$600
TARLETON, CULLIE M.	D	H	93				Sum Total 98-08	\$0
TAYLOR, RON	D	H	96	2000	PREMIUM TOBACCO STORES	\$1,000	2000 Total	\$1,000
							Sum Total 98-08	\$1,000
TEAGUE, W B (JUNIOR)	R	H	25	1998	Major Bowes (Individual)	\$200		
					James Coble (Individual)	\$200	1998 Total	\$400
				2000	ALTRIA/PM	\$150		
					R J REYNOLDS	\$500	2000 Total	\$650
							Sum Total 98-08	\$1,050
THOMAS, SCOTT	D	S	2	2002	ALTRIA/PM	\$400		
					TOBACCO MARKET	\$50	2002 Total	\$450
				2004	ALTRIA/PM	\$1,500		
					R J REYNOLDS	\$1,000	2004 Total	\$2,500
							Sum Total 98-08	\$2,950
THOMPSON, GREGORY J.	R	H	UNK	1996	R J REYNOLDS	\$250	1996 Total	\$250
							Sum Total 98-08	\$250
TILLIS, THOM	R	H	98				Sum Total 98-08	\$0
TILLMAN, JERRY W.	R	S	29	2002	R J REYNOLDS	\$500	2002 Total	\$500
				2004	R J REYNOLDS	\$1,000	2004 Total	\$1,000
							Sum Total 98-08	\$1,500
TOLSON, JOE P.	D	H	71	1998	Bertha Davenport (Individual)	\$500		
					Louis Eason	\$100		
					Edwin Stokes Jr	\$200		
					BARNES FARMING CORP	\$250		
					W S CLARK FARMS	\$250	1998 Total	\$1,300
				2000	Edwin Stokes Jr	\$200		
					R J REYNOLDS	\$1,000		
					W S CLARK FARMS	\$250	2000 Total	\$1,450
				2002	ALTRIA/PM	\$200	2002 Total	\$200
				2004	LORILLARD	\$300		
					R J REYNOLDS	\$500	2004 Total	\$800
							Sum Total 98-08	\$3,750
TOLSON, NORRIS	D	AGRIC	SW	1996	R J REYNOLDS	\$250	1996 Total	\$250
				2000	BARNES FARMING CORP	\$1,000		
					W S CLARK FARMS	\$1,000	2000 Total	\$2,000
							Sum Total 98-08	\$2,250
TROXLER, STEVE	R	AGRIC	SW	2000	BARNES FARMING CORP	\$3,000		
					BOB CLARK WAREHOUSE	\$500		
					BROWN & WILLIAMSON	\$1,000		

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
					Fred Burt (Individual)	\$200		
					CENTRAL TOBACCO EXCHANGE	\$4,100		
					EXPORT LEAF TOBACCO CO	\$1,500		
					HALL BROTHERS FARMS	\$125		
					Dan Honeycut (Individual)	\$200		
					LORILLARD	\$400		
					PLANTERS WAREHOUSE	\$1,500		
					R J REYNOLDS	\$600		
					SAMPSON TOBACCO WAREHOUSE	\$200		
					Richard Sears (Individual)	\$150		
					SMOTHER BROTHERS WAREHOUSE	\$625		
					STANDARD COMMERCIAL	\$1,900		
					US TOBACCO/UST	\$500	2000 Total	\$16,500
				2004	CENTRAL TOBACCO EXCHANGE	\$600		
					DIMON INC	\$500		
					EXPORT LEAF TOBACCO CO	\$3,432		
					R J REYNOLDS	\$2,788		
					R J REYNOLDS	\$2,500		
					R J REYNOLDS	\$375		
					SMOTHER BROTHERS WAREHOUSE	\$1,359		
					STANDARD COMMERCIAL	\$100		
					TOBACCO WAREHOUSE	\$500		
					US SMOKELESS TOBACCO	\$200	2004 Total	\$17,754
				2006	UNIVERSAL LEAF TOBACCO CO	\$500	2006 Total	\$500
				2008	LORILLARD	\$2,000		
					R J REYNOLDS	\$1,000	2008 Total	\$3,000
							Sum Total 98-08	\$37,754
TUCKER, RUSSELL E.	D	H	4	2000	ALTRIA/PM	\$100		
					R J REYNOLDS	\$250	2000 Total	\$350
				2002	ALTRIA/PM	\$250		
					LORILLARD	\$200		
					R J REYNOLDS	\$500	2002 Total	\$950
				2006	R J REYNOLDS	\$1,000	2006 Total	\$1,000
							Sum Total 98-08	\$2,300
UNDERHILL, ALICE GRAHAM	D	H	3	2002	ALTRIA/PM	\$250	2002 Total	\$250
							Sum Total 98-08	\$250
VAUGHAN, DONALD R (DON)	D	S	32	1996	LORILLARD	\$250		
					R J REYNOLDS	\$500	1996 Total	\$750
				2008	LORILLARD	\$500		
					LORILLARD	\$500		

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
					R J REYNOLDS	\$1,000	2008 Total	\$2,000
							Sum Total 98-08	\$2,750
VINROOT, RICHARD A.	R	G	SW	2000	ALTRIA/PM	\$2,000		
					Janis Buger (Individual)	\$175		
					COLUMBUS COUNTY TOBACCO WAREHOUSE	\$800		
					HUDSON FARMS	\$500		
					R J REYNOLDS	\$250		
					R J REYNOLDS	\$1,000		
					STANDARD COMMERCIAL	\$500	2000 Total	\$5,225
							Sum Total 98-08	\$5,225
WAINWRIGHT, WILLIAM L.	D	H	12	2004	LORILLARD	\$300		
					R J REYNOLDS	\$500		
					US SMOKELESS TOBACCO	\$250	2004 Total	\$1,050
				2006	LORILLARD	\$1,500		
					R J REYNOLDS	\$1,000		
					US SMOKELESS TOBACCO	\$250	2006 Total	\$2,750
				2008	R J REYNOLDS	\$1,000	2008 Total	\$1,000
							Sum Total 98-08	\$4,800
WALEND, TRUDI	R	H	68	2000	R J REYNOLDS	\$500	2000 Total	\$500
							Sum Total 98-08	\$500
WALKER, R. TRACY	R	H	83	2002	ALTRIA/PM	\$200		
					R J REYNOLDS	\$500	2002 Total	\$700
							Sum Total 98-08	\$700
WALKER, RALPH A.	R	SUPCOURT	SW (2)	2002	LORILLARD	\$250		
					R J REYNOLDS	\$250	2002 Total	\$500
							Sum Total 98-08	\$500
WALTERS, MICHAEL P.	D	S	13				Sum Total 98-08	\$0
WARD, MIKE	D	SPI	SW	2000	LORILLARD	\$200	2000 Total	\$200
							Sum Total 98-08	\$200
WARNER, ALEX	D	H	45	2000	R J REYNOLDS	\$500	2000 Total	\$500
				2004	R J REYNOLDS	\$1,000	2004 Total	\$1,000
				2006	LORILLARD	\$1,000	2006 Total	\$1,000
							Sum Total 98-08	\$2,500
WARREN, EDITH D.	D	H	8	1998		\$1,050	1998 Total	\$1,050
				2000	ALTRIA/PM	\$100		
					R J REYNOLDS	\$1,000	2000 Total	\$1,100
				2004	DIMON INC	\$500	2004 Total	\$500
				2008	LORILLARD	\$500		
					R J REYNOLDS	\$1,000	2008 Total	\$1,500

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
							Sum Total 98-08	
WARREN, EDWARD N.	D	S	9	1996	ALTRIA/PM	\$400		
					W C Monk (Individual)	200		
					R J REYNOLDS	\$500	1996 Total	\$1,100
				1998	ALTRIA/PM	\$500	1998 Total	\$500
				2000	ALTRIA/PM	\$450		
					CAROLINA LEAF TOBACCO CO	\$150		
					R J REYNOLDS	\$2,000		
					TOBACCO WAREHOUSE	\$250	2000 Total	\$2,850
							Sum Total 98-08	\$4,450
WARREN, RAY	D	H	88				Sum Total 98-08	\$0
WARWICK, NURHAM	D	H	22	2000	ALTRIA/PM	\$600		
					BROWN & WILLIAMSON	\$250		
					SAMPSON TOBACCO WAREHOUSE	\$200	2000 Total	\$1,050
				2002	ALTRIA/PM	\$500		
					SAMPSON TOBACCO WAREHOUSE	\$1,000		
					US SMOKELESS TOBACCO	\$150	2002 Total	\$1,650
							Sum Total 98-08	\$2,700
WATSON, CYNTHIA B.	R	H	10	1996	R J REYNOLDS	\$250	1996 Total	\$250
				1998	ALTRIA/PM	\$250	1998 Total	\$250
							Sum Total 98-08	\$500
WEBSTER, HUGH	R	S	21	1996		\$250	1996 Total	\$250
				2000	R J REYNOLDS	\$1,000	2000 Total	\$1,000
				2002	R J REYNOLDS	\$1,000	2002 Total	\$1,000
				2004	R J REYNOLDS	\$1,000	2004 Total	\$1,000
				2006	R J REYNOLDS	\$1,000	2006 Total	\$1,000
							Sum Total 98-08	\$4,250
WEINSTEIN, DAVID F.	D	S	13	1996	ALTRIA/PM	\$500	1996 Total	\$500
				1998	ALTRIA/PM	\$450	1998 Total	\$450
				2000	ALTRIA/PM	\$450		
					R J REYNOLDS	\$1,000		
					ROYSTER FERTILIZER	\$250	2000 Total	\$1,700
				2002	ALTRIA/PM	\$200		
					ROYSTER FERTILIZER	\$500		
					S&P TOBACCO CO	\$5,000	2002 Total	\$5,700
				2004	R J REYNOLDS	\$2,000		
					S&P TOBACCO CO	\$2,000	2004 Total	\$4,000
				2008	R J REYNOLDS	\$1,000		
					STEPHENSON III, DAVID T	\$4,000	2008 Total	\$5,000
							Sum Total 98-08	\$17,350

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
WEISS, JENNIFER	D	H	35				Sum Total 98-08	\$0
WELLONS, ALLEN H.	D	S	11	1998	ALTRIA/PM	\$500	1998 Total	\$500
				2000	ALTRIA/PM	\$700		
					BROWN & WILLIAMSON	\$300		
					R J REYNOLDS	\$2,100	2000 Total	\$3,250
				2002	ALTRIA/PM	\$250		
					GOLDEN LEAF FARMS	\$1,000		
					R J REYNOLDS	\$100	2002 Total	\$1,350
							Sum Total 98-08	\$4,950
WEST, ROGER	R	H	120				Sum Total 98-08	\$0
WHILDEN, JANE	D	H	116				Sum Total 98-08	\$0
WHITE, WOODY	R	S	9	2004	R J REYNOLDS	\$1,000	2004 Total	\$1,000
							Sum Total 98-08	\$1,000
WICKER, DENNIS A.	D	G	SW	1996	ALTRIA/PM	\$300		
					R J REYNOLDS	\$500	1996 Total	\$800
				2000		\$200		
					ALTRIA/PM	\$1,000		
					LORILLARD	\$750		
					R J REYNOLDS	\$3,250		
					STANDARD COMMERCIAL	\$600		
					TOBACCO WAREHOUSE	\$100	2000 Total	\$5,900
							Sum Total 98-08	\$6,700
WILEY, LAURA I.	R	H	61	2006	LORILLARD	\$500	2006 Total	\$500
				2008	LORILLARD	\$500		
					R J REYNOLDS	\$1,000	2008 Total	\$1,500
							Sum Total 98-08	\$2,000
WILKINS, MICHAEL S (MIKE)	D	H	22	1996	R J REYNOLDS	\$250	1996 Total	\$250
							Sum Total 98-08	\$250
WILKINS, W A (WINKIE)	D	H	55	2004	GOLDEN LEAF FARMS	\$1,000	2004 Total	\$1,000
							Sum Total 98-08	\$1,000
WILLIAMS III, ARTHUR J.	D	H	6	2004	R J REYNOLDS	\$500	2004 Total	\$500
				2008	LORILLARD	\$500		
					R J REYNOLDS	\$1,000	2008 Total	\$1,500
							Sum Total 98-08	2000
WILLIAMS, KEITH P.	R	H	14	2002	R J REYNOLDS	\$500	2002 Total	\$500
							Sum Total 98-08	\$500
WILSON, CONNIE	R	H	57	2000	ALTRIA/PM	\$300	2000 Total	\$300
							Sum Total 98-08	\$300
WILSON, GENE	R	H	93	1996	R J REYNOLDS	\$250	1996 Total	\$250
				2000	ALTRIA/PM	\$200		

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				2000	R J REYNOLDS	\$500	2000 Total	\$700
				2002	ALTRIA/PM	\$100	2002 Total	\$100
				2004	R J REYNOLDS	\$500	2004 Total	\$500
				2006	R J REYNOLDS	\$1,000	2006 Total	\$1,000
							Sum Total 98-08	\$2,550
WILSON, GEORGE	R	H	12	1998		\$250	1998 Total	\$250
							Sum Total 98-08	\$250
WILSON, LOU BURROW	R	H	70	2006	R J REYNOLDS	\$500	2006 Total	\$500
							Sum Total 98-08	\$500
WOMBLE, LARRY	D	H	71	2000	R J REYNOLDS	\$1,000	2000 Total	\$1,000
							Sum Total 98-08	\$1,000
WOOD, BETH A.	D	AUD	SW	2008	BERNSTEIN, RONALD	\$25		
					LONG, JOHN	\$25	2008 Total	\$50
							Sum Total 98-08	\$50
WRAY, MICHAEL H.	D	H	27	2006	LORILLARD	\$500	2006 Total	\$500
							Sum Total 98-08	\$500
WRIGHT, THOMAS E.	D	H	18	2000	ALTRIA/PM	\$100		
					R J REYNOLDS	\$500	2000 Total	\$600
				2002	ALTRIA/PM	\$200	2002 Total	\$200
				2004	R J REYNOLDS	\$500	2004 Total	\$500
				2006	LORILLARD	\$1,000	2006 Total	\$1,000
							Sum Total 98-08	\$2,300
WYNN JR, JAMES A.	NP	SUPCOURT	SW	2004	STANDARD COMMERCIAL	\$100	2004 Total	\$100
							Sum Total 98-08	\$100
YONGUE, DOUGLAS Y.	D	H	16	2000	ALTRIA/PM	\$100	2000 Total	\$100
							Sum Total 98-08	\$100
YOUNG, DAVID	D	TREAS	SW	2008	BERNSTEIN, RONALD J	\$1,000	2008 Total	\$1,000
							Sum Total 98-08	\$1,000

## Appendix B: Tobacco Industry Campaign Contributions by Contributor, 1996-2008

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year	
ALTRIA/PM	1996	BALLANTINE, PATRICK J	R	S	4	\$200	1996 Total Altria/PM	\$10,575
		BASNIGHT, MARC	D	S	1	\$250		
		BLACK, JAMES B	D	H	36	\$250		
		CONDER, J RICHARD	D	S	17	\$250		
		COOPER, ROY	D	S	10	\$200		
		DIAMONT, DAVID HUNTER	D	SPI	SW	\$50		
		EASLEY, MICHAEL	D	AG	SW	\$450		
		GRAHAM, JAMES A (JIM)	D	AGRIC	SW	\$400		
		HARTSELL, FLETCHER L JR	R	S	22	\$200		
		HIATT, WILLIAM S (BILL)	R	H	40	\$50		
		HOYLE, DAVID W	D	S	25	\$200		
		HUNT, JAMES B JR	D	G	SW	\$3,750		
		HUNTER, ROBERT C (BOB)	D	H	49	\$225		
		LITTLE, TEENA S	R	S	16	\$275		
		MARSHALL, ELAINE F	D	SS	SW	\$100		
		NEELY, CHARLES B JR	R	H	61	\$650		
		PERDUE, BEVERLY M	D	S	3	\$100		
		PETTY, RICHARD	R	SS	SW	\$300		
		PLYLER, AARON W	D	S	17	\$600		
		RAND, ANTHONY E (TONY)	D	S	24	\$400		
		REDWINE, E DAVID	D	H	14	\$850		
SHERRON, J K JR	D	S	14	\$400				
SOLES JR, R C	D	S	18	\$400				
TALLEN, TIMOTHY N	R	H	81	\$300				
WARREN, EDWARD N	D	S	9	\$800				
WEINSTEIN, DAVID F	D	S	30	\$1,000				
WICKER, DENNIS A	D	LTG	SW	\$600				
	1998	ALBERTSON, CHARLES (CHARLIE) W	D	S	5	\$690	1998 Total Altria/PM	\$15,565
		ARNOLD, GENE	R	H	72	\$350		
		BALANCE JR, FRANK W	D	S	2	\$250		
		BALLANTINE, PATRICK J	R	S	4	\$250		
		BASNIGHT, MARC	D	S	1	\$250		
		BLACK, JAMES B	D	H	36	\$150		
		BLUE, DANIEL	D	H	21	\$150		
		BRAWLEY, C ROBERT	R	H	43	\$150		
		BROWN, JOHN WALTER	R	H	41	\$500		
		BRUBAKER, HAROLD J	R	H	38	\$300		
		CANSLER, LANIER	R	H	51	\$350		
		COLE, NELSON	D	H	25	\$650		
		COOPER, ROY	D	S	10	\$500		
		CREECH, BILLY J	R	H	20	\$450		
		DALTON, WALTER H	D	S	37	\$850		

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		DAUGHTRY, LEO	R	H	95	\$750	
		DEDMON, ANDY	D	H	48	\$200	
		DOCKHAM, JERRY C	R	H	94	\$100	
		EAST, DON W	R	S	12	\$200	
		FAIRCLOTH, HOLT	R	H	4	\$250	
		FITCH JR, MILTON F (TOBY)	D	H	70	\$150	
		GRAY, LYONS	R	H	39	\$200	
		HOYLE, DAVID W	D	S	25	\$250	
		KERR, JOHN	D	S	8	\$500	
		LEE, HOWARD N	D	S	16	\$550	
		LITTLE, TEENA S	R	S	16	\$125	
		MCMAHAN, ED	R	H	55	\$150	
		METCALF, STEVE	D	S	28	\$100	
		MICHAUX JR, H M (MICKEY)	D	H	23	\$150	
		MITCHELL, FRANK	R	H	42	\$200	
		MOORE, RICHARD L	D	H	90	\$500	
		NEELY, CHARLES B JR	R	H	61	\$150	
		NESBITT, MARTIN L	D	H	51	\$150	
		PERDUE, BEVERLY M	D	S	3	\$500	
		PLYLER, AARON W	D	S	17	\$500	
		PRESTON, JEAN R	R	H	4	\$300	
		RAND, ANTHONY E (TONY)	D	S	24	\$300	
		REDWINE, E DAVID	D	H	14	\$300	
		REEVES, ERIC MILLER	D	S	14	\$250	
		SEXTON, WAYNE	R	H	73	\$250	
		SMITH, RONALD L	D	H	4	\$250	
		SOLES JR, R C	D	S	18	\$500	
		TALLENT, TIMOTHY N	R	H	81	\$200	
		WARREN, EDWARD N	D	S	9	\$500	
		WATSON, CYNTHIA B	R	H	10	\$250	
		WEINSTEIN, DAVID F	D	S	30	\$450	
		WELLONS, ALLEN H	D	S	11	\$500	
2000		ALBERTSON, CHARLES (CHARLIE) W	D	S	5	\$450	2000 Total Altria/PM
		ALLEN, GORDON P	D	H	22	\$400	\$31,000
		BADDOUR JR, PHIL	D	H	11	\$450	
		BAKER, REX L	R	H	40	\$200	
		BALLANTINE, PATRICK J	R	S	4	\$500	
		BASNIGHT, MARC	D	S	1	\$500	
		BLACK, JAMES B	D	H	36	\$700	
		BRIDGEMAN, JOHN D	D	H	76	\$100	
		CANSLER, LANIER	R	H	51	\$300	



Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		CARTER, CHARLES	D	S	28	\$250	
		COLE, NELSON	D	H	25	\$700	
		COOPER, ROY	D	AG	SW	\$200	
		COX, LESLIE	D	H	19	\$350	
		CULPEPPER, BILL	D	H	86	\$550	
		DALTON, WALTER H	D	S	37	\$700	
		DEDMON, ANDY	D	H	48	\$300	
		EASLEY, MICHAEL	D	G	SW	\$2,000	
		EDWARDS JR, ZENO L	D	H	2	\$200	
		ELLIS, JAMES S	R	H	15	\$200	
		FORRESTER, JAMES (JIM)	R	S	39	\$100	
		GARROU, LINDA	D	S	20	\$900	
		GARWOOD, JOHN	R	S	27	\$400	
		GOODWIN, WAYNE	D	H	32	\$100	
		GRADY, ROBERT	R	H	80	\$100	
		HAGAN, KAY R	D	S	32	\$350	
		HAIR, R PHILLIP	D	H	52	\$350	
		HORN, JIM	D	H	48	\$300	
		HOYLE, DAVID W	D	S	25	\$200	
		HURLEY, J WILLIAM	D	H	18	\$200	
		JARRELL, MARY	D	H	89	\$100	
		JEFFUS, MAGGIE	D	H	89	\$400	
		KERR, JOHN	D	S	8	\$700	
		LEE, HOWARD N	D	S	16	\$500	
		MELTON, MAX	D	H	34	\$350	
		METCALF, STEVE	D	S	28	\$450	
		MILLER, BRAD	D	S	14	\$250	
		MITCHELL, FRANK	R	H	42	\$200	
		MORGAN, RICHARD T	R	H	31	\$200	
		NESBITT, MARTIN L	D	H	51	\$700	
		NYE, EDD	D	H	96	\$500	
		OLDHAM, WARREN (PETE)	D	H	67	\$100	
		OWENS JR, W C (BILL)	D	H	1	\$300	
		PLYLER, AARON W	D	S	17	\$450	
		POPE, J ART	R	H	61	\$100	
		PURCELL, WILLIAM R	D	S	17	\$100	
		RAND, ANTHONY E (TONY)	D	S	24	\$450	
		REDWINE, E DAVID	D	H	14	\$450	
		REEVES, ERIC MILLER	D	S	14	\$450	
		ROGERS, GENE	D	H	6	\$250	
		ROUZER, DAVID	R	AGRIC	SW	\$2,950	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		RUCHO, ROBERT A	R	S	35	\$250	
		RUSSELL, CAROLYN B	R	H	77	\$300	
		SAUNDERS, DREW	D	H	54	\$200	
		SMITH, RONALD L	D	H	4	\$200	
		SOLES JR, R C	D	S	18	\$200	
		SOSSAMON JR, LEONARD B	D	H	90	\$1,000	
		SUTTON, RONNIE	D	H	85	\$100	
		SWINDELL IV, A B	D	S	10	\$500	
		TEAGUE, W B (JUNIOR)	R	H	25	\$150	
		TUCKER, RUSSELL E	D	H	10	\$100	
		VINROOT, RICHARD A	R	G	SW	\$2,000	
		WARREN, EDITH D	D	H	8	\$100	
		WARREN, EDWARD N	D	S	9	\$450	
		WARWICK, NURHAM	D	H	12	\$600	
		WEINSTEIN, DAVID F	D	S	30	\$450	
		WELLONS, ALLEN H	D	S	11	\$700	
		WICKER, DENNIS A	D	G	SW	\$1,000	
		WILSON, CONNIE	R	H	57	\$300	
		WILSON, GENE	R	H	40	\$200	
		WRIGHT, THOMAS E	D	H	98	\$100	
		YONGUE, DOUGLAS Y	D	H	16	\$100	
	2002	ALBERTSON, CHARLES (CHARLIE) W	D	S	10	\$500	2002 Total Altria/PM
		ALLEN, GORDON P	D	H	55	\$700	\$25,600
		ALLRAN, AUSTIN M	R	S	44	\$200	
		BALLANTINE, PATRICK J	R	S	9	\$1,000	
		BARBEE SR, BOBBY HAROLD	R	H	70	\$250	
		BARNHART, JEFF	R	H	75	\$350	
		BASNIGHT, MARC	D	S	1	\$1,000	
		BERGER, PHILIP E	R	S	26	\$600	
		BLACK, JAMES B	D	H	100	\$1,000	
		BLUST, JOHN M	R	H	62	\$200	
		BUCHANAN, CHARLES M	R	H	84	\$200	
		BUTTERFIELD, JEAN FARMER	D	H	24	\$100	
		COATES, LORENE T	D	H	77	\$250	
		COLE, NELSON	D	H	65	\$750	
		COX, LESLIE	D	H	51	\$250	
		CRAWFORD, JIM	D	H	32	\$200	
		CULPEPPER, BILL	D	H	2	\$1,000	
		DALTON, WALTER H	D	S	46	\$1,000	
		DAUGHTRY, LEO	R	H	28	\$500	
		DEDMON, ANDY	D	H	111	\$450	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		DOCKHAM, JERRY C	R	H	80	\$250	
		ELLIS, JAMES S	R	H	39	\$200	
		FORRESTER, JAMES (JIM)	R	S	42	\$450	
		FOXX, VIRGINIA	R	S	45	\$200	
		GARROU, LINDA	D	S	32	\$450	
		GARWOOD, JOHN	R	S	30	\$250	
		GIBSON, PRYOR	D	H	69	\$250	
		GRADY, ROBERT	R	H	15	\$200	
		HAGAN, KAY R	D	S	27	\$400	
		HAIRE, R PHILIP	D	H	119	\$100	
		HILL, DEWEY L	D	H	20	\$350	
		HOLLIMAN, L HUGH	D	H	81	\$250	
		HOLMES, GEORGE M	R	H	92	\$200	
		HOYLE, DAVID W	D	S	43	\$1,000	
		JEFFUS, MAGGIE	D	H	59	\$450	
		JOHNSON, LINDA P	R	H	74	\$450	
		LEE, HOWARD N	D	S	23	\$500	
		MCLAWHORN, MARIAN N	D	H	9	\$250	
		MCMAHAN, ED	R	H	105	\$300	
		MITCHELL, FRANK	R	H	96	\$400	
		MORRIS, MIA	R	H	41	\$250	
		OWENS JR, W C (BILL)	D	H	1	\$100	
		PHIPPS, MEG SCOTT	D	AGRIC	SW	\$500	
		PURCELL, WILLIAM R	D	S	25	\$300	
		RAND, ANTHONY E (TONY)	D	S	19	\$1,000	
		REDWINE, E DAVID	D	H	17	\$500	
		REEVES, ERIC MILLER	D	S	16	\$700	
		RUCHO, ROBERT A	R	S	39	\$650	
		SAUNDERS, DREW	D	H	99	\$200	
		SHERRILL, WILMA M	R	H	116	\$250	
		SHUBERT, FERN	R	S	35	\$200	
		SOLES JR, R C	D	S	8	\$500	
		SWINDELL IV, A B	D	S	11	\$500	
		THOMAS, SCOTT	D	S	2	\$400	
		TOLSON, JOE P	D	H	23	\$200	
		TUCKER, RUSSELL E	D	H	10	\$250	
		UNDERHILL, ALICE GRAHAM	D	H	3	\$250	
		WALKER, R TRACY	R	H	83	\$200	
		WARWICK, NURHAM	D	H	22	\$500	
		WEINSTEIN, DAVID F	D	S	13	\$200	
		WELLONS, ALLEN H	D	S	12	\$250	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		WILSON, GENE	R	H	82	\$100	
		WRIGHT, THOMAS E	D	H	18	\$200	
	2004	BRUBAKER, HAROLD J	R	H	78	\$500	2004 Total Altria/PM
		COLE, NELSON	D	H	65	\$1,000	\$31,500
		EASLEY, MICHAEL	D	G	SW	\$24,250	
		HILL, DEWEY L	D	H	20	\$500	
		KERR, JOHN	D	S	5	\$1,250	
		LEWIS, DAVID	R	H	53	\$500	
		RAND, ANTHONY E (TONY)	D	S	19	\$2,000	
		THOMAS, SCOTT	D	S	2	\$1,500	
	2006	BARNHART, JEFF	R	H	82	\$1,000	2006 Total Altria/PM
		BASNIGHT, MARC	D	S	1	\$1,000	\$19,000
		BERGER, PHILIP E	R	S	26	\$1,000	
		BLACK, JAMES B	D	H	100	\$1,000	
		COLE, NELSON	D	H	65	\$1,000	
		COOPER, ROY	D	AG	SW	\$4,000	
		CRAWFORD, JIM	D	H	32	\$500	
		DALTON, WALTER H	D	S	46	\$2,000	
		GIBSON, PRYOR	D	H	69	\$500	
		HARRELL, JAMES	D	H	90	\$500	
		HARTSELL, FLETCHER L JR	R	S	36	\$1,500	
		HOYLE, DAVID W	D	S	43	\$1,000	
		LAROQUE, STEPHEN	R	H	10	\$1,000	
		RAND, ANTHONY E (TONY)	D	S	19	\$1,000	
		SWINDELL IV, A B	D	S	11	\$2,000	
	2008	COOPER, ROY	D	AG	SW	\$4,000	2008 Total Altria/PM
							\$4,000
							<b>1996-2008 Total Altria/PM</b>
							<b>\$137,240</b>
AMERICAN TOBACCO	1996	KERR, JOHN	D	S	8	\$150	1996 American Tobacco Total
							\$150
							<b>1996-2008 Total American Tobacco</b>
							<b>\$50</b>
B&W EXPORT LEAF TOBACCO	2000	BOYD, GRAHAM	D	AGRIC	SW	\$1,000	2000 Total B&W Export Leaf Tobacco
							\$1,000
							<b>1996-2008 Total B&amp;W Export Leaf Tobacco</b>
							<b>\$1,000</b>
BARNES FARMING CORP	1998	COOPER, ROY	D	S	10	\$2,500	1998 Total Barnes Farming Corp
		TOLSON, JOE P	D	H	71	\$250	\$2,750
	2000	COOPER, ROY	D	AG	SW	\$7,000	2000 Total Barnes Farming Corp
		DAUGHTRY, LEO	R	G	SW	\$4,000	\$33,000
		EASLEY, MICHAEL	D	G	SW	\$14,000	
		HORNER, RICHARD P	R	S	10	\$2,000	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		NEELY, CHARLES B JR	R	G	SW	\$1,000	
		SWINDELL IV, A B	D	S	10	\$1,000	
		TOLSON, NORRIS	D	AGRIC	SW	\$1,000	
		TROXLER, STEVE	R	AGRIC	SW	\$3,000	
							<b>1996-2008 Total Barnes Farming Corp \$35,750</b>
BEEF & TOBACCO FARM	2002	SLOAN JR, RB	R	S	41	\$10	2002 Total Beef & Tobacco Farm \$10
							<b>1996-2008 Total Beef &amp; Tobacco Farm \$10</b>
BERNSTEIN, ANN C (Individual)	2008	DELLINGER, HAMPTON	D	LTG	SW	\$4,000	2008 Total Ann Bernstein \$6,000
		MOORE, RICHARD H	D	G	SW	\$2,000	
							<b>1996-2008 Total Ann Bernstein \$6,000</b>
BERNSTEIN, RONALD (Individual)	2008	WOOD, BETH A	D	AUD	SW	\$25	2008 Total Ronald Bernstein \$4,525
		DELLINGER, HAMPTON	D	LTG	SW	\$2,000	
		HACKNEY, JOE	D	H	54	\$500	
		MARSHALL, ELAINE F	D	SS	SW	\$1,000	
		YOUNG, DAVID	D	TREAS	SW	\$1,000	
							<b>1996-2008 Total Ronald Bernstein \$4,525</b>
BICKETT, JULIUS (Individual)	2008	MILLER, DEMPSEY	R	H	99	\$100	2008 Total Julius Bickett \$100
							<b>1996-2008 Total Julius Bickett \$100</b>
BLYNN, GUY M (Individual)	2008	REYNOLDS, SUZANNE	NP	SC	SW	\$250	2008 Total Guy Blynn \$250
							<b>1996-2008 Total Guy Blynn \$250</b>
BOB CLARK WAREHOUSE	2000	TROXLER, STEVE	R	AGRIC	SW	\$500	2000 Total Bob Clark Warehouse \$500
							<b>1996-2008 Total Bob Clark Warehouse \$500</b>
BROWN & WILLIAMSON TOBACCO	2000	ALBERTSON, CHARLES (CHARLIE) W	D	S	5	\$300	2000 Total Brown and Williamson Tobacco \$11,200
		ALEXANDER, MARTHA	D	H	56	\$250	
		ALLEN, GORDON P	D	H	22	\$250	
		BADDOUR JR, PHIL	D	H	11	\$250	
		BAKER, REX L	R	H	40	\$250	
		BALLANCE JR, FRANK W	D	S	2	\$300	
		BALLANTINE, PATRICK J	R	S	4	\$300	
		BASNIGHT, MARC	D	S	1	\$500	
		BLACK, JAMES B	D	H	36	\$500	
		CANSLER, LANIER	R	H	51	\$250	
		COOPER, ROY	D	AG	SW	\$2,000	
		COX, LESLIE	D	H	19	\$250	
		DAUGHTRY, LEO	R	H	95	\$250	
		EASLEY, MICHAEL	D	G	SW	\$1,000	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		GARROU, LINDA	D	S	20	\$300	
		GRAY, LYONS	R	H	39	\$250	
		HILL, DEWEY L	D	H	14	\$250	
		KERR, JOHN	D	S	8	\$300	
		PERDUE, BEVERLY EAVES	D	LTG	SW	\$500	
		PLYLER, AARON W	D	S	17	\$300	
		RAND, ANTHONY E (TONY)	D	S	24	\$300	
		REEVES, ERIC MILLER	D	S	14	\$250	
		RUSSELL, CAROLYN B	R	H	77	\$250	
		SOLES JR, R C	D	S	18	\$300	
		TROXLER, STEVE	R	AGRIC	SW	\$1,000	
		WARWICK, NURHAM	D	H	12	\$250	
		WELLONS, ALLEN H	D	S	11	\$300	
							<b>1996-2008 Total Brown and Williamson Tobacco \$11,200</b>
CAROLINA LEAF TOBACCO CO	2000	WARREN, EDWARD N	D	S	9	\$150	2000 Total Carolina Leaf Tobacco Co \$150
							<b>1996-2008 Total Carolina Leaf Tobacco Co \$150</b>
CAROLINA TOBACCO WAREHOUSE	1998	DAUGHTRY, LEO	R	H	95	\$4,000	1998 Total Carolina Tobacco Warehouse \$4,000
	2000	DAUGHTRY, LEO	R	G	SW	\$2,250	2000 Total Carolina Tobacco Warehouse \$2,250
							<b>1996-2008 Total Carolina Tobacco Warehouse \$6,250</b>
CENTRAL COMPANIES	2004	BALLANTINE, PATRICK J	R	G	SW	\$4,000	2004 Total Carolina Tobacco Warehouse \$7,000
		SMITH, FRED	R	S	12	\$2,000	
		STITH, THOMAS	R	LTG	SW	\$1,000	
							<b>1996-2008 Total Carolina Tobacco Warehouse \$7,000</b>
CENTRAL TOBACCO EXCHANGE	1998	DAUGHTRY, LEO	R	H	95	\$4,000	1998 Total Central Tobacco Exchange \$4,500
		HARRIS, OSCAR N	D	S	15	\$500	
	2000	BERGER, DOUG	D	LABOR	SW	\$500	2000 Total Central Tobacco Exchange \$18,850
		BOYCE, DANIEL	R	AG	SW	\$500	
		CAUSEY, MIKE	R	INS COMM	SW	\$1,000	
		DAUGHTRY, LEO	R	G	SW	\$4,000	
		DAVIDSON, TOM	R	AGRIC	SW	\$3,500	
		EASLEY, MICHAEL	D	G	SW	\$3,000	
		HARRIS, OSCAR N	D	S	15	\$250	
		ROUZER, DAVID	R	AGRIC	SW	\$1,000	
		SHALLCROSS JR, JOHN S	R	S	11	\$1,000	
		TROXLER, STEVE	R	AGRIC	SW	\$4,100	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year	
	2004	BALLANTINE, PATRICK J	R	G	SW	\$4,000	2004 Total Central Tobacco Exchange	\$18,850
		COBB, BRITT	D	AGRIC	SW	\$6,000		
		HARRIS, OSCAR N	D	S	22	\$1,000		
		MINER, DAVID	R	H	36	\$500		
		SAULS, JOHN	R	H	51	\$1,000		
		TROXLER, STEVE	R	AGRIC	SW	\$6,000		
							<b>1996-2008 Total Central Tobacco Exchange</b>	<b>\$41,850</b>
CIGAR ASSOC OF AMERICA	2006	BLACK, JAMES B	D	H	100	\$2,000	2006 Total Cigar Assoc Of America	\$4,000
		BRUBAKER, HAROLD J	R	H	78	\$2,000	<b>1996-2008 Total Cigar Assoc of America</b>	<b>\$4,000</b>
COASTAL PLAINS GIN CO	2004	KERR, JOHN	D	S	5	\$550	2004 Total Coastal Plains Gin Co	\$550
							<b>1996-2008 Total Coastal Plains Gin Co</b>	<b>\$550</b>
COLUMBUS COUNTY TOBACCO WAREHOUSE	2000	DAUGHTRY, LEO	R	G	SW	\$100	2000 Total Columbus County Tobacco Warehouse	\$900
		VINROOT, RICHARD A	R	G	SW	\$800		
							<b>1996-2008 Total Columbus County Tobacco Warehouse</b>	<b>\$900</b>
COMMONWEALTH BRANDS	2006	BERGER, PHILIP E	R	S	26	\$1,250	2006 Total Commonwealth Brands	\$5,142
		COLE, NELSON	D	H	65	\$3,892	<b>1996-2008 Total Columbus County Tobacco Warehouse</b>	<b>\$5,142</b>
CONWAY COMPANY LLC	2004	ALLRED, CARY D	R	H	64	\$1,000	2004 Total Conway Company LLC	\$500
							<b>1996-2008 Total Conway Company LLC</b>	<b>\$500</b>
CONWOOD CO	2002	ODOM, T L (FOUNTAIN)	D	S	40	\$1,000	2002 Total Conwood Co	\$1,000
CONWOOD CO	2004	BLACK, JAMES B	D	H	100	\$1,000	2004 Total Conwood Co	\$1,000
CONWOOD CO	2006	BELL, LARRY M	D	H	21	\$500	2006 Total Conwood Co	\$500
							<b>1996-2008 Total Conwood Co</b>	<b>\$2,500</b>
CULLMAN, HUGH (Individual)	2008	HARRISON, MARY PRICE (PRICEY)	D	H	57	\$250	2008 Total Hugh Cullman	\$250
							<b>1996-2008 Total Hugh Cullman</b>	<b>\$250</b>
DIAMOND TOBACCO	2000	EASLEY, MICHAEL	D	G	SW	\$1,450	2000 Total Diamond Tobacco	\$1,700
		HOLLOMAN, WAYNE	R	H	9	\$250		
							<b>1996-2008 Total Diamond Tobacco</b>	<b>\$1,700</b>
DIMON INC	2000	DAUGHTRY, LEO	R	G	SW	\$2,000	2000 Total Dimon Inc	\$2,000
	2004	BALLANTINE, PATRICK J	R	G	SW	\$500	2004 Total Dimon Inc	\$1,500

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		TROXLER, STEVE	R	AGRIC	SW	\$500	
		WARREN, EDITH D	D	H	8	\$500	
							<b>1996-2008 Total Dimon Inc \$3,500</b>
EXPORT LEAF TOBACCO CO	1998	BRYANT, JOHN W	R	S	14	\$250	1998 Total Export Leaf Tobacco Co \$250
	2000	BRYANT, JOHN W	R	S	14	\$200	2000 Total Export Leaf Tobacco Co \$1,700
	2000	TROXLER, STEVE	R	AGRIC	SW	\$1,500	
	2004	TROXLER, STEVE	R	AGRIC	SW	\$3,432	2004 Total Export Leaf Tobacco Co \$3,432
							<b>1996-2008 Total Export Leaf Tobacco Co \$5,382</b>
FARMERS TOBACCO WHOLESAL	1998	DAUGHTRY, LEO	R	H	95	\$1,375	1998 Farmers Tobacco Wholesale \$1,375
	2000	DAUGHTRY, LEO	R	G	SW	\$1,000	2000 Farmers Tobacco Wholesale \$1,000
							<b>1996-2008 Total Farmers Tobacco Wholesale \$2,375</b>
FRIENDS OF TOBACCO	2000	MOORE, RICHARD H	D	TREAS	SW	\$400	2000 Total Friends of Tobacco \$400
							<b>1996-2008 Total Friends of Tobacco \$400</b>
GOLD LEAF TOBACCO WAREHOUSE	2000	BAKER, REX L	R	H	40	\$500	2000 Total Gold Leaf Tobacco Warehouse \$500
							<b>1996-2008 Total Gold Leaf Tobacco Warehouse \$500</b>
GOLDEN LEAF FARMS	2002	ALLEN, GORDON P	D	H	55	\$1,000	2002 Total Golden Leaf Farms \$27,000
		BADDOUR JR, PHIL	D	H	11	\$4,000	
		BLACK, JAMES B	D	H	100	\$4,000	
		BUCHANAN, CHARLES M	R	H	84	\$1,000	
		CLODFELTER, DANIEL G	D	S	37	\$1,000	
		DAUGHTRY, LEO	R	H	28	\$1,000	
		DEDMON, ANDY	D	H	111	\$1,000	
		GIBSON, PRYOR	D	H	69	\$1,000	
		HACKNEY, JOE	D	H	54	\$4,000	
		KERR, JOHN	D	S	7	\$1,000	
		MCCOMAS, DANNY	R	H	19	\$1,000	
		MORGAN, RICHARD T	R	H	52	\$4,000	
		SOLES JR, R C	D	S	8	\$1,000	
		STARNES, EDGAR V	R	H	87	\$1,000	
		WELLONS, ALLEN H	D	S	12	\$1,000	
	2004	ALLEN, BERNARD	R	H	33	\$1,000	2004 Total Golden Leaf Farms \$82,000
	2004	BAKER, REX L	R	H	91	\$1,000	
		BARNHART, JEFF	R	H	82	\$4,000	
		BLACK, JAMES B	D	H	100	\$8,000	



Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		CLARY, DEBBIE ANN	R	H	110	\$1,000	
		CLODFELTER, DANIEL G	D	S	37	\$2,000	
		CONRAD, THAYNE N	R	H	41	\$4,000	
		COOPER, ROY	D	AG	SW	\$8,000	
		CULPEPPER, BILL	D	H	2	\$4,000	
		DALTON, WALTER H	D	S	46	\$4,000	
		EDDINS, RICK	R	H	40	\$1,000	
		GIBSON, PRYOR	D	H	69	\$4,000	
		GORMAN, MIKE	R	H	3	\$1,000	
		HACKNEY, JOE	D	H	54	\$4,000	
		HARTSELL, FLETCHER L JR	R	S	36	\$4,000	
		HOWARD, JULIA CRAVEN	R	H	79	\$8,000	
		KISER, JOE L	R	H	97	\$1,000	
		LAROQUE, STEPHEN	R	H	10	\$1,000	
		MCCOMAS, DANNY	R	H	19	\$1,000	
		MINER, DAVID	R	H	36	\$4,000	
		MOORE, TIM	R	H	111	\$1,000	
		MORGAN, RICHARD T	R	H	52	\$4,000	
		SMITH, FRED	R	S	12	\$4,000	
		STEEN II, FRED F	R	H	76	\$1,000	
		STEVENS, RICHARD	R	S	17	\$4,000	
		STILLER, BONNER	R	H	17	\$1,000	
		WILKINS, W A (WINKIE)	D	H	55	\$1,000	
							<b>1996-2008 Total Golden Leaf Farms \$109,000</b>
HALL BROTHERS FARMS	2000	DAUGHTRY, LEO	R	G	SW	\$250	2000 Total Hall Brothers Farms \$375
		TROXLER, STEVE	R	AGRIC	SW	\$125	
							<b>1996-2008 Total Hall Brothers Farms \$375</b>
HUDSON FARMS	2000	BOYD, GRAHAM	D	AGRIC	SW	\$1,000	2000 Total Hudson Farms \$3,000
		DAUGHTRY, LEO	R	G	SW	\$1,500	
		VINROOT, RICHARD A	R	G	SW	\$500	
	2002	ALBERTSON, CHARLES (CHARLIE) W	D	S	10	\$400	2002 Total Hudson Farms \$700
		LAROQUE, STEPHEN	R	H	10	\$200	
	2004	BALLANTINE, PATRICK J	R	G	SW	\$4,000	2004 Total Hudson Farms \$4,250
		LAROQUE, STEPHEN	R	H	10	\$250	
							<b>1996-2008 Total Hudson Farms \$7,950</b>
IVEY, SUSAN M (Individual)	2008	GARROU, LINDA	D	S	32	\$1,000	2008 Total Susan Ivey \$5,000
		PERDUE, BEVERLY EAVES	D	G	SW	\$4,000	
							<b>1996-2008 Total Susan Ivey \$5,000</b>

<b>Contributor</b>	<b>Year</b>	<b>Recipients</b>	<b>Party</b>	<b>Office</b>	<b>District</b>	<b>Amount</b>	<b>Total By Year</b>	
JONES, MURRAY	2008	BARRETT, DAN	NP	APPELL	SW	\$50	2008 Total Murray Jones	\$400
		ORR, ROBERT F (BOB)	R	G	SW	\$250		
		ROUZER, DAVID	R	S	12	\$100		
							<b>1996-2008 Total Murray Jones</b>	<b>\$400</b>
LAMBETH, E JULIA	2008	REYNOLDS, SUZANNE	NP	SC	SW	\$1,000	2008 Total Julia Lambeth	\$1,000
							<b>1996-2008 Total Julia Lambeth</b>	<b>\$1,000</b>
LARRY SAMPSON FARMS	2002	PHIPPS, MEG SCOTT	D	AGRIC	SW	\$250	2002 Total Larry Sampson Farms	\$250
	2004	EASLEY, MICHAEL	D	G	SW	\$2,000	2004 Total Larry Sampson Farms	\$2,000
							<b>1996-2008 Total Larry Sampson Farms</b>	<b>\$2,250</b>
LIGGETT & MYERS TOBACCO CO	2002	LEE, HOWARD N	D	S	23	\$300	2002 Total Liggett & Myers Tobacco Co	\$300
							<b>1996-2008 Total Liggett &amp; Myers Tobacco Co</b>	<b>\$300</b>
LIGGETT VECTOR BRANDS	2000	EASLEY, MICHAEL	D	G	SW	\$4,000	2000 Total Liggett Vector Brands	\$8,000
		MOORE, RICHARD H	D	TREAS	SW	\$4,000		
	2002	ALLEN, GORDON P	D	H	55	\$2,250	2002 Total Liggett Vector Brands	\$13,130
		BLACK, JAMES B	D	H	100	\$500		
		GULLEY, WIB	D	S	18	\$1,000		
		LEE, HOWARD N	D	S	23	\$1,250		
	2004	BLACK, JAMES B	D	H	100	\$1,850	2004 Total Liggett Vector Brands	\$13,800
		BUXTON, J B	D	SPI	SW	\$500		
		COBB, BRITT	D	AGRIC	SW	\$1,700		
		COOPER, ROY	D	AG	SW	\$2,500		
EASLEY, MICHAEL		D	G	SW	\$2,000			
MOORE, RICHARD H		D	TREAS	SW	\$3,250			
PERDUE, BEVERLY EAVES	D	LTG	SW	\$2,000				
2006	BASNIGHT, MARC	D	S	1	\$1,000	2006 Total Liggett Vector Brands	\$5,200	
	BLACK, JAMES B	D	H	100	\$4,200			
							<b>1996-2008 Total Liggett Vector Brands</b>	<b>\$32,000</b>
LONG, JOHN (Individual)	2008	WOOD, BETH A	D	AUD	SW	\$25	2008 Total John Long	\$2,125
		DELLINGER, HAMPTON	D	LTG	SW	\$1,100		
		MOORE, RICHARD H	D	G	SW	\$1,000		
							<b>1996-2008 Total John Long</b>	<b>\$2,125</b>
LORILLARD TOBACCO	1996	ARNOLD, STEVE	R	LTG	SW	\$250	1996 Total Lorillard Tobacco	\$925
		DULL, W DEAN	R	S	32	\$250		
		EASLEY, MICHAEL	D	AG	SW	\$1,100		

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year	
		VAUGHAN, DONALD R (DON)	D	S	32	\$250		
	1998	BOWIE, JOANNE W	R	H	29	\$500	1998 Total Lorillard Tobacco	\$788
		HAGAN, KAY R	D	S	32	\$500		
		JARRELL, MARY	D	H	89	\$200		
		JEFFUS, MAGGIE	D	H	89	\$200		
		SHARPE, JOANNE	R	H	89	\$175		
	2000	ANSLEY, RONNIE	D	LTG	SW	\$125	2000 Total Lorillard Tobacco	\$13,025
		BERGER, PHILIP E	R	S	12	\$250		
		COOPER, ROY	D	AG	SW	\$4,000		
		EASLEY, MICHAEL	D	G	SW	\$4,100		
		HAGAN, KAY R	D	S	32	\$1,000		
		JARRELL, MARY	D	H	89	\$500		
		MOORE, RICHARD H	D	TREAS	SW	\$700		
		PERDUE, BEVERLY EAVES	D	LTG	SW	\$1,000		
		TROXLER, STEVE	R	AGRIC	SW	\$400		
		WARD, MIKE	D	SPI	SW	\$200		
		WICKER, DENNIS A	D	G	SW	\$750		
	2002	ALLEN, GORDON P	D	H	55	\$300	2002 Total Lorillard Tobacco	\$6,665
		BALLANTINE, PATRICK J	R	S	9	\$1,000		
		BASNIGHT, MARC	D	S	1	\$500		
		BERGER, PHILIP E	R	S	26	\$650		
		BLACK, JAMES B	D	H	100	\$4,000		
		BLUST, JOHN M	R	H	62	\$200		
		BOWIE, JOANNE W	R	H	57	\$200		
		COATES, LORENE T	D	H	77	\$400		
		COX, LESLIE	D	H	51	\$200		
		CRAWFORD, JIM	D	H	32	\$300		
		CULP, ARLIE F	R	H	67	\$200		
		DAUGHTRY, LEO	R	H	28	\$500		
		DECKER, MICHAEL	R	H	94	\$200		
		DORSETT, KATIE G	D	S	28	\$130		
		GIBSON, PRYOR	D	H	69	\$200		
		HAGAN, KAY R	D	S	27	\$1,500		
		HILL, DEWEY L	D	H	20	\$200		
		HOYLE, DAVID W	D	S	43	\$1,000		
		KERR, JOHN	D	S	7	\$500		
		MITCHELL, FRANK	R	H	96	\$500		
		OWENS JR, W C (BILL)	D	H	1	\$200		
		TUCKER, RUSSELL E	D	H	10	\$200		
		WALKER, RALPH A	R	SC	SW (2)	\$250		
	2004	BASNIGHT, MARC	D	S	1	\$2,000	2004 Total Lorillard Tobacco	\$9,275

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		BERGER, PHILIP E	R	S	26	\$1,000	
		BOWIE, JOANNE W	R	H	57	\$1,000	
		BRUBAKER, HAROLD J	R	H	78	\$2,000	
		COATES, LORENE T	D	H	77	\$250	
		COLE, NELSON	D	H	65	\$500	
		COOPER, ROY	D	AG	SW	\$2,000	
		CULPEPPER, BILL	D	H	2	\$300	
		DALTON, WALTER H	D	S	46	\$500	
		GIBSON, PRYOR	D	H	69	\$300	
		HAGAN, KAY R	D	S	27	\$2,000	
		HILL, DEWEY L	D	H	20	\$500	
		HOLLIMAN, L HUGH	D	H	81	\$250	
		HOYLE, DAVID W	D	S	43	\$500	
		JONES, EARL	D	H	60	\$250	
		KERR, JOHN	D	S	5	\$500	
		MCCOMAS, DANNY	R	H	19	\$300	
		MORGAN, RICHARD T	R	H	52	\$3,000	
		OWENS JR, W C (BILL)	D	H	1	\$300	
		RAND, ANTHONY E (TONY)	D	S	19	\$500	
		TOLSON, JOE P	D	H	23	\$300	
		WAINWRIGHT, WILLIAM L	D	H	12	\$300	
	2006	APODACA, TOM	R	S	48	\$3,000	2006 Total Lorillard Tobacco
		BASNIGHT, MARC	D	S	1	\$1,000	\$22,500
		BERGER, PHILIP E	R	S	26	\$5,000	
		BINGHAM, STAN	R	S	33	\$1,000	
		BLACK, JAMES B	D	H	100	\$4,000	
		BROCK, ANDREW C	R	S	34	\$500	
		BRUBAKER, HAROLD J	R	H	78	\$500	
		COLE, NELSON	D	H	65	\$1,500	
		COLEMAN, LINDA	D	H	39	\$1,000	
		CRAWFORD, JIM	D	H	32	\$1,000	
		DALTON, WALTER H	D	S	46	\$2,000	
		DAUGHTRIDGE, BILL	R	H	25	\$1,000	
		DAUGHTRY, LEO	R	H	26	\$500	
		EARLE, BEVERLY MILLER	D	H	101	\$1,000	
		FAISON, BILL	D	H	50	\$5,000	
		HAGAN, KAY R	D	S	27	\$4,000	
		HARRELL, JAMES	D	H	90	\$500	
		HILL, DEWEY L	D	H	20	\$1,000	
		HOWARD, JULIA CRAVEN	R	H	79	\$500	
		JEFFUS, MAGGIE	D	H	59	\$1,500	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		JONES, EARL	D	H	60	\$1,000	
		KERR, JOHN	D	S	5	\$1,000	
		LEWIS, DAVID	R	H	53	\$500	
		MICHAUX JR, H M (MICKEY)	D	H	31	\$500	
		PRESTON, JEAN R	R	S	2	\$500	
		RAND, ANTHONY E (TONY)	D	S	19	\$1,000	
		RAY, KAREN	R	H	95	\$500	
		WAINWRIGHT, WILLIAM L	D	H	12	\$1,500	
		WARNER, ALEX	R	H	45	\$1,000	
		WILEY, LAURA I	R	H	61	\$500	
		WRAY, MICHAEL H	D	H	27	\$500	
		WRIGHT, THOMAS E	D	H	18	\$1,000	
	2008	ALBERTSON, CHARLES (CHARLIE) W	D	S	10	\$500	2008 Total Lorillard Tobacco
		APODACA, TOM	R	S	48	\$500	\$19,500
		BASNIGHT, MARC	D	S	1	\$1,000	
		BLACKWOOD, CURTIS	R	H	68	\$500	
		BLAKE, HARRIS	R	S	22	\$500	
		BRISSON, WILLIAM	D	H	22	\$500	
		BRUBAKER, HAROLD J	R	H	78	\$1,000	
		CHURCH SR, WALT	D	H	86	\$500	
		CLARY, DEBBIE ANN	R	S	46	\$500	
		COATES, LORENE T	D	H	77	\$500	
		COLE, NELSON	D	H	65	\$1,500	
		COOPER, ROY	D	AG	SW	\$1,000	
		CRAWFORD, JIM	D	H	32	\$500	
		CRAWFORD, JIM	D	H	32	\$500	
		DALTON, WALTER H	D	LTG	SW	\$2,000	
		DAUGHTRY, LEO	R	H	26	\$500	
		DAUGHTRY, LEO	R	H	26	\$500	
		DOCKHAM, JERRY C	R	H	80	\$500	
		DOLLAR, NELSON	R	H	36	\$500	
		FAISON, BILL	D	H	50	\$500	
		FOLWELL, DALE R	R	H	74	\$500	
		FURR, KENNY	R	H	67	\$500	
		GARROU, LINDA	D	S	32	\$1,000	
		GIBSON, PRYOR	D	H	69	\$500	
		GOFORTH, D BRUCE	D	H	115	\$500	
		GRADY, ROBERT	R	H	15	\$500	
		HACKNEY, JOE	D	H	54	\$500	
		HAIRE, R PHILIP	D	H	119	\$500	
		HILL, DEWEY L	D	H	20	\$1,000	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		HOLLOWAY, BRYAN	R	H	91	\$500	
		HOYLE, DAVID W	D	S	43	\$500	
		HUNT, NEAL	R	S	15	\$500	
		JEFFUS, MAGGIE	D	H	59	\$500	
		JENKINS, CLARK	D	S	3	\$500	
		JOHNSON, LINDA P	R	H	83	\$500	
		JONES, EARL	D	H	60	\$500	
		JONES, EARL	D	S	4	\$500	
		JONES, EARL	D	H	60	\$500	
		JUSTUS, CAROLYN K	R	H	117	\$500	
		LANGDON JR, JAMES H	R	H	28	\$500	
		LEWIS, DAVID	R	H	53	\$500	
		MCELRAFT, PATRICIA (PAT)	R	H	13	\$500	
		MCGEE, WILLIAM C (BILL)	R	H	75	\$500	
		MCLAWHORN, MARIAN N	D	H	9	\$500	
		MICHAUX, H M (MICKEY)	D	H	31	\$500	
		OWENS JR, W C (BILL)	D	H	1	\$500	
		PATE JR, LOUIS M	R	S	5	\$1,000	
		RAND, ANTHONY E (TONY)	D	S	19	\$500	
		RAY, KAREN	R	H	95	\$500	
		ROUZER, DAVID	R	S	12	\$1,000	
		SOLES JR, R C	D	S	8	\$1,000	
		SPEAR, TIMOTHY L (TIM)	D	H	2	\$500	
		STAM, PAUL	R	H	37	\$1,000	
		STARNES, EDGAR V	R	H	87	\$500	
		STILLER, BONNER	R	H	17	\$500	
		TROXLER, STEVE	R	AGRIC	SW	\$2,000	
		VAUGHAN, DONALD R (DON)	D	S	27	\$500	
		VAUGHAN, DONALD R (DON)	D	S	27	\$500	
		WARREN, EDITH D	D	H	8	\$500	
		WILEY, LAURA I	R	H	61	\$500	
		WILLIAMS III, ARTHUR J	D	H	6	\$500	
							<b>1996-2008 Total Lorillard Tobacco</b>
							<b>\$131,130</b>
PLANTERS WAREHOUSE	2000	ALLEN, GORDON P	D	H	22	\$1,000	2000 Total Planters Warehouse
		DAUGHTRY, LEO	R	G	SW	\$1,020	
		TROXLER, STEVE	R	AGRIC	SW	\$1,500	
							<b>1996-2008 Total Planters Warehouse</b>
							<b>\$3,520</b>
PREMIUM TOBACCO STORES	2000	TAYLOR, RON	D	H	96	\$1,000	2000 Total Premium Tobacco Stores
							<b>1996-2008 Total Premium</b>
							<b>\$1,000</b>

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year Tobacco Stores	
RAYNORS TOBACCO WAREHOUSE	2000	COOPER, ROY	D	AG	SW	\$200	2000 Total Raynors Tobacco Warehouse	\$200
	2002	DAUGHTRIDGE, BILL	R	H	25	\$200	2002 Total Raynors Tobacco Warehouse	\$200
	2004	COOPER, ROY	D	AG	SW	\$500	2004 Total Raynor Tobacco Warehouse	\$500
							<b>1996-2008 Total Raynors Tobacco Warehouse</b>	<b>\$900</b>
RENEGADE TOBACCO	2004	HOWARD, JULIA CRAVEN	R	H	79	\$500	2004 Renegade Tobacco	\$500
							<b>1996-2008 Renegade Tobacco</b>	<b>\$500</b>
RJ REYNOLDS	1996	ALBERTSON, CHARLES (CHARLIE) W	D	S	5	\$500	1996 Total RJ Reynolds	\$27,725
		ALLRAN, AUSTIN M	R	S	26	\$500		
		BAKER, REX L	R	H	40	\$500		
		BALLANTINE, PATRICK J	R	S	4	\$1,000		
		BASNIGHT, MARC	D	S	1	\$1,000		
		BLACK, JAMES B	D	H	36	\$500		
		BOWIE, JOANNE W	R	H	29	\$250		
		BOYLES, HARLAN E	D	TREAS	SW	\$4,000		
		BROWN, JOHN WALTER	R	H	41	\$250		
		BRUBAKER, HAROLD J	R	H	38	\$1,000		
		BRYANT, JOHN W	D	S	14	\$200		
		CANSLER, LANIER	R	H	51	\$250		
		CARPENTER, JAMES C	R	H	53	\$250		
		CARTER, MARLEEN A	R	H	54	\$250		
		COCHRANE, BETSY	R	S	38	\$500		
		COCKLEREECE, JOHN A	R	H	89	\$250		
		COLE, NELSON	D	H	25	\$250		
		CONDER, J RICHARD	D	S	17	\$1,000		
		COOPER, ROY	D	S	10	\$500		
		CRAWFORD, JIM	D	H	22	\$250		
		CREECH, BILLY J	R	H	20	\$250		
		DAUGHTRY, LEO	R	H	95	\$500		
		DAVIS, DONALD SPENCER	R	H	19	\$250		
		DECKER, MICHAEL	R	H	84	\$250		
		EASLEY, MICHAEL	D	AG	SW	\$3,000		
		EAST, DON W	R	S	12	\$1,000		
		EDDINS, RICK	R	H	65	\$250		
EDWARDS JR, ZENO L	R	H	UNK	\$250				
ESPOSITO, THERESA H	R	H	88	\$500				
FOXX, VIRGINIA	R	S	12	\$1,000				
GARROU, LINDA	D	S	20	\$1,100				

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		GARWOOD, JOHN	R	S	27	\$500	
		GRADY, ROBERT	R	H	80	\$250	
		GRAHAM, JAMES A (JIM)	D	AGRIC	SW	\$1,000	
		GRAY, LYONS	R	H	39	\$1,000	
		HANES, ELDRIDGE C	D	S	20	\$250	
		HIATT, WILLIAM S (BILL)	R	H	40	\$250	
		HORTON JR, HAMILTON C	R	S	20	\$1,500	
		HOYLE, DAVID W	D	S	25	\$1,000	
		HUNT, JAMES B JR	D	G	SW	\$8,000	
		HUNTER, ROBERT C (BOB)	D	H	49	\$250	
		KINCAID, DONALD R	R	S	27	\$500	
		LEE, HOWARD N	D	S	16	\$500	
		LEMMOND, J SHAWN	R	H	UNK	\$250	
		LITTLE, TEENA S	R	S	16	\$500	
		LOCKE, L W	D	H	UNK	\$250	
		MARTIN, R L (BOB)	D	S	6	\$500	
		MCCOMAS, DANNY	R	H	13	\$250	
		MCCOMBS, EUGENE	R	H	83	\$250	
		MCDANIEL, JAMES MARK JR	R	S	20	\$4,700	
		MERCER, LINWOOD E	D	H	8	\$500	
		MINER, DAVID	R	H	62	\$500	
		MITCHELL, FRANK	R	H	42	\$250	
		MORGAN, RICHARD T	R	H	31	\$500	
		MORRIS, AMELIA A H	R	H	UNK	\$250	
		NEELY, CHARLES B JR	R	H	61	\$500	
		PERDUE, BEVERLY M	D	S	3	\$500	
		PETTY, RICHARD	R	SS	SW	\$1,000	
		PLYLER, AARON W	D	S	17	\$500	
		PRESTON, JEAN R	R	H	4	\$250	
		RAMSEY, LISTON BRYAN	D	H	52	\$250	
		RAND, ANTHONY E (TONY)	D	S	24	\$500	
		RAYFIELD, JOHN MELVIN	R	H	93	\$250	
		REDWINE, E DAVID	D	H	14	\$450	
		ROBINSON, JONATHAN	R	H	4	\$250	
		RÚCHO, ROBERT A	R	S	35	\$500	
		SEXTON, WAYNE	R	H	73	\$250	
		SHARPE, JOANNE	R	H	89	\$250	
		SHAW, ROBERT G	R	S	19	\$1,000	
		SHERRILL, WILMA M	R	H	51	\$250	
		SHERRON, J K JR	D	S	14	\$500	
		TALLENT, TIMOTHY N	R	H	81	\$250	



Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		THOMPSON, GREGORY J	R	H	UNK	\$250	
		TOLSON, NORRIS	D	H	71	\$250	
		VAUGHAN, DONALD R (DON)	D	S	32	\$500	
		WARREN, EDWARD N	D	S	9	\$500	
		WATSON, CYNTHIA B	R	H	10	\$250	
		WICKER, DENNIS A	D	LTG	SW	\$500	
		WILKINS, MICHAEL S (MIKE)	D	H	22	\$250	
		WILSON, GENE	R	H	40	\$250	
1998		BAKER, REX L	R	H	40	\$500	1998 Total RJ Reynolds
		BAKER, REX L	R	H	40	\$500	\$1,675
		BASNIGHT, MARC	D	S	1	\$1,250	
		BESSE, DAN	D	H	39	\$100	
		GARROU, LINDA	D	S	20	\$500	
		HOLMES, GEORGE M	R	H	41	\$500	
2000		ALBERTSON, CHARLES (CHARLIE) W	D	S	5	\$1,000	2000 Total RJ Reynolds
		ALLEN, GORDON P	D	H	22	\$1,000	\$69,826
		ARNOLD, GENE	R	H	72	\$500	
		BADDOUR JR, PHIL	D	H	11	\$3,000	
		BAKER, REX L	R	H	40	\$500	
		BAKER, REX L	R	H	40	\$1,800	
		BALLANTINE, PATRICK J	R	S	4	\$2,000	
		BARBEE SR, BOBBY HAROLD	R	H	82	\$500	
		BAREFOOT, DANIEL W	D	H	44	\$500	
		BASNIGHT, MARC	D	S	1	\$4,000	
		BLACK, JAMES B	D	H	36	\$8,000	
		BLUST, JOHN M	R	H	27	\$500	
		BRUBAKER, HAROLD J	R	H	38	\$1,000	
		BRYANT, JOHN W	R	S	14	\$200	
		CAMPBELL, RALPH	D	AUD	SW	\$200	
		CANSLER, LANIER	R	H	51	\$1,000	
		CARPENTER, ROBERT C	R	S	42	\$1,000	
		CARTER, CHARLES	D	S	28	\$1,000	
		COCHRANE, BETSY	R	LTG	SW	\$1,750	
		COLE, NELSON	D	H	25	\$1,500	
		COOPER, ROY	D	AG	SW	\$9,700	
		COX, LESLIE	D	H	19	\$500	
		CRAWFORD, JIM	D	H	22	\$500	
		CREECH, BILLY J	R	H	20	\$500	
		DALTON, WALTER H	D	S	37	\$1,000	
		DAUGHTRY, LEO	R	G	SW	\$1,500	
		DAVIS, DONALD SPENCER	R	H	19	\$500	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		DECKER, MICHAEL	R	H	84	\$500	
		DEDMON, ANDY	D	H	48	\$1,000	
		EASLEY, MICHAEL	D	G	SW	\$4,875	
		EDDINS, RICK	R	H	65	\$500	
		EDWARDS JR, ZENO L	D	H	2	\$1,000	
		FOXX, VIRGINIA	R	S	12	\$2,000	
		FRYE, HENRY E	D	SC	SW CHIEF	\$750	
		GARROU, LINDA	D	S	20	\$10,350	
		GIBSON, PRYOR	D	H	33	\$1,000	
		GILLESPIE, MITCH	R	H	49	\$500	
		GRAY, LYONS	R	H	39	\$3,250	
		HAGAN, KAY R	D	S	32	\$1,000	
		HAIR, R PHILLIP	D	H	52	\$1,000	
		HARTSELL, FLETCHER L JR	R	S	22	\$1,000	
		HILL, DEWEY L	D	H	14	\$500	
		HOLMES, GEORGE M	R	H	41	\$1,000	
		HORN, JIM	D	H	48	\$1,000	
		HORTON JR, HAMILTON C	R	S	20	\$6,250	
		HOWARD, JULIA CRAVEN	R	H	74	\$500	
		HOYLE, DAVID W	D	S	25	\$1,000	
		HURLEY, J WILLIAM	D	H	18	\$500	
		KERR, JOHN	D	S	8	\$1,000	
		LEE, HOWARD N	D	S	16	\$1,000	
		MARTIN, R L (BOB)	D	S	6	\$1,000	
		MCCOMBS, EUGENE	R	H	83	\$500	
		MCLAWHORN, MARIAN N	D	H	9	\$1,000	
		MCMAHAN, ED	R	H	55	\$2,000	
		MELTON, MAX	D	H	34	\$500	
		METCALF, JEANNIE A	R	S	20	\$500	
		METCALF, STEVE	D	S	28	\$1,000	
		MINER, DAVID	R	H	62	\$500	
		MITCHELL, FRANK	R	H	42	\$1,000	
		MORGAN, RICHARD T	R	H	31	\$1,000	
		MORRIS, MIA	R	H	18	\$500	
		NEELY, CHARLES B JR	R	G	SW	\$500	
		NEELY, CHARLES B JR	R	G	SW	\$4,777	
		NESBITT, MARTIN L	D	H	51	\$1,000	
		NYE, EDD	D	H	96	\$1,000	
		OLDHAM, WARREN (PETE)	D	H	67	\$1,450	
		PERDUE, BEVERLY EAVES	D	LTG	SW	\$5,000	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		PLYLER, AARON W	D	S	17	\$1,000	
		RAND, ANTHONY E (TONY)	D	S	24	\$1,000	
		REDWINE, E DAVID	D	H	14	\$1,500	
		REEVES, ERIC MILLER	D	S	14	\$1,500	
		ROGERS, GENE	D	H	6	\$500	
		ROUZER, DAVID	R	AGRIC	SW	\$250	
		RUCHO, ROBERT A	R	S	35	\$1,500	
		SAUNDERS, DREW	D	H	54	\$1,000	
		SEXTON, WAYNE	R	H	73	\$500	
		SHAW, ROBERT G	R	S	19	\$1,000	
		SHERRILL, WILMA M	R	H	51	\$500	
		SMITH, RONALD L	D	H	4	\$500	
		SOLES JR, R C	D	S	18	\$1,000	
		SWINDELL IV, A B	D	S	10	\$1,100	
		TEAGUE, W B (JUNIOR)	R	H	25	\$500	
		TOLSON, JOE P	D	H	71	\$1,000	
		TROXLER, STEVE	R	AGRIC	SW	\$600	
		TUCKER, RUSSELL E	D	H	10	\$250	
		VINROOT, RICHARD A	R	G	SW	\$250	
		VINROOT, RICHARD A	R	G	SW	\$1,000	
		WALEND, TRUDI	R	H	68	\$500	
		WARNER, ALEX	D	H	75	\$500	
		WARREN, EDITH D	D	H	8	\$1,000	
		WARREN, EDWARD N	D	S	9	\$2,000	
		WEBSTER, HUGH	R	S	21	\$1,000	
		WEINSTEIN, DAVID F	D	S	30	\$1,000	
		WELLONS, ALLEN H	D	S	11	\$2,100	
		WICKER, DENNIS A	D	G	SW	\$3,250	
		WILSON, GENE	R	H	40	\$500	
		WOMBLE, LARRY	D	H	66	\$1,000	
		WRIGHT, THOMAS E	D	H	98	\$500	
	2002	ALLRAN, AUSTIN M	R	S	44	\$1,000	2002 Total RJ Reynolds
		BASNIGHT, MARC	D	S	1	\$4,500	\$14,000
		BEATTY, ANNETTE	D	H	72	\$200	
		BLAKE, HARRIS	R	S	22	\$500	
		BROCK, ANDREW C	R	S	34	\$1,000	
		BRYAN, GEORGE	D	H	72	\$100	
		CULP, ARLIE F	R	H	67	\$500	
		DALTON, WALTER H	D	S	46	\$1,000	
		DAUGHTRIDGE, BILL	R	H	25	\$500	
		DAUGHTRY, LEO	R	H	28	\$2,000	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		EASLEY, MICHAEL	D	G	SW	\$2,000	
		GARROU, LINDA	D	S	32	\$250	
		GARROU, LINDA	D	S	32	\$3,000	
		GIBSON, PRYOR	D	H	69	\$1,000	
		LAROQUE, STEPHEN	R	H	10	\$500	
		LAWSON, BARRY	R	H	91	\$500	
		MITCHELL, FRANK	R	H	96	\$1,000	
		MUNFORD, DON	R	H	34	\$500	
		PHIPPS, MEG SCOTT	D	AGRIC	SW	\$2,000	
		PITTENGER, ROBERT	R	S	40	\$1,000	
		PITTENGER, ROBERT	R	S	40	\$100	
		RUCHO, ROBERT A	R	S	39	\$1,000	
		SLOAN JR, RB	R	S	41	\$500	
		TILLMAN, JERRY W	R	S	29	\$500	
		TUCKER, RUSSELL E	D	H	10	\$500	
		WALKER, R TRACY	R	H	83	\$500	
		WALKER, RALPH A	R	SC	SW (2)	\$250	
		WEBSTER, HUGH	R	S	24	\$1,000	
		WELLONS, ALLEN H	D	S	12	\$100	
		WILLIAMS, KEITH P	R	H	14	\$500	
2004		ALBERTSON, CHARLES (CHARLIE) W	D	S	10	\$1,000	2004 Total RJ Reynolds
		APODACA, TOM	R	S	48	\$1,000	\$75,957
		BALLANTINE, PATRICK J	R	G	SW	\$9,800	
		BALLANTINE, PATRICK J	R	G	SW	\$4,750	
		BASNIGHT, MARC	D	S	1	\$1,000	
		BASNIGHT, MARC	D	S	1	\$4,000	
		BERGER, PHILIP E	R	S	26	\$1,000	
		BLACK, JAMES B	D	H	100	\$500	
		BLACK, JAMES B	D	H	100	\$8,500	
		BROCK, ANDREW C	R	S	34	\$1,000	
		BROWN, LARRY R	R	H	73	\$500	
		BRUBAKER, HAROLD J	R	H	78	\$1,000	
		BUXTON, J B	D	SPI	SW	\$250	
		CARPENTER, ROBERT C	R	S	50	\$1,000	
		CLEVELAND, GEORGE G	R	H	14	\$500	
		COATES, LORENE T	D	H	77	\$1,500	
		COBB, BRITT	D	AGRIC	SW	\$2,000	
		COLE, NELSON	D	H	65	\$1,000	
		CONRAD-SHRADER, DEBRA	R	H	74	\$1,500	
		COOPER, ROY	D	AG	SW	\$5,500	
		CRAWFORD, JIM	D	H	32	\$1,000	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		DALTON, WALTER H	D	S	46	\$4,000	
		DAUGHTRIDGE, BILL	R	H	25	\$500	
		EASLEY, MICHAEL	D	G	SW	\$7,000	
		EASLEY, MICHAEL	D	G	SW	\$4,000	
		EAST, DON W	R	S	30	\$1,000	
		EDDINS, RICK	R	H	40	\$500	
		FOLWELL, DALE R	R	H	74	\$1,000	
		FORRESTER, JAMES (JIM)	R	S	41	\$1,000	
		GARROU, LINDA	D	S	32	\$1,700	
		GARROU, LINDA	D	S	32	\$11,350	
		GARROU, LINDA	D	S	32	\$400	
		GARWOOD, JOHN	R	S	45	\$1,000	
		GIBSON, PRYOR	D	H	69	\$1,000	
		GILLESPIE, MITCH	R	H	85	\$500	
		GOFORTH, D BRUCE	D	H	115	\$1,000	
		GRADY, ROBERT	R	H	15	\$500	
		HAGAN, KAY R	D	S	27	\$1,000	
		HAIRE, R PHILIP	D	H	119	\$500	
		HARRELL, JAMES	D	H	90	\$2,000	
		HILL, DEWEY L	D	H	20	\$1,000	
		HORTON JR, HAMILTON C	R	S	31	\$200	
		HOWARD, JULIA CRAVEN	R	H	79	\$1,000	
		HOYLE, DAVID W	D	S	43	\$4,000	
		HUNT, NEAL	R	S	15	\$1,000	
		KERR, JOHN	D	S	5	\$2,000	
		LEWIS, DAVID	R	H	53	\$1,000	
		MCCOMAS, DANNY	R	H	19	\$1,500	
		MCMAHAN, ED	R	H	104	\$1,000	
		MINER, DAVID	R	H	36	\$500	
		MOORE, TIM	R	H	111	\$500	
		MORGAN, RICHARD T	R	H	52	\$500	
		MORGAN, RICHARD T	R	H	52	\$5,000	
		MOSS, DARRYL D	D	S	7	\$1,000	
		MUNFORD, DON	R	H	34	\$1,000	
		NORTH CAROLINIANS FOR JOBS AND PROGRESS	A1	BALLOT DATA	NA	\$200	
		NORTH CAROLINIANS FOR JOBS AND PROGRESS	A1	BALLOT DATA	NA	\$10,000	
		NYE, EDD	D	H	22	\$500	
		PARKER, SARAH	NP	SUPCOURT	SW	\$1,100	
		PARMON, EARLINE W	D	H	72	\$1,000	
		PATE JR, LOUIS M	R	H	11	\$1,000	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		PERDUE, BEVERLY EAVES	D	LTG	SW	\$4,000	
		PITTENGER, ROBERT	R	S	39	\$300	
		PITTENGER, ROBERT	R	S	39	\$1,000	
		PRESTON, JEAN R	R	H	13	\$500	
		RAND, ANTHONY E (TONY)	D	S	19	\$2,000	
		ROBINSON, GEORGE S	R	S	44	\$1,000	
		SMITH, FRED	R	S	12	\$2,000	
		STARNES, EDGAR V	R	H	87	\$500	
		SWINDELL IV, A B	D	S	11	\$200	
		SWINDELL IV, A B	D	S	11	\$2,000	
		THOMAS, SCOTT	D	S	2	\$1,000	
		TILLMAN, JERRY W	R	S	29	\$1,000	
		TOLSON, JOE P	D	H	23	\$500	
		TROXLER, STEVE	R	AGRIC	SW	\$2,788	
		TROXLER, STEVE	R	AGRIC	SW	\$2,500	
		TROXLER, STEVE	R	AGRIC	SW	\$375	
		WAINWRIGHT, WILLIAM L	D	H	12	\$500	
		WARNER, ALEX	D	H	45	\$1,000	
		WEBSTER, HUGH	R	S	24	\$1,000	
		WEINSTEIN, DAVID F	D	S	13	\$2,000	
		WHITE, WOODY	R	S	9	\$1,000	
		WILLIAMS III, ARTHUR J	D	H	6	\$500	
		WILSON, GENE	R	H	93	\$500	
		WRIGHT, THOMAS E	D	H	18	\$500	
	2006	ALLRAN, AUSTIN M	R	S	42	\$1,000	2006 Total RJ Reynolds
		APODACA, TOM	R	S	48	\$2,000	\$39,300
		BASNIGHT, MARC	D	S	1	\$4,000	
		BERGER, PHILIP E	R	S	26	\$4,000	
		BINGHAM, STAN	R	S	33	\$1,000	
		BLACK, JAMES B	D	H	100	\$6,000	
		BLAKE, HARRIS	R	S	22	\$1,000	
		BROCK, ANDREW C	R	S	34	\$1,000	
		BROWN, HARRY	R	S	6	\$1,000	
		BRUBAKER, HAROLD J	R	H	78	\$1,000	
		BRUNSTETTER, PETER SAMUEL (PETE)	R	S	31	\$4,250	
		CAPPS, J RUSSELL	R	H	41	\$1,000	
		COATES, LORENE T	D	H	77	\$1,000	
		COLE, NELSON	D	H	65	\$2,000	
		CRAWFORD, JIM	D	H	32	\$1,000	
		DOLLAR, NELSON	R	H	36	\$1,000	
		EDDINS, RICK	R	H	40	\$1,000	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		FAISON, BILL	D	H	50	\$1,000	
		FRYE, PHILLIP	R	H	84	\$1,000	
		GARROU, LINDA	D	S	32	\$5,000	
		GARWOOD, JOHN	R	S	45	\$1,000	
		GIBSON, PRYOR	D	H	69	\$1,500	
		GILLESPIE, MITCH	R	H	85	\$1,000	
		GRADY, ROBERT	R	H	15	\$2,000	
		HARRELL, JAMES	D	H	90	\$1,000	
		HARTSELL, FLETCHER L JR	R	S	36	\$1,000	
		HOLLOWAY, BRYAN	R	H	91	\$2,350	
		HOWARD, JULIA CRAVEN	R	H	79	\$1,000	
		HUNT, NEAL	R	S	15	\$3,000	
		JENKINS, CLARK	D	S	3	\$2,000	
		KISER, JOE L	R	H	97	\$1,000	
		LAROQUE, STEPHEN	R	H	10	\$1,000	
		LEWIS, DAVID	R	H	53	\$1,000	
		MCCOMAS, DANNY	R	H	19	\$1,000	
		MCGEE, WILLIAM C (BILL)	R	H	75	\$1,000	
		MOORE, TIM	R	H	111	\$1,000	
		MORGAN, RICHARD T	R	H	52	\$1,000	
		NEUMANN, WIL	R	H	108	\$1,000	
		PARMON, EARLINE W	D	H	72	\$1,000	
		PRESNELL, KEITH	R	S	47	\$2,000	
		RAND, ANTHONY E (TONY)	D	S	19	\$1,000	
		RAY, KAREN	R	H	95	\$1,000	
		SMITH, FRED	R	S	12	\$3,000	
		STILLER, BONNER	R	H	17	\$1,000	
		SWINDELL IV, A B	D	S	11	\$1,000	
		TUCKER, RUSSELL E	D	H	4	\$1,000	
		WAINWRIGHT, WILLIAM L	D	H	12	\$1,000	
		WEBSTER, HUGH	R	S	24	\$1,000	
		WILSON, GENE	R	H	93	\$1,000	
		WILSON, LOU BURROW	R	H	70	\$500	
2008		ALLRAN, AUSTIN	R	S	42	\$1,000	2008 Total RJ Reynolds
		APODACA, TOM	R	S	48	\$4,000	\$44,500
		BERGER, PHILIP E	R	S	26	\$3,000	
		BERRY, CHERIE	R	LABOR	SW	\$4,000	
		BLAKE, HARRIS	R	S	22	\$1,000	
		BROCK, ANDREW C	R	S	34	\$1,000	
		BROWN, HARRY	R	S	6	\$1,000	
		BRUBAKER, HAROLD J	R	H	78	\$1,000	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		BRUNSTETTER, PETER SAMUEL (PETE)	R	S	31	\$4,000	
		COATES, LORENE T	D	H	77	\$1,000	
		COLE, NELSON	D	H	65	\$1,000	
		COOPER, ROY	D	AG	SW	\$8,000	
		CRAWFORD, JIM	D	H	32	\$1,000	
		DALTON, WALTER H	D	LTG	SW	\$4,000	
		DAUGHTRY, LEO	R	H	26	\$1,000	
		FOLWELL, DALE R	R	H	74	\$2,000	
		FOLWELL, DALE R	R	H	74	\$1,000	
		GARROU, LINDA	D	S	32	\$8,000	
		GIBSON, PRYOR	D	H	69	\$1,000	
		GILLESPIE, MITCH	R	H	85	\$1,000	
		GOFORTH, D BRUCE	D	H	115	\$1,000	
		GRADY, ROBERT	R	H	15	\$1,000	
		HARRELL, JIM	D	H	90	\$1,000	
		HARTSELL, FLETCHER L JR	R	S	36	\$1,000	
		HOLLOWAY, BRYAN	R	H	91	\$2,000	
		HOYLE, DAVID W	D	S	43	\$4,000	
		HUNT, NEAL	R	S	15	\$3,000	
		LEWIS, DAVID	R	H	53	\$1,000	
		MCCOMAS, DANNY	R	H	19	\$1,000	
		MCGEE, WILLIAM C (BILL)	R	H	75	\$1,000	
		MCGEE, WILLIAM C (BILL)	R	H	75	\$2,000	
		PARMON, EARLINE W	D	H	72	\$2,000	
		PARMON, EARLINE W	D	H	72	\$2,000	
		PATE JR, LOUIS M	R	S	5	\$1,000	
		PRESTON, JEAN R	R	S	2	\$1,000	
		RAND, ANTHONY E (TONY)	D	S	19	\$1,000	
		RAY, KAREN	R	H	95	\$1,000	
		ROUZER, DAVID	R	S	12	\$1,000	
		ROUZER, DAVID	R	S	12	\$1,000	
		RUCHO, ROBERT A	R	S	39	\$1,000	
		SAUNDERS, DREW	D	H	99	\$1,000	
		STAM, PAUL	R	H	37	\$1,000	
		STARNES, EDGAR V	R	H	87	\$1,000	
		SWINDELL IV, A B	D	S	11	\$1,000	
		TROXLER, STEVE	R	AGRIC	SW	\$1,000	
		VAUGHAN, DONALD R (DON)	D	S	27	\$1,000	
		WAINWRIGHT, WILLIAM L	D	H	12	\$1,000	
		WARREN, EDITH D	D	H	8	\$1,000	
		WEINSTEIN, DAVID F	D	S	13	\$1,000	



Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year	
		WILEY, LAURA I	R	H	61	\$1,000		
		WILLIAMS III, ARTHUR J	D	H	6	\$1,000		
							<b>1996-2008 Total RJ Reynolds</b>	<b>\$542,465</b>
ROYSTER FERTILIZER	2000	WEINSTEIN, DAVID F	D	S	30	\$250	2000 Total Royster Fertilizer	\$250
	2002	WEINSTEIN, DAVID F	D	S	13	\$500	2002 Total Royster Fertilizer	\$500
							<b>1996-2008 Total Royster Fertilizer</b>	<b>\$750</b>
S&P TOBACCO CO	2002	WEINSTEIN, DAVID F	D	S	13	\$5,000	2002 Total S&P Tobacco	\$5,000
	2004	WEINSTEIN, DAVID F	D	S	13	\$2,000	2004 Total S&P Tobacco	\$2,000
							<b>1996-2008 Total Royster Fertilizer</b>	<b>\$7,000</b>
SAMPSON TOBACCO WAREHOUSE	2000	TROXLER, STEVE	R	AGRIC	SW	\$200	2000 Total Sampson Tobacco Warehouse	\$400
		WARWICK, NURHAM	D	H	12	\$200		
	2002	WARWICK, NURHAM	D	H	22	\$1,000	2002 Total Sampson Tobacco Warehouse	\$1,000
	2004	ALBERTSON, CHARLES (CHARLIE) W	D	S	10	\$1,000	2004 Total Sampson Tobacco Warehouse	\$1,000
							<b>1996-2008 Total Sampson Tobacco Warehouse</b>	<b>\$2,400</b>
SHIRLEN, DAVID (Individual)	2008	BARRETT, DAN	NP	APPELL	SW	\$200	2008 Total David Shirlen	\$200
							<b>1996-2008 Total David Shirlen</b>	<b>\$200</b>
SMOTHER BROTHERS WAREHOUSE	2000	TROXLER, STEVE	R	AGRIC	SW	\$625	2000 Total Smother Brothers Warehouse	\$625
	2004	BALLANTINE, PATRICK J	R	G	SW	\$100	2004 Total Smother Brothers Warehouse	\$1,459
		TROXLER, STEVE	R	AGRIC	SW	\$1,359		
							<b>1996-2008 Total Smother Brothers Warehouse</b>	<b>\$2,084</b>
STANDARD COMMERCIAL TOBACCO	1996	LEWIS, WILLIAM W (BILL)	R	S	10	\$300	1996 Total Standard Commercial Tobacco	\$800
		MIMS, ALLEN L	R	S	11	\$500		
	1998	BAKER, REX L	R	H	40	\$500	1998 Total Standard Commercial Tobacco	\$500
	2000	ARNOLD, GENE	R	H	72	\$500	2000 Total Standard Commercial Tobacco	\$16,600
		COOPER, ROY	D	AG	SW	\$2,250		
		DAUGHTRY, LEO	R	G	SW	\$2,500		
		EASLEY, MICHAEL	D	G	SW	\$2,000		
		HORNER, RICHARD P	R	S	10	\$1,700		
		MOORE, RICHARD H	D	TREAS	SW	\$4,150		
		PHIPPS, MEG SCOTT	D	AGRIC	SW	\$500		
		TROXLER, STEVE	R	AGRIC	SW	\$1,900		
		VINROOT, RICHARD A	R	G	SW	\$500		
		WICKER, DENNIS A	D	G	SW	\$600		

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year	
	2002	BADDOUR JR, PHIL	D	H	11	\$1,000	2002 Total Standard Commercial Tobacco	\$5,300
		BLACK, JAMES B	D	H	100	\$1,000		
		CARSON, DON	R	S	3	\$200		
		SWINDELL IV, A B	D	S	11	\$450		
	2004	BALLANTINE, PATRICK J	R	G	SW	\$8,500	2004 Total Standard Commercial Tobacco	\$15,913
		COBB, BRITT	D	AGRIC	SW	\$1,000		
		EASLEY, MICHAEL	D	G	SW	\$500		
		FRAZIER, HAROLD N	R	S	7	\$100		
		MOORE, RICHARD H	D	TREAS	SW	\$4,763		
		RAO, JAY	R	SS	SW	\$100		
		SMITH, FRED	R	S	12	\$250		
		SWINDELL IV, A B	D	S	11	\$500		
		TROXLER, STEVE	R	AGRIC	SW	\$100		
		WYNN JR, JAMES A	NP	SC	SW	\$100		
							<b>1996-2008 Total Standard Commercial Tobacco</b>	<b>\$36,463</b>
STEPHENSON III, DAVID T	2004	BALLANTINE, PATRICK J	R	G	SW	\$2,000	2004 Total David Stephenson III	\$10,000
		BASNIGHT, MARC	D	S	1	\$4,000		
		EASLEY, MICHAEL	D	G	SW	\$4,000		
	2008	BASNIGHT, MARC	D	S	1	\$1,000	2008 Total David Stephenson III	\$6,000
		COOPER, ROY	D	AG	SW	\$1,000		
		WEINSTEIN, DAVID F	D	S	13	\$4,000		
							<b>1996-2008 Total David Stephenson III</b>	<b>\$16,000</b>
THORPE RICKS TOBACCO CO	2000	SWINDELL IV, A B	D	S	10	\$100	2000 Total Thorpe Ricks Tobacco Co	\$100
							<b>1996-2008 Total Thorpe Ricks Tobacco Co</b>	<b>\$100</b>
TOBACCO ASSOCIATES	2004	COBB, BRITT	D	AGRIC	SW	\$920	2004 Total Tobacco Associates	\$920
							<b>1996-2008 Total Tobacco Associates</b>	<b>\$920</b>
TOBACCO MARKET	2000	PERDUE, BEVERLY EAVES	D	LTG	SW	\$250	2000 Total Tobacco Market	\$250
	2002	THOMAS, SCOTT	D	S	2	\$50	2002 Total Tobacco Market	\$50
	2004	PERDUE, BEVERLY EAVES	D	LTG	SW	\$250	2004 Total Tobacco Market	\$250
							<b>1996-2008 Total Tobacco Associates</b>	<b>\$550</b>
TOBACCO TRUST FUND	2004	COBB, BRITT	D	AGRIC	SW	\$200	2004 Total Tobacco Trust Fund	\$200
							<b>1996-2008 Total Tobacco Trust Fund</b>	<b>\$200</b>
TOBACCO WAREHOUSE	1998	ALBERTSON, CHARLES (CHARLIE) W	D	S	5	\$1,000	1998 Total Tobacco Warehouse Total	\$1,200

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		DAUGHTRY, LEO	R	H	95	\$200	
	2000	BADDOUR JR, PHIL	D	H	11	\$120	2000 Total Tobacco Warehouse Total
		DAUGHTRY, LEO	R	G	SW	\$750	\$1,520
		GUTHRIE, BILLY	R	AGRIC	SW	\$300	
		WARREN, EDWARD N	D	S	9	\$250	
		WICKER, DENNIS A	D	G	SW	\$100	
	2002	ALBERTSON, CHARLES (CHARLIE) W	D	S	10	\$1,000	2002 Total Tobacco Warehouse
		BADDOUR JR, PHIL	D	H	11	\$150	\$1,650
		DAUGHTRY, LEO	R	H	28	\$500	
	2004	TROXLER, STEVE	R	AGRIC	SW	\$500	2004 Total Tobacco Warehouse
							\$500
							<b>1996-2008 Total Tobacco Warehouse \$4,870</b>
UNIVERSAL LEAF TOBACCO CO	1998	DAUGHTRY, LEO	R	H	95	\$200	1998 Total Universal Leaf Tobacco Co
							\$200
	2006	TROXLER, STEVE	R	AGRIC	SW	\$500	2006 Total Universal Leaf Tobacco Co
							\$500
							<b>1996-2008 Total Universal Leaf Tobacco \$700</b>
US SMOKELESS TOBACCO	2000	BADDOUR JR, PHIL	D	H	11	\$500	2000 Total US Smokeless Tobacco
		BALLANTINE, PATRICK J	R	S	4	\$500	\$2,500
		BLACK, JAMES B	D	H	36	\$500	
		COOPER, ROY	D	AG	SW	\$500	
		TROXLER, STEVE	R	AGRIC	SW	\$500	
	2002	ALBERTSON, CHARLES (CHARLIE) W	D	S	10	\$150	2002 Total US Smokeless Tobacco
		ALLEN, GORDON P	D	H	55	\$250	\$5,200
		BADDOUR JR, PHIL	D	H	11	\$500	
		BALLANTINE, PATRICK J	R	S	9	\$250	
		BLACK, JAMES B	D	H	100	\$500	
		COX, LESLIE	D	H	51	\$500	
		DAUGHTRIDGE, BILL	R	H	25	\$200	
		GIBSON, PRYOR	D	H	69	\$150	
		HOYLE, DAVID W	D	S	43	\$250	
		JENKINS, CLARK	D	S	3	\$1,500	
		ODOM, T L (FOUNTAIN)	D	S	40	\$250	
		RAND, ANTHONY E (TONY)	D	S	19	\$250	
		REDWINE, E DAVID	D	H	17	\$150	
		SWINDELL IV, A B	D	S	11	\$150	
		WARWICK, NURHAM	D	H	22	\$150	
	2004	BAKER, REX L	R	H	91	\$250	2004 Total US Smokeless Tobacco
							\$15,300

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		BALLANTINE, PATRICK J	R	G	SW	\$750	
		BLACK, JAMES B	D	H	100	\$1,000	
		BOWIE, JOANNE W	R	H	57	\$500	
		CLARY, DEBBIE ANN	R	H	110	\$500	
		COBB, BRITT	D	AGRIC	SW	\$650	
		COOPER, ROY	D	AG	SW	\$500	
		DAUGHTRIDGE, BILL	R	H	25	\$950	
		EASLEY, MICHAEL	D	G	SW	\$4,500	
		GIBSON, PRYOR	D	H	69	\$500	
		GRADY, ROBERT	R	H	15	\$500	
		HOWARD, JULIA CRAVEN	R	H	79	\$500	
		KISER, JOE L	R	H	97	\$250	
		LAROQUE, STEPHEN	R	H	10	\$250	
		MCCOMAS, DANNY	R	H	19	\$250	
		MINER, DAVID	R	H	36	\$500	
		MORGAN, RICHARD T	R	H	52	\$2,000	
		OWENS JR, W C (BILL)	D	H	1	\$250	
		SHERRILL, WILMA M	R	H	116	\$250	
		TROXLER, STEVE	R	AGRIC	SW	\$200	
		WAINWRIGHT, WILLIAM L	D	H	12	\$250	
	2006	BASNIGHT, MARC	D	S	1	\$750	2006 Total US Smokeless Tobacco
		BLACK, JAMES B	D	H	100	\$2,750	\$9,000
		BRUBAKER, HAROLD J	R	H	78	\$1,000	
		DAUGHTRIDGE, BILL	R	H	25	\$250	
		GIBSON, PRYOR	D	H	69	\$1,000	
		HOYLE, DAVID W	D	S	43	\$500	
		KERR, JOHN	D	S	5	\$500	
		MORGAN, RICHARD T	R	H	52	\$1,000	
		RAND, ANTHONY E (TONY)	D	S	19	\$500	
		RAY, KAREN	R	H	95	\$250	
		SWINDELL IV, A B	D	S	11	\$250	
		WAINWRIGHT, WILLIAM L	D	H	12	\$250	
							<b>1996-2008 Total US Smokeless Tobacco</b>
							<b>\$32,000</b>
VECTOR TOBACCO CO	2002	ALLEN, GORDON P	D	H	55	\$1,750	2002 Vector Tobacco Co
	2004	COBB, BRITT	D	AGRIC	SW	\$100	2004 Vector Tobacco Co
							<b>1996-2008 Total Vector Tobacco Co</b>
							<b>\$1,850</b>
W S CLARK FARMS	1998	BASNIGHT, MARC	D	S	1	\$2,000	1998 Total W S Clark Farms
		COOPER, ROY	D	S	10	\$250	
		MARTIN, R L (BOB)	D	S	6	\$500	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year	
		PERDUE, BEVERLY M	D	S	3	\$250		
		TOLSON, JOE P	D	H	71	\$250		
	2000	BASNIGHT, MARC	D	S	1	\$2,000	2000 Total W S Clark Farms	\$15,100
		COOPER, ROY	D	AG	SW	\$1,000		
		EASLEY, MICHAEL	D	G	SW	\$6,000		
		MOORE, RICHARD H	D	TREAS	SW	\$600		
		PERDUE, BEVERLY EAVES	D	LTG	SW	\$2,000		
		SWINDELL IV, A B	D	S	10	\$250		
		TOLSON, JOE P	D	H	71	\$250		
		TOLSON, NORRIS	D	AGRIC	SW	\$1,000		
	2002	EASLEY, MICHAEL	D	G	SW	\$2,000	2002 Total W S Clark Farms	\$3,000
		KERR, JOHN	D	S	7	\$1,000		
							<b>1996-2008 Total W S Clark Farms</b>	<b>\$23,850</b>
WHOLESALE-DISTRIBUTOR	2002	KERR, JOHN	D	S	7	\$1,000.00	2002 Total Wholesale-Distributor	\$1,000
							<b>1996-2008 Total Wholesale-Distributor</b>	<b>\$1,000</b>
XXX	2000	FREEMAN, FRANKLIN	D	SC	SCA	\$250	2000 Total XXX	\$250
	2002	BERGER, PHILIP E	R	S	26	\$150	2002 Total XXX	\$150
							<b>1996-2008 Total XXX</b>	<b>\$400</b>
YEARGIN WAREHOUSE	2002	DAUGHTRY, LEO	R	H	28	\$250	2002 Total Yeargin Warehouse	\$250
							<b>1996-2008 Total Yeargin Warehouse</b>	<b>\$250</b>

### Appendix C: Tobacco Industry Contributions to Political Party Organizations, 1996-2008

Recipient	Year	Contributor	Amount	Total by Year	
<b>Democrat Organizations</b>				<b>Democrat Total 98-08</b>	<b>\$79,000</b>
NORTH CAROLINA DEMOCRATIC PARTY	2000	ALTRIA/PM	\$2,250	2000 Total	\$9,750
	2000	RJ REYNOLDS	\$6,000		
	2000	US SMOKELESS TOBACCO	\$1,500		
	2002	ALTRIA/PM	\$500	2002 Total	\$24,000
	2002	CONWOOD CO	\$500		
	2002	LIGGETT VECTOR BRANDS	\$17,000		
	2002	LORILLARD TOBACCO	\$1,000		
	2002	RJ REYNOLDS	\$3,000		
	2002	US SMOKELESS TOBACCO	\$2,000		
	2004	CONWOOD CO	\$1,000	2004 Total	\$25,500
	2004	LIGGETT VECTOR BRANDS	\$500		
	2004	LORILLARD TOBACCO	\$1,500		
	2004	RJ REYNOLDS TOBACCO	\$1,000		
	2004	S&P TOBACCO CO	\$20,000	2006 Total	\$16,750
	2004	US SMOKELESS TOBACCO	\$1,500		
	2006	ALTRIA/PM	\$5,000		
	2006	LIGGETT VECTOR BRANDS	\$2,000	2006 Total	\$16,750
	2006	LORILLARD TOBACCO	\$7,500		
	2006	US SMOKELESS TOBACCO	\$2,250		
	2008	ALTRIA/PM	\$1,000	2008 Total	\$3,000
2008	LORILLARD TOBACCO	\$2,000			
<b>Republican Organizations</b>				<b>Republican Total 98-08</b>	<b>\$24,070</b>
NORTH CAROLINA REPUBLICAN PARTY	1998	CENTRAL TOBACCO EXCHANGE	\$5,000	1998 Total	\$5,820
	1998	COLUMBUS COUNTY TOBACCO WAREHOUSE	\$820		
	2000	RJ REYNOLDS	\$1,000	2000 Total	\$1,750
	2000	US SMOKELESS TOBACCO	\$750		
	2002	CONWOOD CO	\$500	2002 Total	\$3,750
	2002	LORILLARD TOBACCO	\$500		
	2002	RJ REYNOLDS	\$2,000		
	2002	US SMOKELESS TOBACCO	\$750		
	2004	LORILLARD TOBACCO	\$2,000	2004 Total	\$3,000
	2004	RJ REYNOLDS TOBACCO	\$1,000		
	2006	ALTRIA/PM	\$500	2006 Total	\$8,250
	2006	LORILLARD TOBACCO	\$6,500		
	2006	US SMOKELESS TOBACCO	\$1,250		
	2008	LORILLARD TOBACCO COMPANY	\$1,500	2008 Total	\$1,500

**Appendix D: Legislative Policy Scores, 2009/2010 Biennium Session of the North Carolina General Assembly**

\* Rated by five knowledgeable individuals engaged in tobacco control advocacy in the state. Legislators were scored on their receptiveness to tobacco control policies on a scale of 0 to 10, with 0 being extremely pro-tobacco and 10 being extremely pro-tobacco control. Presented here are legislators' average scores.

D1: Policy Scores 2009/2010 House of Representatives

Legislator	Party	District	Policy Score
Adams, Alma	D	58	9.0
Alexander, Kelly M., Jr.	D	107	7.0
Alexander, Martha B.	D	106	9.4
Allen, Lucy	D	49	5.0
Allred, Cary D.	R	64	0.2
Avila, Marilyn	R	40	0.6
Barnhart, Jeff	R	82	9.4
Bell, Larry M.	D	21	8.2
Blackwell, Hugh	R	86	2.2
Blackwood, Curtis	R	68	1.8
Blue, Dan	D	33	6.0
Blust, John M.	R	62	0.6
Boles, James L., Jr.	R	52	2.0
Bordsen, Alice L.	D	63	8.4
Braxton, R. Van	D	10	1.2
Brisson, William D.	D	22	2.6
Brown, Larry R.	R	73	1.2
Brubaker, Harold J.	R	78	0.8
Bryant, Angela R.	D	7	9.0
Burr, Justin P.	R	67	6.6
Burris-Floyd, Pearl	R	110	8.0
Carney, Becky	D	102	8.8
Cleveland, George G.	R	14	1.4
Coates, Lorene	D	77	4.2
Cole, Nelson	D	65	0.4
Coleman, Linda	D	39	8.8
Cotham, Tricia Ann	D	100	8.4
Crawford, James W., Jr.	D	32	2.8
Current, William A., Sr.	R	109	5.8
Daughtry, N. Leo	R	26	0.0
Dickson Highsmith, Margaret	D	44	7.6
Dockham, Jerry C.	R	80	2.0
Dollar, Nelson	R	36	2.4
Earle, Beverly M.	D	101	3.4
England, Bob, M.D.	D	112	9.6
Faison, Bill	D	50	5.6
Farmer-Butterfield, Jean	D	24	6.6
Fisher, Susan C.	D	114	9.4
Floyd, Elmer	D	43	6.8
Folwell, Dale R.	D	43	1.4
Frye, Phillip	R	84	2.2

Gibson, Pryor	D	69	6.6
Gill, Rosa U.	D	33	7.0
Gillespie, Mitch	R	85	2.4
Glazier, Rick	D	45	9.8
Goforth, Bruce	D	115	6.8
Goodwin Wade, Melanie	D	66	8.8
Grady, W. Robert	R	15	2.0
Guice, W. David	R	113	2.2
Gulley, Jim	R	103	1.4
Hackney, Joe	D	54	7.8
Haire, R. Phillip	D	119	6.6
Hall, Larry D.	D	29	8.6
Harrell, Ty	D	41	9.0
Harrison, Pricey	D	57	7.8
Heagarty, Chris	D	41	5.2
Hill, Dewey L.	D	20	1.4
Hilton, Mark K.	R	96	0.6
Holliman, Hugh	D	81	10.0
Holloway, Bryan R.	R	91	0.8
Howard, Julia C.	R	79	1.8
Hughes Spaulding, Sandra	D	18	7.4
Hurley, Pat B.	R	70	6.2
Iler, Frank	R	17	5.2
Ingle, Dan W.	R	64	4.2
Insko, Verla	D	56	9.8
Jackson, Darren G.	D	39	6.6
Jeffus, Maggie	D	59	7.8
Johnson, Linda P.	R	83	1.4
Jones, Earl	D	60	2.6
Justice, Carolyn H.	R	16	6.4
Justus, Carolyn K.	R	117	2.2
Killian, Ric	R	105	1.4
Langdon, James H., Jr.	R	28	0.6
Lewis, David R.	R	53	0.6
Love, Jimmy L. Sr.	D	51	4.0
Lucas, Marvin W.	D	42	6.4
Luebke, Paul	D	30	9.4
Mackey, Nick	D	99	8.2
Martin, Grier	D	34	9.4
McComas, Daniel F.	R	19	2.0
McCormick, Darrell G.	R	92	1.2
McElraft, Pat	R	13	2.6
McGee, Wm. C. "Bill"	R	75	1.2
McLawhorn, Marian N.	D	9	6.8
Michaux, Henry M., Jr.	D	31	5.0
Mills, Grey	R	95	2.0
Mobley, Annie W.	D	5	8.0
Moore, Tim	R	111	1.4
Neumann, Wil	R	108	8.2
Owens, Bill	D	1	6.8



Parmon, Earline W.	D	72	0.8
Pierce, Garland E.	D	48	6.0
Randleman, Shirley B.	R	94	5.4
Rapp, Ray	D	118	7.4
Rhyne, Johnathan Jr.	R	129	1.4
Ross, Deborah K.	D	38	9.2
Sager, Efton M.	R	11	1.4
Samuelson, Ruth	R	104	2.0
Setzer, Mitchell S.	R	89	2.0
Spear, Timothy L.	D	2	2.4
Stam, Paul	R	37	0.8
Starnes, Edgar V.	R	87	1.4
Steen, Fred F., II	R	76	7.2
Stevens, Sarah	R	90	2.2
Stewart, Randy	D	25	6.4
Stiller, Bonner L.	R	17	6.6
Sutton, Ronnie	D	47	4.0
Tarleton, Cullie M.	D	93	6.4
Tillis, Thom	R	98	0.6
Tolson, Joe P.	D	23	2.6
Tucker, Russell E.	D	4	1.4
Underhill Graham, Alice	D	3	8.6
Wainwright, William L	D	12	7.6
Warren, Edith D.	D	8	3.6
Warren, Ray	D	88	5.8
Weiss, Jennifer	D	35	8.8
West, Roger	R	120	1.6
Whilden, Jane	D	116	7.4
Wiley, Laura I.	R	61	2.0
Wilkins, W.A. (Winkie)	D	55	4.8
Williams, Arthur	D	6	4.8
Womble, Larry	D	71	5.8
Wray, Michael H.	D	27	7.4
Yongue, Douglas Y.	D	46	8.2

D2: Policy Scores 2009/2010 Senate

Legislator	Party	District	Policy Score
Charles W. Albertson	D	10	6.8
Austin M. Allran	R	42	1.4
Tom Apodaca	R	48	0.6
Bob Atwater	D	18	5.8
Marc Basnight	D	1	9.2
Doug Berger	D	7	3.2
Phil Berger	R	26	0.4
Stan Bingham	R	33	6.0
Harris Blake	R	22	4.4
Dan Blue	D	14	6.2
Julia Boseman	D	9	5.8
Andrew C. Brock	R	34	1.8

Harry Brown	R	6	1.6
Peter S. Brunstetter	R	31	5.2
Debbie A. Clary	R	46	1.6
Daniel G. Clodfelter	D	37	8.2
Charlie Smith Dannelly	D	38	7.6
Don Davis	D	5	6.0
Katie G. Dorsett	D	28	8.8
Don East	R	30	1.4
Tony Foriest	D	24	8.8
James Forrester	R	41	6.8
Linda Garrou	D	32	0.8
W. Edward Goodall	R	35	1.2
Steve Goss	D	45	6.0
Malcolm Graham	D	40	7.2
Fletcher L. Hartsell, Jr.	R	36	7.6
David W. Hoyle	D	43	2.2
Neal Hunt	R	15	1.6
Jim Jacumin	R	44	0.6
Clark Jenkins	D	3	4.2
Ed Jones	D	4	6.6
Eleanor Kinnaird	D	23	9.6
Vernon Malone	D	14	9.4
Floyd B. McKissick, Jr.	D	20	8.4
Martin L. Nesbitt, Jr.	D	49	7.8
Jean Preston	R	2	2.0
William R. Purcell	D	25	10.0
Joe Sam Queen	D	47	9.6
Tony Rand	D	19	9.4
David Rouzer	R	12	1.2
Bob Rucho	R	39	0.8
Larry Shaw	D	21	6.8
John Snow	D	50	6.2
R.C. Soles, Jr.	D	8	4.8
Josh Stein	D	16	9.4
Richard Stevens	R	17	7.2
A.B. Swindell	D	11	1.8
Jerry W. Tillman	R	29	1.2
Don Vaughan	D	27	5.0
Michael P. Walters	D	13	4.6
David F. Weinstein	D	13	2.6