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EXECUTIVE SUMMARY

The tobacco industry is a major political force in Nevada. The industry dominated state politics through a combination of strategic alliances with the hospitality and gaming industries and campaign contributions. From 1990-2006 the tobacco industry contributed \$552,111 to the state political parties and individuals running for state office.

In 1975, health groups in Nevada attempted to pass a legislative proposal, AB 17, that would have required smoking and non-smoking sections in all indoor public places. Although weak by today's standards, the proposed law was progressive for its time. The health group's proposal was opposed by the Tobacco Institute, which organized the hospitality and gaming industries and law enforcement agencies into an alliance to oppose the law. The Tobacco Institute successfully weakened AB 17, which, as passed, only required smoking sections in state government workplaces and a limited number of indoor public places.

In 1991, preemption was introduced in the state when Nevadans for Non-smokers' Rights, a group seeking smoking and non-smoking sections in restaurants made a curious compromise with the tobacco industry in the form of SB 313. SB 313 required restaurants with a seating capacity of 50 or more to have non-smoking sections but the law also explicitly preempted local government from passing stricter laws than the state related to clean indoor air.

In 1995, super preemption (preemption of all aspects of tobacco regulation) was introduced in legislation backed by the tobacco industry that was intended to comply with requirements of the Synar Amendment (federal requirement to pass laws restricting the sale of tobacco to minor and report compliance). The tobacco industry convinced the legislature that super preemption was necessary to comply with the Synar Amendment. Preemption was not necessary to comply with Synar but health groups in Nevada were not able to convince the legislature of this fact or garner the legislature's support for an alternative legislative proposal to comply with Synar that did not include preemption.

In 1994 the US Occupational Safety and Health Administration (OSHA) proposed Indoor Air Quality (IAQ) rules that would have mandated smokefree workplaces nationally. As part of its successful effort to block OSHA, the tobacco industry promoted ventilation as the "solution" to IAQ concerns. As part of this effort, the tobacco industry built partnerships with the gaming industry which representing pro-tobacco interests vigorously on the issue and remained allies in subsequent years.

In November 1998, the Attorneys General of 46 states, including the Attorney General of Nevada, signed the Master Settlement Agreement (MSA) with the five largest tobacco companies. The MSA ended litigation brought by the state Attorneys General, including Frankie Sue Del Pappa (D) of Nevada, to recover monies spent by the states to treat tobacco related disease as well as obtain some modest restrictions on cigarette marketing. The MSA put Nevada in a situation where the state expected to receive approximately \$374 million through 2008, with continuing money into the indefinite future.

In 1999, Governor Kenny Guinn and Assembly Democrats agreed on a compromise proposal for the how Nevada would spend its MSA money, with 40% of the money to college

scholarships (Millennium scholarship program), 10% for tobacco control, and the remaining for a mix of health related issues. As a result, Nevada spent \$4 million a year on tobacco control programming between 2001 and 2008 (30% of the Centers for Disease Control recommended minimum).

To oversee MSA money spent on various health issues, including tobacco control, the Task Force for the Fund for a Health Nevada was formed, with members appointed by the Governor and legislative leadership, and included legislators and health experts. The Task Force distributed tobacco control funds through competitive grants. The formation of the Task Force increased Nevada's spending on tobacco control significantly, and coincided with a dramatic decrease in adult smoking prevalence in the state from 31% in 1999 to 21% in 2008.

In the 1990's and 2000's tobacco control advocates made numerous unsuccessful attempts to repeal state preemption. The tobacco industry was successful and increasing its political influence and power in the state through campaign contributions and through aligning itself politically with the hospitality and gaming industry. Legislative proposals introduced by health advocates in an effort to advance tobacco control rarely made it out of committee.

In 2003, health advocates were successful at increasing Nevada's cigarette tax by 45 cents to a total of 80 cents per pack. The proposal to increase the cigarette tax came at a time when the state was struggling with a significant budget shortfall. Health advocates did not push for any of the tax revenue to be devoted to tobacco control programs.

In November 2006, Nevada became the 17th state to pass a strong statewide clean indoor air law through a voter initiative sponsored primarily by the American Cancer Society. The initiative was opposed by a competing voter initiative sponsored by a segment of the gaming industry called the slot route operators. While the law included exemptions for bars and the gaming floors of casinos, it represented a significant step forward for tobacco control because it made all other public places including restaurants smokefree and repealed preemption.

Challenges with the implementation of Nevada's new statewide clean indoor air law highlighted the fact that campaigns to introduce smokefree laws via ballot initiative need to coordinate with the state agencies responsible for implementation of the law. The health group initiative campaign did not coordinate with the state health divisions and as a result there were some avoidable implementation challenges. In addition, there were significant legal challenges that escalated to the state supreme court that as of July 2008 were not resolved. Despite the challenges, as of July 2008, Nevada's clean indoor air law was generally experiencing good compliance and increasing public support.

TABLE OF CONTENTS

INTRODUCTION	7
CAMPAIGN FINANCE	8
Total Campaign Contributions	8
Contributions to Candidates	10
Tobacco Policy Scores	12
NEVADA’S FIRST ATTEMPT AT CLEAN INDOOR AIR (ASSEMBLY BILL 17) IN 1975 AND THE TOBACCO INSTITUTE	14
Tobacco Control Before 1975	14
Assembly Bill 17	14
The Tobacco Institute and AB 17	15
The Expansion of the Tobacco Institute's Local Strategy	16
PREEMPTION: SENATE BILLS 25, 82 AND 313	17
1988 Reno-Sparks Convention and Visitors Authority Survey	17
The Nevada Health Issues Coalition	17
Senate Bill 25	18
Senate Bill 82	19
Attempt to Include Preemption	19
Nevadans for Nonsmokers' Rights	20
Draft Ordinance and the Board of County Commissioners	20
The Tobacco Industry and Preemption	21
Surveys on Non-smoking Sections in Restaurants	22
Senate Bill 313	22
THE SYNAR AMENDMENT AND SUPER-PREEMPTION	23
The Synar Amendment	23
The Tobacco Industry, Synar, and Preemption	23
The Synar Amendment and Nevada	24
Senate Bills 622 and 637	25
SELLING VENTILATION AS THE “SOLUTION” TO SECONDHAND SMOKE	29
OSHA's Proposed Rule	29
Securing the Gaming Industry's Support	29
Recruiting the American Gaming Association	31
ASHRAE's <i>Indoor Air Quality Standard</i>	32
THE MASTER SETTLEMENT AGREEMENT IN NEVADA	33
Background	33
Legislative Activity Surrounding the Millennium Scholarship and MSA Money	34
MSA Compromise	36
Funding for Tobacco Control Programs	38
TOBACCO CONTROL PROGRAMING	40

ATTEMPTS TO REPEAL PREEMPTION	43
The Legislative effort in 2001, Senate Bill 258	44
County Health Department Survey and Advisory Questions	45
Legislative Efforts in 2003, Senate Bill 50 and Assembly Bill 96	47
Senate Bill 50	48
Assembly Bill 96	50
2003 CIGARETTE TAX INCREASE	51
THE NEVADA CLEAN INDOOR AIR ACT	52
The 2005 Legislative Session	60
Assembly Bill 118: Modest Restrictions on Smoking in Video Arcades and Day Care Centers	61
The Formation of Nevadans for Tobacco Free Kids	61
The Lawsuit and Attempt to Remove the Nevada Clean Indoor Air Act From the Ballot	62
Outside Consultants; SE2 and the Decision to Move Forward	63
The 2006 Campaign	64
The Pro-Tobacco Counter Initiative	65
Resolution of the Lawsuit	66
The Campaigns and the Election	66
IMPLEMENTATION OF THE NEVADA CLEAN INDOOR AIR ACT	69
The First Legal Challenge in Clark County	69
Washoe County and the Rest of Nevada	70
Initial Implementation Efforts Concentrate on Education	70
Additional Legal Challenges	71
The Move to Active Enforcement	71
Resistance Softens	72
Economic Concerns	73
Discussion	73
CONCLUSIONS AND LESSONS LEARNED	74
REFERENCES	77
Appendix A: Organizations Funded by Competitive Tobacco Control Grants	83
Appendix B: Campaign Contributions to Individual Legislators by Election Cycle	84

INTRODUCTION

As in the rest of the United States tobacco use is the single greatest cause of preventable death and disease in Nevada. Nevada's smoking prevalence in 2006 was 22.2% which makes the state the 16th highest in terms of smoking prevalence in the country.¹ In 2008, a random digit dial adult tobacco survey estimated that Nevada's smoking prevalence was 21.2%.² Tobacco use causes approximately 3,500 deaths a year in Nevada and costs \$565 million in health care costs annually, \$123 million of which is paid by Nevada's Medicaid program.¹ In addition, smoking costs Nevada approximately \$832 million in lost worker productivity each year.¹

Beginning in 1999, when Nevada's smoking prevalence peaked at 31%, the state has seen a steady decline in adult smoking prevalence to 21% in 2008. The start of this decline correlated with an increase in spending on tobacco control programs facilitated by Nevada's participation in the Master Settlement Agreement. Also, during this time period health advocates in Nevada focused on advancing tobacco control policies with an emphasis on introducing clean indoor air laws and repealing preemption.

The tobacco industry has been the primary barrier faced by health advocates in Nevada during the pursuit of tobacco control policies. Through campaign contributions and direct involvement in statewide and local policy starting in the 1970's the tobacco industry was effective at advancing pro-tobacco policies. Beginning in the 1970's the tobacco industry increasingly acted through front groups such as the hospitality and gaming industries in order to pursue pro-tobacco policy objectives.

The tobacco industry's active political involvement and partnerships with the hospitality and gaming industries helped defeat tobacco control efforts and advance pro-tobacco policies in Nevada from the 1970's to 1998. In 1991, the tobacco industry was successful at introducing preemption over clean indoor air laws with a piece of "compromise" legislation with some health advocates. In 1995 the tobacco industry was successful at introducing super preemption (preemption over all aspects of tobacco including sales and marketing) in Nevada through a piece of legislation passed to comply with the federal Synar Amendment. The introduction of preemption and later super preemption prevented the advancement of local tobacco control activity in Nevada.

The lack of local tobacco control activity coupled with the tobacco industry's direct and indirect influence at the state level slowed the advancement of tobacco control policies until 2006. In November 2006, Nevada became the 17th state to pass a strong statewide clean

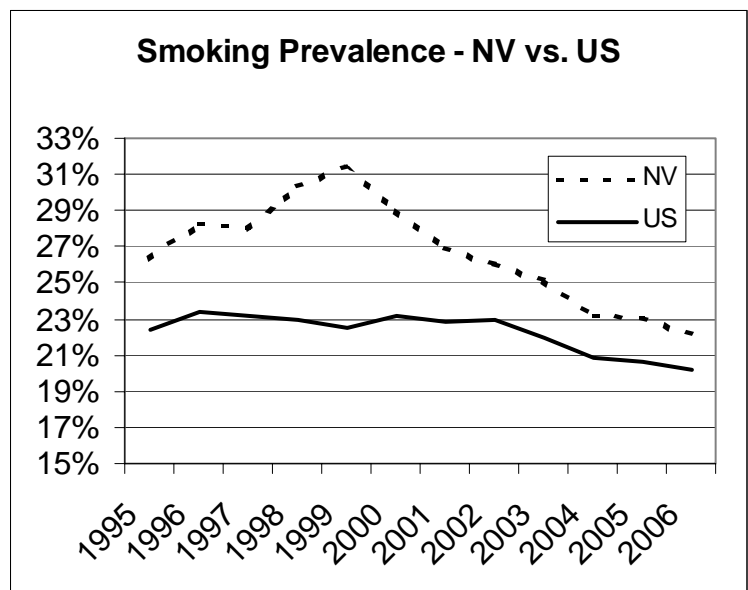


Figure 1: Nevada and US Adult Smoking Prevalence by Year

indoor air law. The law was passed by voter initiative and was sponsored primarily by the American Cancer Society. This tobacco control success came after many years of repeated failures by health advocates in the state to advance clean indoor air regulations through the state legislature.

CAMPAIGN FINANCE

Campaign contribution data collected by the National Institute on Money in State Politics were used to examine tobacco industry campaign contributions.³ The National Institute on Money in State Politics gathers their data by collecting campaign finance data submitted by candidates and political parties to respective states. Direct contributions to political candidates made by tobacco companies, lobbyists working for tobacco companies, employees of tobacco companies, and trade organizations devoted to the sale or production of tobacco were considered tobacco-related contributions.

Total Campaign Contributions

The tobacco industry is a major political force in Nevada and an element of the industry's political influence is campaign contributions. From 1990-2006 the tobacco industry contributed \$552,111 to the state

political parties and individuals running for state office (Table 2). Contributions made by the tobacco industry peaked in the 2000 election cycle after which campaign contributions decreased through 2006. This decrease in direct contributions corresponds with a shift in political strategy from the tobacco industry away from making direct political contributions to increasingly working through political allies such as the gaming and hospitality industries .

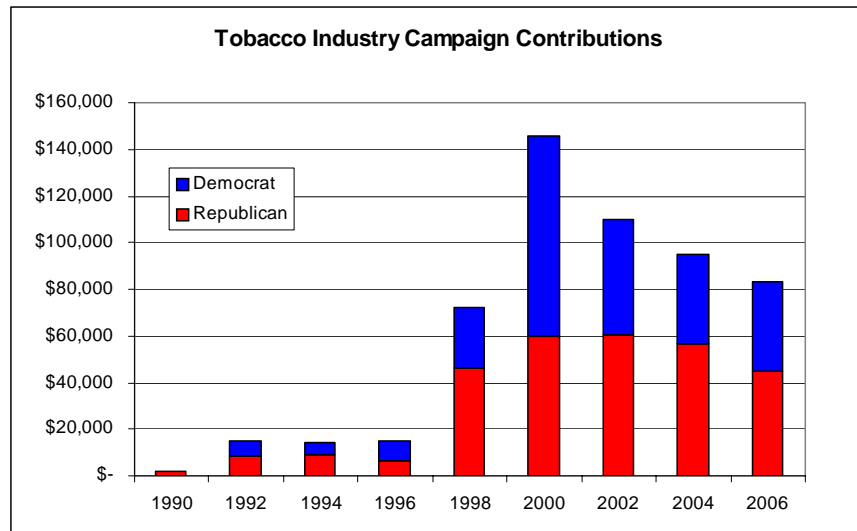


Figure 2: Total Tobacco Industry Campaign Contributions by Election Cycle

From 1990 to 2006 Altria/Phillip Morris contributed the majority of tobacco related campaign contributions in Nevada (Table 1), when it contributed \$345,100, 62.5% of all tobacco-related contributions. Similar to the trend of total tobacco related contributions, the total contributions made by Altria/Philip Morris peaked during the 2000 election cycle, then decreased. Noting this trend, health advocates in the state speculated that the decrease in direct

Table 1: Summary of Tobacco Industry Contributions by Election Cycle										
	1990	1992	1994	1996	1998	2000	2002	2004	2006	Total
<u>Tobacco Companies</u>										
Altria/Philip Morris		\$13,700	\$12,500	\$8,000	\$38,500	\$83,500	\$60,650	\$74,750	\$53,500	\$345,100
RJ Reynolds	\$2,250		\$2,000	\$2,000		\$19,000	\$16,000	\$9,000	\$16,000	\$66,250
Brown & Williamson						\$17,800	\$17,950	\$10,000		\$45,750
Lorillard						\$4,800	\$15,000	\$500		\$20,300
US Smokeless Tobacco					\$1,700	\$20,500		\$1,000	\$13,000	\$36,000
<u>Tobacco Orgs</u>										
Tobacco Institute		\$1,000		\$4,800	\$29,211					\$35,011
Smokeless Tobacco Council					\$1,000					\$1,000
Malecon Tobacco									\$1,000	\$1,000
Other					\$1,500					\$1,500
Total	\$2,250	\$14,700	\$14,500	\$14,800	\$71,911	\$145,600	\$109,600	\$95,250	\$83,500	\$552,111

contributions and political involvement by the tobacco industry was due to the decrease in the tobacco industry's public image and credibility.⁴ Beginning in the 1970's the tobacco industry increasingly worked indirectly through front groups and political allies such as the gaming and hospitality industries' to pursue its policy agenda. Continuing with this trend, in the 2000's the tobacco industry decreased the amount of campaign contributions it made directly and increasingly relied on campaign contributions from front groups to pursue its policy objectives. Numerous examples are discussed in detail later in the report.

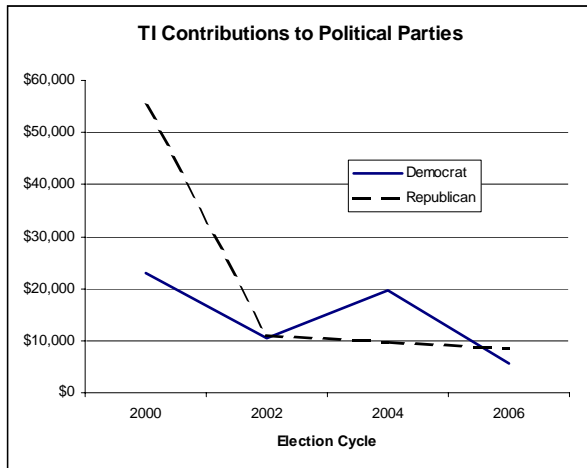


Figure 3: Contributions to Political Parties by the Tobacco Industry

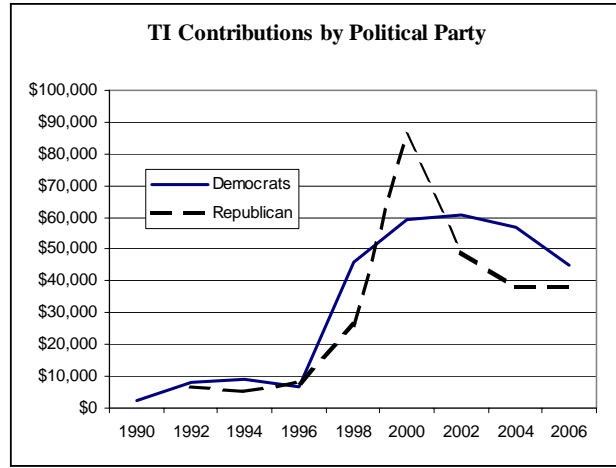


Figure 4: Tobacco Industry Contributions by Political Affiliation

Contributions to Candidates

The tobacco industry in Nevada has a history of directing campaign contributions to influential members of state government regardless of party affiliation. The tobacco industry has also tended to focus contributions to the state Assembly as opposed to the Senate (Figure 5). During the 2006 election cycle the tobacco industry contributed \$19,750 to Assembly leadership while only contributing \$5,250 to Senate leadership.

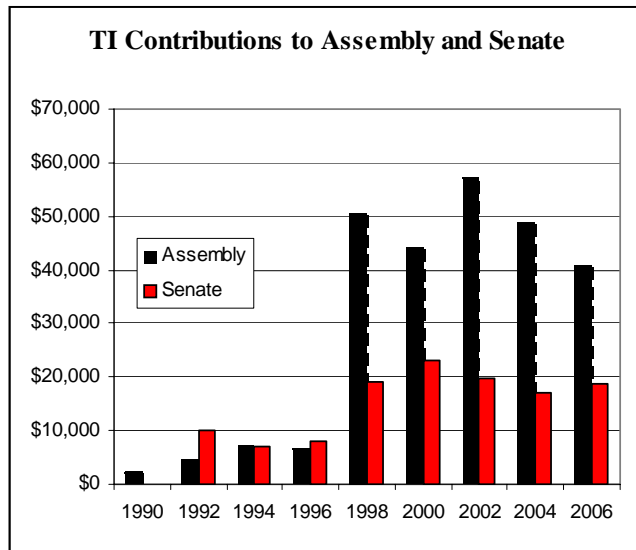


Figure 5: Tobacco Industry Contributions to the Assembly and Senate

From 1990-2006 there were six individuals who received more than \$10,000 in total campaign contributions from the tobacco industry (Table 2). The individual with the largest amount of campaign contributions from the tobacco industry was Bernie Anderson (D), a longstanding member of the Assembly and Chair of the Judiciary Committee, who received \$16,850. Because of the location of clean indoor air regulations in the Nevada Revised Statute the Assembly Judiciary Committee and Bernie Anderson oversaw proposed legislation dealing with clean indoor air regulations. Bernie Anderson's alignment with the tobacco industry's policy objectives resulted in repeated defeats of proposals to strengthen

Nevada's clean indoor air regulations (detailed later in this report).

During the 2006 election cycle four individuals received greater than \$4,000 in contributions from the tobacco industry. Consistent with the tobacco industry's pattern of contributing to individuals of influence and Assembly leadership, the top four recipients

Table 2: Top Six (>\$10,000) Recipients of Tobacco Contributions from 1990-2006			
<u>Name</u>	<u>Party</u>	<u>Office</u>	<u>Amount</u>
ANDERSON, BERNIE	DEMOCRAT	Assembly	\$16,850
PERKINS, RICHARD D	DEMOCRAT	Assembly	\$16,300
BUCKLEY, BARBARA	DEMOCRAT	Assembly	\$15,700
DINI JR, JOSEPH E	DEMOCRAT	Assembly	\$14,750
RAGGIO, BILL	REPUBLICAN	Senate	\$13,800
HETRICK, LYNN	REPUBLICAN	Assembly	\$11,500

Table 3: Top Four (>\$4,000) Recipients of Tobacco Contributions from 2005-2006			
<u>Name</u>	<u>Party</u>	<u>Office</u>	<u>Amount</u>
BUCKLEY, BARBARA	DEMOCRAT	Assembly	\$7,500
GIBBONS, JIM	REPUBLICAN	Governor	\$5,000
ANDERSON, BERNIE	DEMOCRAT	Assembly	\$4,750
OCEGUERA, JOHN	DEMOCRAT	Assembly	\$4,250

Table 4: Legislators who did not Receive Contributions for the Tobacco Industry			
<u>Name</u>	<u>Party</u>	<u>Office</u>	<u>District</u>
BOBZIEN, DAVID	DEMOCRAT	Assembly	Washoe, No. 2
GERHARDT, SUSAN	DEMOCRAT	Assembly	Clark, No. 29
GOEDHART, ED	REPUBLICAN	Assembly	Churchill(Part)
HECK, JOSEPH	REPUBLICAN	Senate	Clark, No. 5
HORSFORD, STEVEN	DEMOCRAT	Senate	Clark, No. 4
KIHUEN, RUBEN	DEMOCRAT	Assembly	Clark, No. 11
OHRENSCHALL, JAMES	DEMOCRAT	Assembly	Clark, No. 12
STEWART, LYNN	REPUBLICAN	Assembly	Clark, No. 22
WOMACK, ROSEMARY	DEMOCRAT	Assembly	Clark, No. 23
WOODHOUSE, JOYCE	DEMOCRAT	Senate	Clark, No. 5

included Assembly Speaker Barbara Buckley, Governor Jim Gibbons, Assembly Speaker Pro Tempore Bernie Anderson, and Assembly Majority Floor Leader John Ocegüera (Table 3).

Despite the large amount of contributions consistently being made by the tobacco industry in Nevada, in 2006 there were ten legislators who had never received campaign contributions from the tobacco industry (Table 4).

Contributions to Legislative Leadership and Committees

The tobacco industry's pattern of contributing to legislative leadership and influential committees is summarized in tables 5-7.

Table 5: TI Contributions to Assembly Leadership					
Position	Name	Party	District	2006	1990-2006
Speaker	Buckley, Barbara	Democrat	8	\$7,500	\$15,700
Speaker Pro Tempore	Anderson, Bernie	Democrat	31	\$4,750	\$16,850
Majority Floor Leader	Ocegüera, John	Democrat	16	\$4,250	\$8,550
Majority Whip	Leslie, Sheila	Democrat	27	\$500	\$500
Minority Floor Leader	Gansert, Heidi S.	Republican	25	\$750	\$750
Minority Whip	Weber, Valerie E.	Republican	5	\$1,500	\$2,750
Minority Whip	Goicoechea, Pete	Republican	35	\$500	\$1,500
Minority Whip	Hardy, Joseph P.	Republican	20	\$750	\$1,550

Tobacco Policy Scores

In our reports on state policymaking, we normally ask five to six knowledgeable individuals to rate legislators receptiveness to tobacco control policies on a scale of 1-10 (1 being extremely pro-tobacco, 10 being extremely pro-public health). These scores are then used with campaign contribution data to examine relationships between tobacco industry contributions and tobacco control policy receptivity. Unfortunately, due to turnover in public health lobbyist and policy advocacy positions in 2006 and 2007, the necessary number of knowledgeable individuals were not available to provide policy scores. Consequently we have exclude this analysis from the report.

<u>Position</u>	<u>Name</u>	<u>Party</u>	<u>District</u>	<u>2006</u>	<u>1990-2006</u>
President	Krolicki, Brian	Republican	SW	\$2,500	\$2,500
President Pro Tempore	Amodei, Mark	Republican	CAPITAL	\$2,250	\$6,500
Majority Floor Leader	Raggio, William	Republican	WASHOE 3		\$13,800
Majority Whip	Rhoads, Dean A.	Republican	NORTHERN		\$6,750
Minority Floor Leader	Titus, Dina	Democrat	CLARK 7	\$500	\$7,100
Minority Whip	Wiener, Valerie	Democrat	CLARK 3		\$1,000

<u>Name</u>	<u>Party</u>	<u>District</u>	<u>2006</u>	<u>1990-2006</u>
Anderson, Bernie (Chair)	Democrat	31	\$4,750	\$16,850
Horne, William (Vice Chair)	Democrat	34	\$1,750	\$3,500
Conklin, Marcus	Democrat	37	\$2,500	\$3,500
Gerhardt, Susan	Democrat	29		
Manendo, Mark	Democrat	18		\$5,150
Mortenson, Harry	Democrat	42	\$1,000	\$4,550
Oceguera, John	Democrat	16	\$4,250	\$8,550
Ohrenschall, James	Democrat	12		
Segeberblom, Tick	Democrat	9	\$500	\$500
Allen, Francis	Republican	4	\$1,000	\$1,750
Carpenter, John	Republican	33	\$1,000	\$4,350
Cobb, Ty	Republican	26	\$500	\$500
Goedhart, Ed	Republican	36		
Mabey, Garn	Republican	2		\$1,250

NEVADA'S FIRST ATTEMPT AT CLEAN INDOOR AIR (ASSEMBLY BILL 17) IN 1975 AND THE TOBACCO INSTITUTE

Tobacco Control Before 1975

Prior to 1975 Nevada had no law that dealt with tobacco smoke. The only tobacco-related legislation at that time pertained to taxes and other purely commerce related activity. Tobacco control in any form was virtually non-existent.

Assembly Bill 17

In 1975 the Nevada Lung and Heart Associations, with the support of other health groups including local county health departments, worked with members of Nevada's legislature to introduce the state's first clean indoor air law. The proposed law was introduced by 24 members of the 42 member state assembly as Assembly Bill 17 and seemed poised to pass with little opposition. In its original form AB 17 would have restricted smoking in all indoor public places but allowed managers of those places to create smoking sections as long as the smoke could be contained to the smoking section (Table 8).⁵

In 1975 the clean indoor air movement had just begun and only two states, Arizona and Minnesota, had passed clean indoor air laws of any kind.^{6,7} At that point in time public health advocates were pushing for smoking and nonsmoking sections. By today's standards the smoking and nonsmoking section regulation is considered a very weak standard but in 1975 AB 17 and its smoking and nonsmoking section requirements were "state-of-the-art."

Unfortunately for tobacco control efforts in Nevada, the introduction of AB 17 coincided with an effort by the Tobacco Institute (probably in response to passage of the Minnesota law), the trade and lobbying organization for the major US tobacco companies, to create a local political infrastructure across the country to support the tobacco industry's political objectives.

The Tobacco Institute and the Tobacco Action Network

From the Tobacco Institute's creation in 1958 until 1998 when it was dissolved as a result of litigation against the tobacco industry by the state attorneys general, it vigorously worked to protect the interests of the major US tobacco companies through lobbying and political advocacy at the federal, state and local level. In 1977 the Tobacco Institute organized its local grassroots political advocacy and lobbying effort into a formal program they called the "Tobacco Action Network."⁸

The Tobacco Institute had begun to develop the infrastructure for what would eventually become the Tobacco Action Network in the mid 1970's at the same time that AB 17 was introduced in the Nevada legislature. The development of this effort by the Tobacco Institute and the hiring of David McLean, Western Regional Manager for the Tobacco Institute and the Western Area Public Affairs Manager for the Tobacco Action Network, marked the beginning of a strong tobacco industry presence in Nevada politics.^{8,9}

Table 8: Assembly Bill 17 ⁵		
<u>Smoking Restricted Location*</u>	<u>AB 17 as Introduced</u>	<u>AB 17 as Amended and Passed</u>
Private Workplaces	No	No
Restaurant	Yes	No
State Buildings	Yes	Hallway, Waiting Room, and Cafeteria Only
Department Store	Yes	No
State Government Workplaces	Yes	Yes
Elevator	Yes	Yes
Theater	Yes	Yes
Library	Yes	Yes
Museum	Yes	Yes
Lecture or Concert Hall	Yes	Yes
Public Bus	Yes	Yes
Health Care Facilities	Yes	Yes
<u>Enforcement</u>		
Posting of No Smoking Signs	Yes	Yes
Fines of \$10 to \$1000 for Non-Compliance	Yes	Yes
*Restrictions allowed for the creation of smoking sections if the smoke could be confined		

The Tobacco Institute and AB 17

When AB 17 was introduced in the Nevada legislature the Tobacco Institute's David McLean took notice. In 1975 the Tobacco Institute was still in the beginning stages of developing the local front groups and political infrastructure that would become the Tobacco Action Network. When McLean became aware of the effort to introduce a statewide clean indoor air law in Nevada through AB 17, he used it as justification to rapidly expand the pro-tobacco infrastructure in Nevada.⁹

One of the first steps taken by McLean was to hire Frank Fahrenkopf as a lobbyist to the Nevada Legislature.⁹ Fahrenkopf was an extremely well connected lawyer and would later become CEO of the American Gaming Association.¹⁰ Fahrenkopf aggressively lobbied the Nevada legislature and was also successful at communicating the tobacco industry's position to the public via news media.⁵

Additional steps taken by McLean to strengthen the tobacco industry's local political infrastructure by organizing the state's tobacco distributors into a professional organization, and forming additional alliances with the gaming and hospitality industries.⁹ These allies included:

Las Vegas Chamber of Commerce
Las Vegas Conventional Authority
Democratic Central Committee of Clark County
Nevada Resort Association
Reno Chamber of Commerce
Reno-Sparks Convention and Visitors Authority
Nevada Gaming Association
Nevada County Commissioners Association
Reno Police Department
Sherif of Washoe County⁹

While McLean was successful at forming alliances with a wide array of organizations, notably gaming and law enforcement, the alliances he formed with the hospitality industry were initially the strongest and most effective at influencing the state legislature and protecting the tobacco industry's policy interests. The use of the hospitality industry as a front group for tobacco industry interests is an established strategy used by the tobacco industry to overcome their low public credibility.¹¹

The new pro-tobacco infrastructure created by McLean was very successful at advancing the tobacco industry's public message on AB 17 that (1) there was no scientific evidence that tobacco smoke was harmful to nonsmokers and (2) restricting smoking in hospitality venues would harm Nevada's economy.^{9, 12-14} Many newspaper articles, referencing various hospitality front groups aligned with the tobacco industry, portrayed the tobacco industry's position favorably.⁵ Hospitality groups and Fahrenkopf represented tobacco interests aggressively in legislative testimony for AB 17 and combined with the pro-tobacco media coverage were able to exert a significant amount of pressure on the Nevada legislature.

The end result of this coordinated effort by the tobacco industry was that, despite the strong initial support for the proposed law and the fact that AB 17 started off as a fairly comprehensive law at the time that would have provided smoking restrictions in most indoor public places and all state (but not private) workplaces, AB 17 was amended to exclude department stores and restaurants (Table 8).

The Expansion of the Tobacco Institute's Local Strategy

In 1975, when AB 17 was proposed in the Nevada legislature, the Tobacco Institute was still developing and seeking justification from the tobacco companies for the organization's local political strategy. The Tobacco Institute's experience in Nevada with AB 17 was used by the Institute to justify expending more resources and energy on local political strategy throughout the United States. In a 1975 conference held by the Tobacco Institute for industry executives, David McLean presented his experience in Nevada as an example of the need for comprehensive pro-tobacco local political networks. During his presentation McLean stated:

But take a moment and consider what really happened. We went into battle with no support at the beginning. No organization. No people. And critically, no operative support system to utilize. This gave the enemy camp [health advocates] nearly one month of time for telephone and letter campaigns to legislators and press during the heat of the battle. Prior to that, they had

another month for lobbying legislators after their elections... Without our hearing a word about it because there was no support system turned-in to such activities.

I believe we would have had an excellent opportunity to win the entire battle in Nevada instead of just winning a portion of it had we had a strong support system in effect, as well as a lobbyist on board and an active distributor association.⁹

McLean portrayed the passage of AB 17 in its weakened form a slight concession on the part of the Tobacco Institute that could have been avoided had a more extensive pro-tobacco local network been present in Nevada.

The Tobacco Institute would go onto expand significantly local pro-tobacco political infrastructures in the form of hospitality front groups and lobbyists across the county.¹⁵ In Nevada, as in the rest of the county, the coordination of lobbyists and hospitality front groups represented the tobacco industry's interests well. In addition, the eventual relationship that formed between the tobacco and gaming industries in Nevada also played a prominent role in the state's tobacco control policy.¹⁰ The strong political influence of the gaming industry in Nevada is a unique aspect to the political environment in the state and the tobacco industry's eventual success in convincing the gaming industry that pro-tobacco interests were also their interests would become the most significant barrier to tobacco control in Nevada.

PREEMPTION: SENATE BILLS 25, 82 AND 313

1988 Reno-Sparks Convention and Visitors Authority Survey

In 1988 the Reno-Sparks Convention and Visitors Authority conducted a survey to gauge the level of satisfaction that tourists to the area felt with their visit and their likelihood of returning for a future visit.¹⁶ The study concluded that although approximately 75% of visitors were satisfied with their visit, many would not return.¹⁶ The study also found that one of the major dissatisfactions visitors had was the poor air quality and large amounts of tobacco smoke in the area's casinos.¹⁶

The Nevada Health Issues Coalition

An unanticipated side-effect of the Reno-Sparks Convention and Visitors Authority survey was an effort of the Nevada Lung Association, American Cancer Society Nevada Division, American Heart Association, Diabetes Association, and The Nevada State Medical Association along with the state health divisions (regional health districts) and the state health officer, Dr. Joseph Jarvis, formed the Nevada Health Issues Coalition to push the Nevada legislature to strengthen the state's clean indoor air law.¹⁷

The Nevada Health Issues Coalition published a newsletter encouraging the state to strengthen its clean indoor air law for the following reasons:

1. Nationwide, 2/3 of adults over 21 years of age are non-smokers. Seventy percent of nonsmokers are adversely affected by smoke. Carbon monoxide levels in a room with persons smoking can exceed air pollution standards set by OSHA.

2. Closed spaces need 5 times the normal ventilation rate when smokers are present. Energy efficient, closed buildings cannot meet that standard.
3. Environmental tobacco smoke has acute, noxious effects on sensitive individuals including allergy, eye, ear and nose irritation and objectionable smell.
4. Tobacco smoke has been linked to serious chronic diseases such as lung cancer, bronchitis, pneumonia and emphysema. Children exposed to smoke have increased incidences of respiratory illnesses and ear infections.¹⁶

The Nevada Health Issues Coalition recommended that the state take three steps to strengthen Nevada's clean indoor air law:

1. Increase the number of public places where smoking restrictions apply. The term “public place” should refer to any indoor area used by the non-smoking public or serving as a place of work.
2. Public places should, in general, be considered smoke-free unless otherwise designated. Ventilation capacity could be specified for creating exceptions to smoke-free indoor environments.
3. Public authority of arbitration and enforcement of smoke-free environments should be designated.¹⁶

Senate Bill 25

In 1989, the Nevada Health Issues Coalition, led by the state health divisions, collaborated with state senator Sue Wagner (R) from Washoe District 3 (northwest Nevada) to introduce Senate Bill 25 to strengthen Nevada's clean indoor air law. As introduced the bill would amend the state's clean indoor air law and require smoking and nonsmoking sections in public owned buildings and grocery stores.¹⁷ The original bill also stated that operators of hotels, motels, and restaurants would have the option of restricting smoking completely or creating smoking and nonsmoking sections.¹⁷ At the time Nevada's existing clean indoor air law only provided restrictions in government workplaces and a limited number of public areas such as theaters and elevators (Table 8).

Senate Bill 25 as originally introduced represented a very modest improvement in the increase in number of smokefree places. By national standards in 1989 this proposal was weak because it only required smoking and no smoking sections rather than smokefree environments. The bill was viewed as a starting point by the Nevada Health Issues Coalition that tobacco control in the state could build on in the future.⁴ Health groups and supporters of the bill emphasized the negative health effects of tobacco smoke and in legislative testimony heavily referenced the 1989 Surgeon General's report *Reducing the Health Consequences of Smoking: 25 Years of Progress*¹⁷ Special emphasis by health groups was placed on the report's conclusion that second hand smoke presented a significant health threat to nonsmokers.

Despite its limited reach, Joe Midmore, a lobbyist for the Tobacco Institute since at least 1982, spearheaded the tobacco industry's initial opposition to Senate Bill 25 in the legislature.^{17,}

¹⁸ In his testimony, Midmore questioned the scientific evidence linking second hand smoke to

disease and urged the legislature to not base their decision on health considerations because “the evidence is just not there.”¹⁷ Downplaying the health consequences of tobacco smoke and emphasizing the tax revenue generated by the tobacco industry and the alleged loss of jobs from overly restrictive smokefree policies formed the basis of the tobacco industry's opposition to Senate Bill 25.¹⁷ The tobacco industry presented their perspective directly through lobbyists and indirectly through allies and front groups such as the Nevada Association of Tobacco and Candy Wholesalers, the slot machine operators professional association, and the state teacher's union.¹⁷

Senate Bill 82

There was a great deal of debate and discussion in the legislature related to Senate Bill 25.¹⁷ Initially, pro-tobacco interests opposed SB 25 but softened their stance and supported SB 25 when it became apparent that health groups were simultaneously pursuing a more stringent clean indoor air law in the form of Senate Bill 82. SB 82 was introduced in February 1989, one month after SB 25 was introduced, and was supported by the same health organizations that supported SB 25 including the Nevada Medical Association, American Lung Association, and Senator Sue Wagner, who had also introduced SB 25. SB 82 differed from SB 25 in that it required all indoor public places to be smoke free by default (meaning that unless specifically designated otherwise indoor public places would be considered smokefree).¹⁷ SB 82 allowed for smoking sections but stated that those sections should be marked with appropriate signs clearly distinguishing the smoking section from the nonsmoking section which did not require any designation. SB 82 did provide exemptions for gaming areas and hospitality venues that derived more the 50% of their revenue from alcohol sales (bars).

Health groups publically expressed support for both SB 25 and SB 82, but did show preference for SB 82, calling it a more comprehensive law that would do more to protect nonsmoking Nevadans from tobacco smoke.¹⁷ Senate Bill 82 was used by the Nevada Health Issues Coalition as a ploy to help pass SB 25.⁴ The logic used by health groups was that pro-tobacco interests would be more concerned with SB 82 and consequently opposition to SB 25 would erode.

During the initial committee hearings on SB 82 the Tobacco Institute's Joe Midmore expressed strong opposition to the proposal calling it, “un-Nevada like ... one of the most intrusive pieces of legislation I've ever seen insofar as telling private property owners what they must and must not do.”¹⁷ Testimony from other pro-tobacco groups was successful at convincing legislative members that SB 82 was too extreme and, despite support from health groups, the bill never made it out of committee.

Attempt to Include Preemption

Enacting weak state clean indoor air laws that preempt (superceded) local laws, is an established tobacco industry strategy to combat clean indoor air laws.^{19, 20} During the continued discussions regarding Senate Bill 25 by the Committee on Health and Welfare, an attempt was made by Assemblyman Marvin Sedway (D) to amend SB 25 and insert explicit preemptive language which read:

The legislature reserves for itself such rights and powers as are necessary to regulate the

smoking of any form of tobacco in public. No political subdivision of this state may infringe upon those rights and powers.¹⁷

Assemblyman Sedway received \$500 in campaign contribution from the Tobacco Institute in 1988, which was the largest amount given by the Tobacco Institute to an individual legislator in Nevada that year.²¹ Ultimately Sedway's proposed amendment introducing explicit preemptive language was not supported by other members of the Health and Welfare Committee and was dropped, but the question of “implied preemption” would later emerge.

Senate Bill 25 eventually passed as a compromise piece of legislation. The tobacco industry would have preferred that no legislation passed and health advocates wanted stronger legislation in the form of SB 82, but viewed SB 25 as an incremental step forward.⁴ SB 25 strengthened Nevada's clean indoor air law by restricting smoking with the option of smoking sections in all publicly owned buildings, grocery stores, childcare facilities with more than 13 children and giving the option of making hotels, motels, and restaurants smokefree at the discretion of the owner. These exceptions made the bill meaningless, since owners could make their spaces smokefree without the law and were able to maintain smoking with it.

What ultimately resulted from the effort by the Nevada Health Issues Coalition to push Senate Bill 25 was a tremendous amount of effort by the state's health groups for minimal return. In addition, Senate Bill 25 provided an opportunity for pro-tobacco forces in the state to present their perspective to the Nevada legislature and public and further develop the tobacco industry's political infrastructure in the state. After the passage of Senate Bill 25, despite the lack of explicit preemptive language, there would later be a debate as to whether or not the bill set uniform state-wide standards and effectively preempted local communities from being able to establish stricter clean indoor air regulations than state law.

Nevadans for Nonsmokers' Rights

In 1989 a nonprofit organization called Nevadans for Non-smokers' Rights (NNR) was formed to pursue more comprehensive clean indoor air laws in the state. Specifically, Nevadans for Non-smokers' Rights focused on trying to pass clean indoor air ordinances at the local and state level that would make nonsmoking sections in restaurants mandatory. The organization engaged in three activities in order to pursue their goal of enacting this regulation throughout the state: (1) draft a county level clean indoor air ordinance, (2) lobby the board of county commissioners to consider the ordinance, and (3) sponsor surveys of public support for non-smoking areas in restaurants.²²

Draft Ordinance and the Board of County Commissioners

The draft ordinance created by Nevadans for Non-smokers' Rights required that restaurants “designate 50% of restaurant seating capacity as non-smoking areas where the restaurant has a seating capacity of 50 or more.”²² After Nevadans for Non-smokers' Rights presented the draft ordinance to the Board of County Commissioners, Bruce Woodbury, the Chairman of the Board of County Commissioners, sent the draft to the Clark County District Attorney's office for a legal opinion.²²

On August 2, 1989, the Clark County District Attorney, Rex Bell, gave the legal opinion that existing state level smoking regulations at the time preempted the proposed local county level legislation.²² The District Attorney's office pointed to the amendments made to the state's smoking regulation earlier in 1989 by Senate Bill 25. The specific amendments referenced were the following:

1. Except as otherwise provided in subsection 4, the smoking of tobacco in any form is prohibited if done in any:

...

(d) Hotel, motel, or restaurant when so designated by the operator thereof.

2. The person in control of an area listed in paragraph ... (d) ...

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).²²

The District Attorney noted that the Nevada Supreme Court had previously ruled “That which is allowed by the general laws of a state cannot be prohibited by local ordinance, without an express grant on the part of the legislature.”²² The District Attorney then stated that since Nevada law now specified that restaurant owners had the option of deciding their establishments smoking status local ordinances mandating more restrictive legislation could not be passed.²² The Clark County District Attorney's opinion that Nevada's current smoking law was preemptive was not legally binding. However, Nevadans for Non-smokers' Rights decided not to challenge the District Attorney's opinion.

After the opinion given by the Clark County District Attorney's office that existing Nevada state smoking law preempted local ordinances, Nevadans for Non-smokers' Rights changed their focus from a local strategy to a legislative strategy at the state level. NNR drafted legislation that would amend that state's smoking law and allow local governments to impose more stringent regulations than state law through the following language:

Nothing contained in NRS 202.2491 or 202.2492 prevents the governing body of a local government from imposing more stringent restrictions on the smoking of tobacco than are provided by those sections.²²

The Tobacco Industry and Preemption

Despite the Clark County District Attorney's opinion that Nevada's current smoking regulation preempted local governments, the tobacco industry's own evaluation of the state's law determined that there was still uncertainty. A legislative analysis done by the Tobacco Institute in 1990 stated that:

Nevada statutes on regulation of smoking are not totally clear as to where the authority resides. The industry will have to be alert to attempts by health groups to clarify those statutes and establish a clear authority at the local level.²³

Surveys on Non-smoking Sections in Restaurants

Nevadans for Non-smokers' Rights in 1990, as part of their effort to introduce mandatory nonsmoking sections in restaurants, conducted one survey of restaurants and commissioned a second survey of public support for nonsmoking areas in restaurants.²² Nevadans for Non-smokers' Rights intended to use the surveys to demonstrate to state government that there was both a need and a desire from the public for nonsmoking sections in restaurants. While the American Heart Association, American Lung Association, and American Cancer Society had previously been active in tobacco control policy in the state, they were not active participants in the surveys or the policy effort undertaken by Nevadans for Non-smokers' Rights.

The survey of restaurants was done internally by Nevadans for Non-smokers' Rights and consisted of contacting 1,100 restaurants in the Las Vegas area and inquiring if the restaurant had a non-smoking section.²² Nevadans for Non-smokers' rights found that of the restaurants contacted only 248, roughly 30%, had non-smoking sections.²²

The second survey, which was conducted by the University of Nevada Las Vegas Center for Business and Economic Research, was a randomly mailed survey to 4,000 Las Vegas households of which 688 responded (response rate 17.2%).²² Findings from the survey that were highlighted by Nevadans for Non-smokers' Rights were:

- 23% percent of Las Vegans are smokers
- 85% of all respondents support the designation of restaurants as non-smoking areas
- 63% of smoking respondents had household incomes of more then \$25,000. Eighty percent of non-smoking respondents were in that category
- The average respondent was 49 years old and has some college education.²²

Senate Bill 313

Nevadans for Non-smokers' Rights proposed amendments were introduced as Senate Bill 313 during the state's legislative cycle in 1991.²² Numerous health organizations testified in the legislature supporting the bill and Nevadans for Non-smokers' Rights was successful at generating a significant amount of earned media that was sympathetic to tobacco control and portrayed the expansion of non-smoking sections in restaurants favorably.²² The surveys that had been conducted by NNR played a pivotal role in newspaper coverage related to expanding non-smoking sections in restaurants.

In the midst of the legislative debate concerning SB 313 a curious compromise between Marsha Berkbigler, lobbyist for Nevadans for Non-smokers' Rights, and Harvey Whittemore, lobbyist for RJ Reynolds, was announced. The two agreed that if SB 313 was amended to (1) explicitly preempt local governments from passing stricter smoking regulations, (2) exempt gaming, and (3) mandate non-smoking sections in restaurants with a seating capacity of 50 or more, both sides would be able to support the bill.²² Once this compromise was announced the proposed amendments were included and SB 313 moved through the legislature and was passed with minimal resistance. Health groups in Nevada were not party to the negotiations and were caught off guard by the deal.

The amendment and passage of SB 313 with explicit preemptive language was a devastating blow to tobacco control in Nevada. In their attempt to secure non-smoking sections in restaurants, Nevadans for Non-smokers' Rights agreed to a deal with the tobacco industry that would halt any further progress on clean indoor air efforts in the state for fifteen years. While the full impact of this action was not appreciated by tobacco control and health advocates at the time, removing the preemptive language from Nevada's clean indoor air law would later become the top priority for tobacco control advocates in the state.

THE SYNAR AMENDMENT AND SUPER-PREEMPTION

The Synar Amendment

In 1992 the United States Congress enacted the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) Reorganization Act, including a provision called the Synar Amendment, in honor of its author, Rep. Mike Synar (D-OK). The Synar Amendment required states to enforce laws and compliance standards prohibiting the sale of tobacco products to anyone under the age of 18 (minors). As part of the federal government's monitoring of individual state compliance, states were required to conduct random unannounced inspections of tobacco retailers and file annual reports with the federal Department of Health and Human Services with the results of those inspections as well as other indicators of steps taken by the state to comply with the Synar Amendment's requirements. Compliance with Synar is a condition of states receiving their Federal Substance Abuse Prevention and Treatment block grants. However, despite making this condition known in 1992, the Department of Health and Human Services did not establish the final regulations until 1996.²⁴ The delay and uncertainty about the exact requirements created a tremendous amount of confusion among state legislatures. The tobacco industry exploited this confusion and used it to introduce preemptive pro-tobacco legislation at the state level.^{25,26}

The Tobacco Industry, Synar, and Preemption

In the early 1990's when states were working to comply with the Synar Amendment, preemption was a major policy goal of the tobacco industry.²⁵⁻²⁸ The tobacco industry recognized that confusion regarding compliance with the Synar Amendment created an opportunity for them to influence state policy to include preemption.²⁶ The Synar amendment did not require states to include preemption of anything but the tobacco industry led states to believe and in many cases explicitly stated that preemption would be necessary for compliance.²⁶ A 1994 internal Tobacco Institute issue brief regarding the Synar amendment outlined the industry's position on preemption:

... the industry supports adoption of statewide preemption on these issues [compliance with Synar]. One single standard throughout the state provides retailers and venders – who may operate in more than one town or county – with a better framework for compliance. Statewide uniformity also enables law enforcement officials to improve their efforts to prevent access to tobacco products by minors, and to gauge the overall effectiveness of law enforcement statewide.²⁶

The Tobacco Institute sought to introduce preemption to restrict local tobacco control policy

activities because local legislation tended to be stronger and better enforced than state legislation.^{19, 27}

The Synar Amendment and Nevada

In 1993, Nevada Governor Bob Miller (D) instructed the Nevada Bureau of Alcohol and Drug Abuse (BADA) to create the Tobacco Task Force to develop a plan for the state to comply with the requirements of the Synar Amendment. The Task Force was comprised of a wide array of individuals and health organizations from regional health districts, BADA, and the voluntary health organizations.²⁹ Despite objections from health advocates, however, the tobacco industry convinced Governor Miller that they should be included in the Task Force as well.³⁰ Representatives from the Tobacco Institute and Philip Morris were included in the Task Force.^{29, 30}

The tobacco industry publically claimed that it wanted to be included in the Task Force because it believed that “kids shouldn't smoke and that it's an adult decision.”³⁰ Since the 1980's the tobacco industry has used industry sponsored youth based prevention campaigns to undermine proven tobacco control measures such as clean indoor air laws, tax increases and counter marketing campaigns.^{31, 32} An e-mail from Philip Morris' “It's The Law” youth prevention program manager Josh Slavitt to various pro-tobacco contacts in Nevada, clearly illustrates the tobacco industry's intentions for its youth prevention campaign:

In petitioning the Governor to allow us to participate [in the Task Force], our lobbyists and those from the retail community, cited our responsible youth marketing activities.

Examples like this make it imperative that we move forward in finalizing our plans to roll out the enhanced ITL [It's The Law] campaign as well as to respond to the upcoming Surgeon General's report which will focus on tobacco industry marketing activities and youth.³⁰

Health advocates at the time understood that the tobacco industry's objective was to undermine or influence the recommendations of the Task Force to benefit the industry and many objected publicly to the tobacco industry's inclusion.

The tobacco industry's ultimate goal in working to get on the Task Force was to use Nevada's need and desire to comply with Synar as a vehicle to introduce stronger preemptive legislation in the state to prevent local tobacco control activity.^{25, 33} Because clean indoor air ordinances were already preempted in Nevada by Senate Bill 313 in 1991, the tobacco industry worked to preempt local control over all aspects of tobacco in Nevada including sales, promotion, and distribution of tobacco products.²⁵ In a legislative forecast for the entire United States focused on preemption by the Tobacco Institute, the objective in Nevada was detailed as the following:

We will pursue an ADAMHA preemption bill in sales, promotion and distribution in a limit bill. The bill will focus on tightening the system of enforcement of prohibiting sales to minors and reporting under Synar amendment.²⁵

While the tobacco industry was initially successful at lobbying to be included on the Task Force, outrage from health groups eventually put enough public and political pressure on the

governor's office to get pro-tobacco interests excluded from the Task Force. In January 1994, pro-tobacco interests were officially removed from the Task Force by the Governor. Despite being excluded from official discussions, the tobacco industry would continue its efforts to use the state's desire to comply with Synar to advance the industry's policy objectives.

After leaving the official Task Force, the tobacco industry continued to collaborate with the Nevada Bureau of Drug and Alcohol Abuse on Phillip Morris' "It's The Law" campaign.³³ As discussed early, this was an effort by the industry to build public and political credibility surrounding the underage tobacco use issue in an effort to ultimately influence and undermine future legislation intended to bring Nevada into compliance with Synar.^{26,30} Unlike strategies to reduce youth access to tobacco that were promoted by health authorities, which included penalties for merchants who sold tobacco to youth, the "It's the Law" (and other similar programs developed by tobacco interests) were limited to providing signs and promoting "merchant education" and "responsible retailing."

In June 1994, based on concerns regarding the program's effectiveness and partnering with the tobacco industry, the Bureau of Drug and Alcohol Abuse ceased participation in the "It's The Law" campaign.

In late 1994 early 1995, the tobacco industry began drafting legislation that they claimed would bring Nevada into compliance with Synar.^{33,34} In the beginning of the process the tobacco industry approached the Nevada Tobacco Prevention Coalition in an apparent renewed effort to collaborate on legislation.³³ The tobacco control coalition quickly rejected the tobacco industry and made a decision to draft proposed legislation of their own.³³

Senate Bills 622 and 637

The competing efforts by the tobacco industry and the Nevada Tobacco Prevention Coalition to introduce legislation that would comply with the requirements of the Synar amendment eventually took the form of competing Senate Bills 622 and 637. Senate Bill 622 was drafted and backed by the tobacco industry while Senate Bill 637 was drafted by the Nevada Tobacco Prevention Coalition working with the Nevada Bureau of Alcohol and Drug Abuse and with the financial support of the newly acquired Smokeless States Grant from the Robert Wood Johnson Foundation.

Senate Bill 622 as originally introduced gave sheriff departments and law enforcement organizations the responsibility for conducting the random inspections of tobacco merchants and reporting of compliance with state law restricting the sale of tobacco products to minors (Table 9).³³ SB 622 also sought to introduce what would be later be called super preemption, which was legislation preventing local governments from imposing more stringent restrictions on anything related to tobacco, specifically the smoking, use, sale, distribution, marketing, display, or promotion of tobacco products.³³

Senate Bill 637, despite being drafted to comply with Synar, as originally introduced, did not establish a specific protocol for the inspection and reporting of compliance with state law restricting the sale of tobacco products to minors.³⁴ The bill did, however, call for several other major changes to tobacco related policy in Nevada (Table 9). The first was the designation of all

Table 9: Comparison of Senate Bills 622 and 637				
	SB 622 introduced	SB 622 passed	SB 637 as introduced	SB 637 as passed
Sponsor/backers	Philip Morris, RJ Reynolds, Smokeless Tobacco Council, and the Retail Association of Nevada	Philip Morris, RJ Reynolds, Smokeless Tobacco Council, and the Retail Association of Nevada	Nevada Tobacco Prevention Coalition	Philip Morris, RJ Reynolds, Smokeless Tobacco Council, and the Retail Association of Nevada
Mechanism for compliance with the Synar Amendment	Random inspections and reporting of compliance conducted	Random inspections and reporting of compliance	New tobacco licensing system	NA
Enforcement Agency	Law enforcement agencies throughout the state	Coordinated by the state Attorney General's office	Department of Taxation which would be responsible for licensing system	NA
Youth Possession Penalty	Criminal	\$100 fine and \$100 civil penalty (no criminal component)	None	NA
Tobacco Merchant Penalty	None	\$500 fine and \$500 civil penalty (no criminal component)	Loss of tobacco license	NA
Other Functions	NA	NA	NA	Appropriates \$60,000 a year to the AG's office to enforce laws forbidding sale of tobacco products to minors

public places as nonsmoking unless indicated otherwise. This represented a major paradigm shift as policy at the time was for any given location to allow smoking unless otherwise indicated. The bill allowed for the creation of smoking sections in specified public areas such as restaurants and hotels but these areas would have to be clearly marked and under the proposed legislation any area not clearly marked as a designated smoking area would be nonsmoking. The bill continued to exempt casinos and licensed gaming establishments from any type of smoking restrictions.

The second major tobacco policy change called for in SB 637 was to criminalize (misdemeanor) the sale of tobacco products to minors by tobacco merchants.³⁴ In contrast, the tobacco industry backed SB 622 criminalized the possession of tobacco by minors.³³ Criminalizing youth possession of tobacco is an established tobacco industry strategy to draw

attention away from and undermine other more effective tobacco control measures that actually create disincentives for merchants to sell cigarettes to youth, particularly penalties for merchants who sell to youth.³⁵

The final policy change called for by SB 637 was the creation of a cigarette dealer's license system.³⁴ The proposal called for a \$150 annual fee for merchants to acquire a licence to sell tobacco products. SB 637 also outlined protocol where if tobacco merchants did not comply with state law prohibiting the sale of tobacco to minors they would have their cigarette dealer's license revoked for up to two years. Larry Matheis, executive director of the Nevada State Medical Association and member of the Nevada Tobacco Control Coalition, recalled in a 2007 interview that the intention of the tobacco control coalition was to create a license system that could be used to effectively enforce state law and comply with the requirements of the Synar amendment.⁴

The legislature noted that random inspections and reporting compliance to the federal government were key components of satisfying the requirements of the Synar amendment and expressed concern that SB 637 did not include a specific protocol.^{33,34} The health groups felt that the proposed licensing system would meet the requirements of the Synar amendment but made the mistake of not specifying a specific inspection and reporting protocol and not making it clear to the legislature that their proposal would be in compliance.

The legislative fight between the tobacco industry-backed SB 622 and the Nevada Tobacco Control Coalition-backed SB 637 was very one sided.^{33,34} In testimony given to the Nevada legislature regarding SB 622 Rick Kropp, an expert on state legislation and Synar, and consultant to the Robert Wood Johnson Foundation, American Cancer Society, and the Centers for Disease Control, stated:

SB 622 is clearly a tobacco industry bill. It is an example of a tobacco industry strategy widely-used across the country. This strategy focuses on getting state legislatures to enact weak, preemptive Synar Amendment-compliance laws with ineffective and inadequate enforcement, and that blame and punish children rather than retailers that break the law. Although SB 622 may not be the worst tobacco industry state Synar bill introduced over the last three years, it still is a very bad bill.³³

Kropp's testimony exemplified the opposition and the message from tobacco control advocates in the state toward SB 622. However, the tobacco industry was successful at convincing the legislature that SB 622 was the best bill to comply with Synar, which was the legislature's primary concern.³³ The tobacco industry was also in the end successful at addressing the other concerns that the state legislature had regarding the bill which included: (1) giving law enforcement agencies the responsibility to implement inspections and enforce the law but without additional funding and (2) criminalizing youth possession of tobacco (but not the sale of tobacco to minors).³³

Despite testimony from experts like Kropp, the legislative debate regarding the Nevada Tobacco Control Coalition backed SB 637 was limited and one sided. In legislative testimony health advocates portrayed SB 637 as a proposal that would comply with requirements of the Synar Amendment and take other actions to decrease the health burden of tobacco in Nevada.

The feeling among advocates was that the licensing system would comply with the requirements of Synar. But the lack of specific procedures and protocols for the inspections and compliance reporting, perceived by the legislature as necessary to comply with Synar, resulted in legislators giving SB 637 limited consideration.³⁴

As legislative discussions continued, the tobacco industry sought to address the various concerns that were raised about SB 622 without compromising its primary policy objective of introducing super preemption. During this process the tobacco industry contacted the Nevada Attorney General's office and was successful at collaborating with the Attorney General's office on a plan to restructure how SB 622 would mandate inspections and compliance reporting.³³ The plan that was eventually agreed upon and incorporated into SB 622 called for the state Attorney General's office to manage and oversee all inspections and compliance reporting to the federal government. Additional elements of this plan included the granting of the ability for the Attorney General's office to contract out the work as necessary and for additional funding, initially set at \$60,000 annually, to be made available to the Attorney General's office for performing this function.³³ The tobacco industry also took out all language in SB 622 that criminalized possession of tobacco by a minor which the health groups and several legislators found objectionable.

In the end the tobacco industry was also able to get the Nevada Bureau of Alcohol and Drug Abuse to publically support SB 622.³³ BADA had initially partnered with the Nevada Tobacco Control Coalition and had participated in drafting SB 637. To have BADA switch sides during the legislative debate and support the tobacco industry's proposal was a devastating blow to tobacco control. In a 2007 interview, Larry Matheis called BADA's switch of support "the worst political backstab I have ever experienced."⁴

Tobacco control advocates speculated that the fear of losing their federal block grant funding and political pressure somehow exerted by the tobacco industry triggered a directive from high level state government for BADA to switch sides and support SB 622.⁴ In addition, there were reports of an unofficial deal struck between BADA and Philip Morris were if SB 622 passed and for any reason the federal government choose to withhold Nevada's federal block grant funding in the future, Philip Morris would make the state whole and pay the cost of the grant.⁴

In a telling sign of the tobacco industry's political dominance, the industry did not just defeat tobacco control backed SB 637 but completely gutted the bill and rewrote it as a funding mechanism for the responsibilities given to Nevada's Attorney General's office under SB 622. While SB 637 initially represented attempts by tobacco control advocates in Nevada to comply with Synar and introduce stronger clean indoor air measures in the state, the bill in the end was summarized in Nevada's legislative records as the following:

Senate Bill 637 appropriates \$60,000 for each year of the next biennium to the Attorney General to enforce current laws forbidding the sale of tobacco products to minors.³⁴

There were several factors that led to the tobacco industry's successful use of a "Synar Bill" to introduce super preemption in Nevada. The primary factor was simply the political influence and power of the tobacco industry. As discussed earlier, the tobacco industry

cultivated relationships with the hospitality and gaming industries in Nevada starting in the 1970's and the alignment of the political interests of these industries creates a very difficult political agenda to overcome. While the tobacco industry represented itself during this legislative cycle, the industry's partnerships with gaming and hospitality gave them additional political influence in the legislature. Taking this factor into consideration there were still several mistakes made by tobacco control advocates in the state that contributed to their eventual defeat during the 1995 legislative cycle.

The Nevada Tobacco Control Coalition, by not including specific protocols to comply with the requirements of the Synar Amendment, inadvertently ensured that there would be limited legislative support for their proposal. In addition, the inclusion of two extremely ambitious policy changes – (1) all public areas nonsmoking unless otherwise indicated and (2) a cigarette dealer licensing system – may have further decreased the political acceptability of SB 637. Matheis recalled that the health groups felt that the licensing system would have effectively introduced the mechanisms and reporting systems to comply with Synar but that the legislature was not supportive of the idea.⁴

The passage of SB 622 and the introduction of super preemption in Nevada was an additional setback for tobacco control. Because there were few other avenues for tobacco control advocates to pursue, repealing preemption became the primary tobacco control policy objective in the state. The loss of local control over all aspects of tobacco combined with the formidable political power of pro-tobacco interests in the state would stall tobacco control efforts in Nevada for over 10 years.

SELLING VENTILATION AS THE “SOLUTION” TO SECONDHAND SMOKE

OSHA's Proposed Rule

In 1994 the US Occupational Safety and Health Administration (OSHA) proposed Indoor Air Quality (IAQ) rules that would have effectively mandated smokefree workplaces throughout the United States.³⁶ The tobacco industry vigorously fought the proposed rule and was ultimately successful at preventing its enactment when in 2001 OSHA withdrew the proposal.³⁶ The tobacco industry utilized multiple strategies to fight the proposed OSHA rules and actively promoted ventilation as the “solution” to IAQ concerns.^{10, 36, 37} These strategies and the promotion of ventilation relied significantly on partnerships with the gaming industry which representing pro-tobacco interests vigorously on the issue.

Securing the Gaming Industry's Support

The tobacco industry's main strategy in securing the gaming industry's support on IAQ issues was to convince gaming that restricting smoking in casinos would negatively impact revenue.¹⁰ In 1996 Philip Morris conceived of and organized an “economic impact report” that claimed passage of OSHA's proposed IAQ rule would decrease gaming revenue in Nevada and cost the state jobs. An excerpt from a 1996 Philip Morris OSHA Communications Report clearly illustrates the company's plan:

We have reached an agreement in principle with Dr. John Dobra of the University of Nevada to

conduct a separate survey of the gaming industry. Efforts are under way to identify an appropriate sponsor for this survey.³⁸

Dobra of the University of Nevada's Natural Resources Institute went on to publish the tobacco industry-organized economic impact report with the Greater Reno-Sparks Chamber of Commerce and the Las Vegas Chamber of Commerce as the official sponsors.^{39, 40} The report was publicized in press releases on December 4, 1996 and claimed that OSHA's proposed regulations would decrease overall economic activity in the state by \$2.5 billion and cost Nevada 20,000 to 30,000 jobs within the first year of implementation.⁴⁰ Despite conceiving and organizing the entire project, Philip Morris's involvement was not publicly apparent in any aspect of the report or the press conferences.

Philip Morris was also directly involved in publicizing the study at press conferences in Las Vegas and Reno on December 4, 1996.⁴¹ The day before the press conferences were held, Burson-Marsteller, PM's public relations firm, faxed John Hoel (Director of Federal Tobacco Issues for PM) an executive summary of the report prepared by the McMullen Strategic Group, tobacco industry consultants, together with drafts of statements prepared for Brian Herr (Chairman of the Greater-Reno Sparks Chamber of Commerce), Walt Collins and Tom Kapp (restaurant owners), and Dobra.⁴²⁻⁴⁹ Herr's remarks in Reno were identical, except for specifics relating to Las Vegas or Reno, to Mark Smith's (President and General Manager of the Las Vegas Chamber of Commerce) remarks in Las Vegas.⁴¹

In addition to failing to disclose Philip Morris's role, the report itself suffered from serious biases in the assumptions made in the calculations, which led to high estimates of negative affects among smokers. The report ignored the possibility that business from nonsmokers might increase following implementation of a smoke free policy and only projected a decrease in business from smokers. These problems are typical of tobacco industry funded studies.⁵⁰

The tobacco industry used the industry economic impact report along with partnerships with consultants and ventilation organizations to convince the gaming industry to adopt the tobacco industry's position on IAQ and ventilation standards. An example of these efforts can be seen in a January 27, 1997 email from Mayada Logue, PM Senior Analyst Worldwide Regulatory Affairs, to Elizabeth Culley, PM Accommodation Program (which worked to promote voluntary smoking and nonsmoking sections in the hospitality industry as an alternative to smokefree policies⁵¹):

PM has a working relationship with AE Engineering, one of the largest design firms doing work in the Casino/Resort Area. This firm provided the HVAC engineering for the Luxor and the MGM Grand, just to name the most current jobs, in Las Vegas. It also provided the engineering expertise for the newly designed casino in Kansas City and other "gaming boats" throughout the county. AE Engineering understands our issues and agrees with and uses the concepts of proper design for smoking areas.

Because of our mutual interests, the owner of AE recently informed us that ITT Sheraton and Planet Hollywood have joined together to build a new Casino in Las Vegas. During the process of selecting an engineering firm, ITT/Planet Hollywood representatives stated that IAQ is an important issue to be addressed because D[emi] Moore, Arnold Sch- [Schwarzenegger] and

others, want to be able to enjoy their cigars. AE asked me if PM would be interest in some involvement based on his knowledge of my goals. The Engineering job has subsequently been awarded to AE. The project drawings have begun and I am scheduled to meet with AE at the end of the month to discuss possible opportunities for ventilation design/equipment demonstration. Let me point out that ITT Sheraton has announced its intention to open casino/resorts worldwide.⁵²

Logue's e-mail demonstrates both the tobacco industry's efforts to convince the gaming industry to adopt pro-tobacco IAQ standard and the level of detailed involvement the tobacco industry had in promoting those standards.

Recruiting the American Gaming Association

In 1996 the American Gaming Association (AGA), the gambling industry's main lobbying organization, was actively being courted by RJ Reynolds Tobacco Company (RJR) to form a partnership and collaborate in opposition against OSHA's proposed IAQ regulation.¹⁰ The gaming and tobacco industries already had a longstanding relationship because Frank Fahrenkopf, the AGA's Chief Executive Officer in 1996, had been a lobbyist for the Tobacco Institute in 1975. In March 1996, Robert Meyne, RJR Senior Director of Public Affairs, wrote to Fahrenkopf:

Since smokers make up a large percentage of casino customers, and since smoking is an integral part of the gaming experience for many people, it is clear that it does not serve the best interest of the Gaming Industry for government to force casinos to ban smoking. Our experience suggests that most managers within the hospitality industry share the opinion of those of us at R. J. Reynolds Tobacco Co. Specifically, we believe that every business owner and manager ought to determine his own smoking policies after taking into consideration the type of business they are in and the interests and preferences of their customers and employees. For many people, relaxing and enjoying themselves at the tables also includes things such as smoking or enjoying a cocktail, not as an addition to the gaming experience, but as an integral part of it. This is especially important given the large number of Asian visitors to U. S. casinos, and the high percentage of smokers among them. In any event, banning smoking in casinos will only give the smoking patron a reason to get up, leave the tables, and go outside for a cigarette. Once having left the casino, they may or may not return. Or smokers may choose not to patronize casinos as often as they would if they were free to smoke . It is worth noting that casinos on Indian reservations would NOT be subject to the OSHA rule. In short, if the OSHA rule becomes final, the only place left in America where you can still legally gamble and smoke will be on Indian reservations. A number of casino patrons who are also smokers would thus be more likely to visit Indian reservations, and less likely to visit casinos elsewhere .

It is apparent that it would not be in the best interests of the members of your association to allow government to take away their ability to set their own smoking policies . We would encourage the American Gaming Association to be watchful of government efforts to ban smoking, and take a stand in opposition to them. If there is any assistance or further information we can provide it would be our pleasure to do so. Please let us know how we can help.⁵³

During this time Philip Morris was also trying to cultivate relationships with the gaming industry in concert with RJR.¹⁰ An email from Janice McDaniel, PM Public Affairs Manager, to PM executives illustrates this intention:

we will inventory our relationships with the Gaming big-wigs and see what meetings we can set up. Apparently, RJR has a relationship with Fahrenkopf from the Amer. Gaming Assoc. John, Please advise if you find internal relationship, otherwise Liz/Eric can reach out to RJR to see if we can set up a Fahrenkopf/Carlton meeting. Liz/Eric will also be looking to see what other connections we have in the industry. I will contact San McMullen (Nevada F.A.T. state coordinator) to see if he can hook us up with other industry notables.⁵⁴

Despite the historical ties between gaming and tobacco and the focused efforts by the tobacco industry to garner their support, the tobacco industry found that the gaming industry was initially slow to align with the tobacco industry on IAQ issues. A 1998 Philip Morris analysis of the gaming industry stated:

Efforts by the gaming industry, as a whole, to counter imposed indoor air quality standards have not been strong. Those that have been vocal included Wayne Mehl of the Nevada Resorts Association and Vann Heffner, also of Nevada. Research indicates that at present, the gaming industry does not feel threatened by the OSHA regulations. The AGA [American Gaming Association] has not formally addressed the issue and has not yet developed a division or department to create an industry position. Initial steps in developing a [gambling] industry-wide accommodation policy would assist in pre-empting any imposed regulatory pressures. However, without a developed industry position and a strong coalition of operators and ally groups, the [gambling] industry could very well face a costly, drawn-out contest with both the anti-smoking and anti-gaming lobbies.⁵⁵

Despite the tobacco industry's frustrations, prior to 1998 the gaming industry had already started to adopt a pro-tobacco position on IAQ issues and the gaming industry would later become even more closely aligned with tobacco industry interests.

ASHRAE's Indoor Air Quality Standard

By 1997 the gaming industry had adopted a pro-tobacco position on IAQ issues and as part of the tobacco industry-created Hospitality Coalition on Indoor Air Quality (HCIAQ), which consisted of the tobacco and hospitality industries, to influence the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) standards.¹⁰ HCIAQ's mission statement was the following:

The Hospitality Coalition on Indoor Air Quality (HCIAQ) is a partnership of labor, business, and technical services designed to present a unified voice in the marketplace and in the regulatory forums on issues that affect the hospitality workplace with regard to indoor air quality. Together we will seek solutions that promote vitality in the hospitality industry, maximize the industry's economic well-being and assure a comfortable environment for workers and patrons.⁵⁶

ASHRAE is the professional organization that creates standards for heating ventilation, refrigeration, air conditioning, and indoor air quality.^{10, 57} These standards do not have any legal force in and of themselves, but they are often adopted by state and local building code authorities. In addition, while ASHRAE is an American organization, it has members from around the world and its recommendations are often copied in other countries. In 1997, when ASHRAE was deciding whether the organization would create an indoor air quality standard based on health or comfort, the tobacco industry coordinated a focused lobbying effort that relied heavily on the gaming and hospitality industries.^{10, 37} In July, 1997, this pressure resulted in the

ASHRAE board of directors rejecting a health based standard and officially adopting a comfort based standard that allowed for smoking indoors with adequate ventilation.^{10, 37}

By convincing the gaming industry that indoor smoking restrictions would harm them economically, the tobacco industry succeeded in securing a powerful ally their fight against indoor smoking restrictions. By effectively leveraging the combined influence of the tobacco, gaming , and hospitality industries, big tobacco was ultimately successful at undermining and defeating proposed rules by OSHA and clean indoor air standards by ASHRAE that would have effectively restricted smoking indoors.

THE MASTER SETTLEMENT AGREEMENT IN NEVADA

Background

In November 1998, the Attorneys General of 46, states including the Attorney General of Nevada, signed the Master Settlement Agreement (MSA) with the five largest tobacco companies (Brown & Williamson Tobacco Corporation, Lorillard Tobacco Company, Philip Morris Incorporated, R.J. Reynolds Tobacco Company, Commonwealth Tobacco, and Liggett & Meyers). The MSA ended litigation brought by the state Attorney Generals, including Frankie Sue Del Pappa (D) of Nevada, to recover monies spent by the states to treat tobacco related disease as well as obtain some modest restrictions on cigarette marketing. The MSA settlement put Nevada in a situation where the state expected to receive approximately \$374 million through 2008, with continuing money into the indefinite future.

Tobacco control advocates were initially optimistic that a significant portion of Nevada's MSA money would be directed to tobacco control and other public health priorities.⁴ Nevada's Attorney General Frankie Sue Del Papa (D) from 1990 to 2002 was generally seen as supportive of tobacco control measures and had made public statements communicating her belief that MSA money should be spent on health-related issues, including tobacco control.^{4, 58} Nevada's Governor at the time, Republican Kenny Guinn, also made public statements such as “I don't believe it [MSA funds] should be put in the general fund... It would be best spent on health care.”⁵⁹

To everyone's surprise, Governor Guinn changed his priorities during his state of the state address on January 19, 1999, when he announced a proposal to create the Millennium Scholarship Fund using Nevada's MSA money. The Millennium Scholarship proposal would guarantee every Nevada high school student with a B average or above a \$2,500-per-year scholarship to attend any state university or \$1,250-per-year scholarship to attend any state community college. Governor Guinn initially proposed using half of the state's MSA money to fund the Millennium Scholarship program and devote the other half to health related programs:

By using only half of the settlement for the Millennium Scholarship, we in turn leave millions of dollars for worthy and innovative health-care programs to preserve the integrity of the settlement and educate our children on the risks associated with smoking.⁶⁰

Del Papa, who was a strong supporter of education and was a former University of Nevada Regent, was surprised at the Governor's scholarship proposal. Del Papa stated that “No one would disagree that education is a priority, but I understood from his [Governor] previous

comments that the money would go to health.”⁶⁰ According to a report by the Associated Press, the scholarship proposal was kept confidential until the speech, which was why Attorney General Del Papa, who had been the state's representative in the tobacco settlement, was not aware of the plan.⁶⁰ Del Papa, who felt strongly that MSA funds should be used for public health, told the legislature that:

The governor's scholarship proposal, although laudable and deserving of consideration by every Nevadan, should be funded by alternative means since it does not, as presently constituted, fit the criteria of the consent decree and the covenant that the proceeds [MSA funds] be used for public health purposes.⁶¹

In 1999 Nevada had the lowest high school-to-college continuation rate in the nation at 37% (compared to 67% nationally).⁶² As a result, the Governor's Millennium Scholarship proposal received support from most state officials, the press, and the public. Attorney General Del Papa, however, continued to express her public opposition to using MSA funds for scholarships, stating to reporters and legislators that other sources of revenue should be found to pay for the program.^{61, 62} The Governor's office, in response to Del Papa's criticism, argued that public health issues would still be addressed with the other half of the MSA money.⁶¹

Health groups and tobacco control advocates in Nevada initially saw the MSA settlement money as a funding source for tobacco control and other health programs, which created conflict between the organizations. In a 2007 interview, Larry Mathias, long-time tobacco control advocate and head of the state medical association, described the dynamic and infighting between health groups in the state at the time as “pigs at the trough.”⁶⁴ He noted that the “Cancer Society became very heavy handed in trying to get control of those funds and in Nevada at least, they and the Heart Association were fighting terribly nasty battles.”⁶⁴ The infighting among the health groups in Nevada resulted in a situation where the interests of tobacco control and public health were not represented strongly during the political debate and legislative process surrounding the state's MSA money.

Legislative Activity Surrounding the Millennium Scholarship and MSA Money

The general idea of the Millennium Scholarship and its broader goals were supported by state Democrats, who in 1999 controlled the state Assembly by a 28-14 margin, though many of them differed on the details of the scholarship plan, particularly the amount of MSA money which should be used to fund it. The Democrats announced a competing plan in March that would use 25% of the MSA funds for scholarships rather than the 50% the Governor proposed.⁶³ Under the Democrat plan, the remaining 75% of the MSA money would have been allocated to a mix of public health prevention programs and long-term health care for the elderly and chronically ill.⁶³

On March 19, 1999 Governor Guinn's Millennium Scholarship proposal was introduced in the legislature as Senate Bill 496.⁶⁴ The Governor's original proposal only specified that 50% of the state's MSA money be dedicated to his Millennium Scholarship program. It did not create a specific plan for the other 50% of Nevada's MSA money.

On March 22, 1999, the Democrats introduced their counter-proposal as Assembly Bill

652.⁶⁴ State Democrats in legislative testimony supported the idea of a scholarship but felt that health care and public health programs were a greater priority and deserved a larger proportion of Nevada's MSA money. The legislative debate surrounding the use of Nevada's MSA money continued for the next two months and included numerous Assembly and Senate bills.

In the legislative testimony regarding how Nevada should use its MSA money the support for the Governor's Millennium Scholarship program was very strong. The Governor and his office staff members played a prominent role in testifying to the need for the fund and the justification for using the state's MSA money to finance it.⁶² Numerous groups, including the Nevada's state university system, community college system, culinary workers union, conference of police and sheriffs, as well as private citizens including high school students expressed strong support for the Millennium Scholarship program.⁶²

The Democrats, who had introduced a counter proposal to the governor's Millennium Scholarship, remained strongly supportive of a program on some level to provide college scholarships in Nevada.⁶² Several other groups including the American Association of Retired Persons (AARP) and the Nevada State Council of Senior Citizens echoed the concerns raised by some Democrats that 50% of Nevada's MSA money was too much to spend on the scholarships and that a larger portion should be allocated to health services.⁶² In the case of AARP and the other senior oriented organizations they specifically advocated for money to be spent on health services for seniors.⁶²

Tobacco control advocates and health groups had only a small presence in legislative testimony surrounding how Nevada should use the state's MSA money. Instead, they choose to communicate their position that a significant portion of Nevada's MSA money should be used for tobacco control through the media.⁶⁵ In a May 17, 1999 Associated Press article, the American Cancer Society stated that 79% of Nevadans wanted a significant share of the MSA used to reduce smoking and to help low-income seniors, according to a poll by Mason-Dixon Research of Washington, D.C.⁶⁵ However, the ACS did not seem to be asking for more than the allocations already proposed in the legislature. Though the ACS supported comprehensive tobacco control programing, they officially supported the existing proposals being considered in the legislature. While the proposals under consideration at the time lacked specific plans for tobacco control programing, ACS described them publically as aggressive efforts to cut smoking rates in Nevada.

The lack of effort by health groups to pursue a larger allocation of MSA money was caused in part by their low expectations, since there had been a perception of little or no MSA money going towards tobacco control and prevention in other states. In a 2006 interview Maria Azzarelli, Tobacco Control Coordinator for the Southern Nevada Health District described it as:

There was language in the law that stated a certain percentage would go toward tobacco efforts. So people were distracted by that... and really focused on that, and said, "OK, fine. At least there was dedicated money, whereas in other states, they're building prisons and fixing their highways." So people were kind of disappointed, but we realized we were lucky in a way,

compared to other states.⁶⁶

The low expectations by health groups coupled with the fact that a small portion of the state's MSA money seemed likely to go toward tobacco control kept tobacco control advocates from advocating for greater allocations to tobacco control programs.

MSA Compromise

On May 27, 1999, Assembly Democrats (who had been calling for a decrease in the allocation to state scholarships) and Gov. Guinn announced that they had reached a compromise in spending the MSA money.⁶⁷ Under the compromise, 40% of the money would go to the Millennium Scholarship (not the 25% originally proposed by Assembly Democrats or the 50% originally proposed by Gov. Guinn). The rest of the MSA money would be divided as follows: 30% for various senior services funds, 10% for smoking prevention awareness programs, 10% for medical services for children and disabled veterans, with the remaining 10% going into a trust fund for health care programs. These specific allocations were in Assembly Bill 474, introduced by Assemblywoman Jan Evans (D), which passed in the full Senate and Assembly on May 31, 1999.⁶⁸

The agreement also called for the formation of the Task Force for the Fund for a Healthy Nevada which would determine which health services and smoking prevention programs would receive money.⁶⁹⁻⁷¹ The task force members were to be appointed by the Majority Leader of the Senate, the Speaker of the Assembly, and the Governor.

In addition to the continuous funding for certain programs, the MSA money would also be used for several one-time programs. The state's two public television stations would receive \$2 million to convert to digital technology, and the stations would in turn be required to broadcast smoking prevention public service announcements aimed at children for the next 10 years. (<<Make a parenthetical comment on whether they did or not. >>) Other one-time appropriations would be made to rural hospitals (\$1 million), to the University of Nevada Medical School for the construction of a health sciences building (\$5 million), and to the funding of cancer research (\$5 million).⁶⁷

The 50% of the MSA funds not dedicated to the Millennium Scholarship and the health trust fund would continue to be allocated in accordance to recommendations made by the Task Force for the Fund for a Healthy Nevada, as required by state law (NRS 439.620 - 439.630). The Task Force's purpose was to allocate not more than 10% of the total MSA funds "for programs that prevent, reduce, or treat the use of tobacco and the consequences of the use of tobacco," and not more than 10% "for programs that improve health services for children and well-being of persons with disabilities."⁷⁰ Under state law, the remaining MSA funds were to be divided between prescription drug programs for seniors (15% of total MSA funds) and to assist senior citizens with independent living (15% of total MSA funds).⁷⁰ The Task Force was to distribute money from the Fund for a Healthy Nevada in the form of grants to various non-profit and government organizations for tobacco use prevention and health programs.

When Governor Guinn signed SB 496 (the Millennium Scholarship) and SB370 (allocating the remaining MSA funds) in June 1999, there was very little public opposition to the

Fiscal Year	Healthy Nevada Fund (grants including tobacco)	Millennium Scholarship Fund	Trust Fund for Public Health	AG Tobacco Enforcement	Public Broadcasting	Nevada School of Medicine	Accessible Housing in Clark County	Rural Emergency Medical Services	Total
2000	\$15.5	\$17.2	\$4.3		\$2	\$5	\$5	\$1	\$49.9
2001	\$19.1	\$15.3	\$3.8						\$38.2
2002	\$22.2	\$17.8	\$4.4	\$.24					\$44.6
2003	\$22.3	\$17.8	\$4.5	\$.25					\$44.8
2004	\$19	\$15.2	\$3.8	\$.22					\$38.3
2005	\$19.3	\$15.5	\$3.9	\$.22					\$38.9
2006	\$17.6	\$14.1	\$3.5	\$.42					\$35.7
2007	\$18.5	\$14.8	\$3.7	\$.35					\$37.4
2008	\$22.7	\$18.2	\$4.5	\$.59					\$46

Year	Members
1999-2000	Barbara Buckley (Assemblywomen and Co-Chair), Vivian Freeman (Assemblywomen and Co-Chair), Raymond Rawson (Senator), Ed Fend (AARP), Ron Mestre (Nevada Lung Association), Bill Welch (Nevada Association of Hospitals and Health Systems), Maureen Brower, Dr. John Ellerton, Dr. Elizabeth Fildes
2001-2002	Raymond Rawson (Senator and Chair), Vivian Freeman (Assemblywomen and Chair), Kathy McClain (Assemblywomen), Maureen Brower, Dr. John Ellerton, Dr. Elizabeth Fildes, Ron Mestre (Nevada Lung Association), Carla Sloan (AARP), Bill Welch (Nevada Association of Hospitals and Health Systems)
2003-2004	Kathy McClain (Assemblywomen and Chair), Raymond Rawson (Senator and Vice Chair), Maurice Washington (Senator), Joe Hardy (Assemblyman), Dr. John Ellerton, Dr. Elizabeth Fildes, Greg Griffin, Ron Mestre (Nevada Lung Association), Dr. Vishvinder Sharma, Carla Sloan
2005-2008	Maurice Washington (Senator and Chair), Kathy McClain (Assemblywomen and Vice Chair), Joseph Heck (Senator), Dr. John Ellerton, Dr. Elizabeth Fildes, Greg Griffin, Tom May, Carla Sloan, Dr. Paul Stewart

allocations made to tobacco use prevention and health programs. The lack of opposition was likely the result of the popularity of both the scholarship plan and the assistance that was being given to senior citizens. The voluntary health groups in Nevada, content with the fact that some of the state's MSA money was going toward tobacco control, did very little to try and increase the allocation of funds to tobacco control programs

Funding for Tobacco Control Programs

While health and tobacco control advocates were initially satisfied with Nevada's allocation of MSA money, by 2002 it had become clear to many that the state's prevention and health programs were inadequate because the funding levels were too low. In an April 27, 2002 Associated Press article, Assemblywoman Vivian Freeman (D-Reno), who served on the nine-member Task Force for a Healthy Nevada in 2002, stated that in deciding how to distribute MSA funds to organizations for tobacco use prevention and health care programs, "It was a very tough job for [the Task Force]," and that "If you needed a lesson on unmet needs in Nevada, then you got it. Those [MSA] dollars are so precious to [the smoking prevention and health programs]."⁷²

Further attention to the lack of funding for tobacco use prevention programs came in November 2002, when media attention was brought to a study published in the October 3, 2002 *New England Journal of Medicine* titled, "State Expenditures for Tobacco Control Programs and the Tobacco Settlement" which stated that states were spending only a small proportion of MSA funds on tobacco control.⁷³ A November 22, 2002 article in the *Las Vegas Review-Journal* reported that "Nevadans suffer from a high rate of lung cancer, yet the state spends relatively little on tobacco prevention programs."⁷⁴ The article further reported that Nevada was the eighth lowest state in terms of MSA money spent on tobacco control programs, with only 59 cents out of the \$18.92 it receives per capita going towards tobacco control programs. The Centers for Disease Control (CDC) "best practices" recommended that Nevada spend at least \$8.04 per capita on tobacco control programs.⁷⁵ In 2008 the Nevada was projected to spend only \$2 million on tobacco prevention programs or 14.8% of the minimum annual amount then recommended by the CDC.¹

In reaction to the attention on the lack of funding for tobacco control programs, state health advocates agreed that more money was needed for smoking prevention. Tricia Leland, Program Director for the Las Vegas unit of the American Cancer Society stated publicly in reaction to the news reports, "It's disappointing that more dollars are not spent on tobacco control programs."⁷⁴ Clark County Chief Health Officer, Dr. Donald Kwalick, said the state needed to spend more to prevent smoking, and that it was difficult to justify using the settlement money for scholarships. In response to the criticism of scholarship funding, a spokesman for the Gov. Guinn attempted to justify the MSA funded scholarship program by stating that "[s]tudies have shown that better educated people tend not to smoke and are more aware of health care."⁷⁴

With the exception of a few occasional complaints by health advocates that smoking

prevention efforts were underfunded and struggling, there seemed to be little public debate regarding the allocation for tobacco use prevention programs. Through 2008 there had been no alterations to the MSA allocations dictated by law since 1999. Furthermore, health advocates have not made any serious attempts to change the MSA allocation, fearing such efforts would only result in even less money for tobacco control and prevention. As described in 2006 by Erin Dixon, Tobacco Program Coordinator for the Washoe County Health District:

The Millennium Scholarship is incredibly popular in Nevada. I mean why wouldn't it be? It sends graduates of Nevada high schools to a nearly free college education... And it was introduced by the governor...

[T]here are two concerns when asking for more allocated funds: One is... to change the allocation you have to open up that statute. And the fear is if you open it... The fear is that no one's going to take money from the Millennium Scholarship, so what you risk if you have that opened up, the tobacco settlement dollars will be reallocated to something else. So that's a great concern...

There's been a big push by some people to have a larger percentage go to seniors or a larger percent go to children with disabilities. And so the fear is that if you open that up you don't have any control over the outcome. So, I don't foresee, especially with this governor [who proposed the Millennium Scholarship] in office now, I don't see anyone opening up that statute.⁷⁶

The difficulty in getting more of the state's MSA money allocated towards tobacco prevention efforts was exacerbated by the general deficiency in funding for Nevada health service programs, which results in a high demand for MSA money and divisions among state health groups about where the money should go. In 2006 Matheis explained:

Unfortunately Nevada has serious problems and serious challenges and has bad numbers in virtually every health indicator. And our Medicaid program is 50th in the country, and that's only because there aren't any more. We spend the least per capita on those things.

And for the most part, the legislature has tried to use the [MSA] money to really make a dent in health issues. But what that's meant is that they've taken big chunks in one session for senior health issues, and one session for children with disabilities, and those are important issues – it's hard to say that when you get money, you shouldn't spend money on them. But it broke some of the unity of our side...⁴

Given the several obstacles in successfully increasing the MSA allocation to tobacco prevention specific programs, state health groups have focused on protecting what little money they have. According to Matheis, "The fear is [that the] temptation [on the Legislature] to redirect those funds is always there. So our first priority... is that we see no reduction in commitment levels. Then if we can get them to refocus and actually improve, that would be great. But those opportunities haven't happened."⁴

Improvement of tobacco prevention program funding did not happen under Governor Guinn. Though tobacco control advocates generally considered him to be supportive of their goals,^{4, 66, 76-78} he was seen as unwilling to make a strong stand against the state's gaming industry which was politically aligned with the tobacco industry (a characteristic held by most government officials in Nevada). In describing Governor Guinn's attitude on tobacco control and prevention, Mattheis said,

He and his family are not smokers and very sensitive to the issue. But when push comes to shove, it's simply that the influence of the gaming industry, particularly the Las Vegas gaming industry, on the last two governors, has been extraordinary. That has been very frustrating, and state agencies have been very wary of getting involved in political things... the gaming industry would get upset. It's been political at that level – not partisan.⁴

Through 2008 Nevada spent only 31% of what the CDC best practices⁷⁹ recommended for the state. Of the \$374 million Nevada received from MSA payments \$32 million went toward tobacco control programming. The low expenditure on tobacco control programming in the state was a combination of strong competing interests and a lack of effort on the part of tobacco control advocates. Despite the difficult political environment, health advocates in Nevada passed on a significant opportunity to secure more funding for tobacco control when they accepted to the MSA spending proposal put forth by the legislature.

TOBACCO CONTROL PROGRAMING

The passage of Senate Bill 474 and the creation of the Task Force for the Fund for a Health Nevada significantly increased the amount of money in the state available for tobacco control programming. From fiscal years 2001 to 2008 the Task Force for the Fund for a Health Nevada received \$160 million from the state MSA funds. As mandated by Senate Bill 474, 20% (10% of total MSA money) of that amount, \$32 million, was dedicated to tobacco control. For 2008, the CDC recommended that Nevada spent approximately \$13 million dollars on tobacco control programing.⁷⁹ Nevada's actual expenditure of approximately \$3.7 million was 28% of the CDC's recommended amount.

A Grants Based Approach

State spending on tobacco control programming is typically channeled through the state health department or a dedicated organization, such as a foundation, that coordinates tobacco control programming in the state. The Task Force for the Fund for a healthy Nevada did not coordinate programming but instead acted as a grant issuing/allocating body for all focus areas including tobacco control. All organizations, including the regional health districts, seeking money for tobacco control activities needed to submit grant proposals to the Task Force and compete for the funding. This was an unusual arrangement as administration associated with soliciting, evaluating, awarding, and managing the grants were conducted by the Department of

Health and Human Services but the actual decision on where to allocated funds was made by the governor and legislative leader appointed Task Force.

Fiscal Year	Tobacco Control	Senior Rx	Independent Living	Disabled and Children's Health	Children's Health	Disability Health	Disability Rx	Total
2001	\$3.2	\$4.8	\$4.8	\$3.2				\$15.9
2002	\$4.1	\$6.2	\$6.2	\$4.1				\$20.7
2003	\$4.7	\$7.0	\$7.0	\$4.7				\$23.5
2004	\$4.6	\$6.9	\$6.9	\$4.6				\$23.1
2005	\$3.9	\$5.9	\$5.9		\$2.0	\$1.5	\$5.5	\$19.7
2006	\$4.0	\$6.0	\$6.0		\$2.0	\$1.5	\$5.5	\$19.9
2007	\$3.7	\$5.6	\$5.6		\$1.9	\$1.4	\$5.5	\$18.7
2008	\$3.7	\$5.6	\$5.6		\$1.9	\$1.4	\$5.5	\$18.6
Total	\$32.0	\$48.0	\$48.0	\$16.6	\$7.7	\$5.8	\$1.9	\$160

The Task Force has not seriously taken into consideration CDC guidelines for tobacco control spending.⁸⁰ During the initial meetings held in 2000 by the Task Force to determine what criteria would be used to select grantees, health groups urged the task force to create a tobacco control focus based on the CDC recommendations which from 1999-2007 called for a balanced statewide program that included; community programs, chronic disease programs, school programs, enforcement, statewide programs, counter-marketing, cessation services, surveillance and evaluation, and administration and management.⁸⁰ In 2007, the CDC updated their recommendations to states for their tobacco control programs to include: state and community interventions, health communication interventions, cessation interventions, surveillance and evaluation, and administration and management.⁷⁹

Instead of creating an overall program focus or resource allocation plan based on CDC guidelines, the Task Force came up with there own scoring system that from 2000 to 2008 was based on variations of the following categories that were scored by the Task Force's administrative staff.

- Importance of project purpose
- Meeting the unmet needs of those to be served
- Size of population to be served
- Documenting and measuring outcomes
- Cost effectiveness of the project
- Potential for ongoing sustainability of the project
- Collaboration

- Leveraging of additional resources⁸¹

In addition to the criteria listed above, the Task Force was conscious of making sure that Nevada's various regions all received equitable funding. Beyond these criteria the Task Force appeared to use a consensus model to determine which grants would be funded on a case-by-case basis. At the conclusion of the Task Forces' first round of grants in 2000 Daniele Dreitzer, who at the time was an employee of the American Cancer Society, stated in one of the Task Force meetings:

Daniele Dreitzer, representing the American Cancer Society, expressed disappointment and felt that in deliberations of the health related applications, the Task Force attempted to adhere closely to the needs assessment that was completed for that process, whereas in deliberations in the tobacco related areas, approximately one-third of the funding was now being allocated toward dental problems and/or dental issues related to tobacco use, which was not identified as a major presentation on tobacco needs. She felt the NTPC would suffer from a tremendous lack of infrastructure, which she found very disappointing. Ms. Dreitzer stated in reviewing the grants, the method used by the Task Force for allocations did not provide an opportunity for coordination, and there was no apparent strategy or specific discussion regarding many of the applications. She indicated it seemed that allocations were granted because they fit into the overall budget rather than due to critical review of the applications for possible reduction of the requested amount. Ms. Dreitzer hoped in the future, providing the funding continued, the process would be refined somewhat so that the needs and ability to make an impact with the funds were examined more closely.⁸²

The lack of a programmatic focus by the Task Force resulted in grants being determined by task force members personal preferences and ultimately an independent mix of grants being funded. (A comprehensive list of grantees is in Appendix A.)

An example of the Task Force's skewed grant funding cited by tobacco control advocates in the state are the numerous grants issued to the UNLV School of Dentistry for oral health screening for high school students. From 2001 to 2008 the UNLV School of Dentistry received \$4.9 million in grants or 15% of the Task Force's total tobacco control budget. Health advocates did not question the importance of the program but rather the large amount of resources devoted to it despite its peripheral involvement on tobacco control at the expense of other demonstrated effective tobacco control strategies.

Lack of program evaluation was another shortcoming of how the Task Force handled the tobacco control grants. Independent evaluation was not incorporated into the Task Force's grant issuing process. Instead, grantees were simply responsible for reporting back on their own progress. In an effort to address this deficiency in 2007 the Task Force contracted with Battelle Centers for Public Health Research and Evaluation to conduct surveillance as well as program and grantee evaluation. Battelle was awarded \$276,727 for 2007 and \$368,970 for 2008.

In 2008 Battelle conducted and published an Adult Tobacco Survey (ATS) that was intended to be an evaluation of Nevada's tobacco control programming.² The survey, which was a random digit dial survey of 1,604 adult Nevada residents, estimated that the state's smoking prevalence was 21.2%. A previous random digit dial survey conducted in 2005 estimated Nevada's smoking prevalence in 2005 to be 24.9%. Due to the decline in estimated smoking

prevalence from 2005 to 2008 Battelle concluded that “these data are very encouraging and demonstrate that Nevada’s tobacco control efforts are helping to move these key indicators (smoking prevalence) in the desired direction.”⁷² The report provided by Battelle did not provide any specific evaluation of individual programs.

Despite the lack of programmatic focus, the formation of the Task Force for the Fund for a Health

Nevada provided a significant increase in the amount of

funding for tobacco control in the state of Nevada. The influx of money for tobacco control programming in the state also corresponded with a dramatic decrease in Nevada’s adult smoking prevalence from 31% in 1999 to 21% in 2008 (Figure 6). Moving forward Nevada should implement a stronger evaluation component to the states tobacco control program and base program expenditures on the CDC’s tobacco control program recommendations.

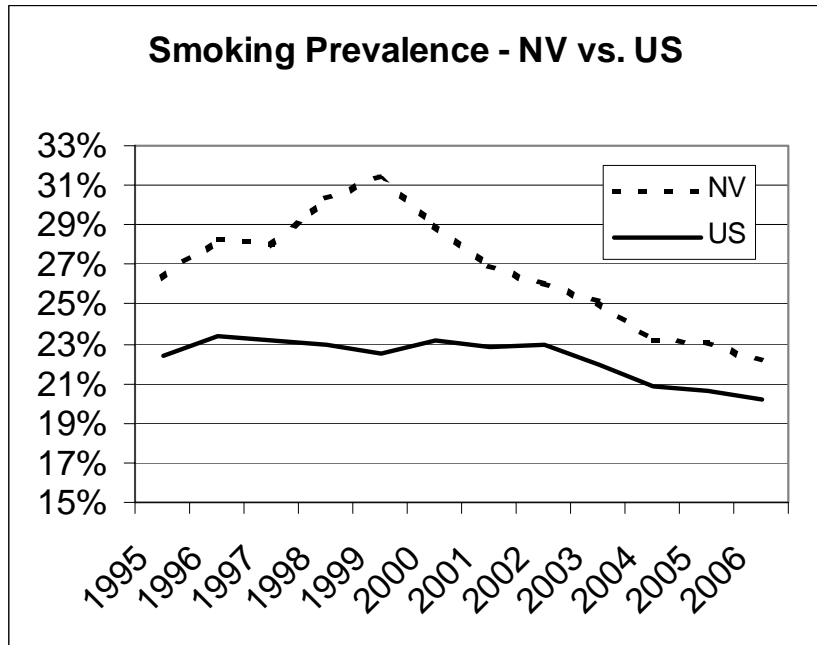


Figure 6: Adult Smoking Prevalence in Nevada vs. the US

ATTEMPTS TO REPEAL PREEMPTION

Due to super preemption, health advocates in Nevada were in a difficult position to fight for smokefree environments, since local legislation was prohibited. Therefore, repealing preemption was necessary before any local smokefree ordinances could be passed and was the primary goal of state tobacco control advocates in the late 1990's and early 2000's.^{76, 77}

According to the first paragraph of the Philip Morris Field Action Team 2001 State Coalition Status Report:

State coalitions are the foundation of the PMUSA Field Action Team, and the key to our success in the near and long-term. While the work that we do over the course of a year on issue mobilizations is imperative for Philip Morris in the near-term, the ally relationships we develop in all 50 states are critical for our viability in the field over the long-term.

Most importantly, the coalitions serve as a key resource for Philip Morris. It is through the coalitions that the company can properly communicate important issues...⁸³.

The pro-tobacco coalition formed by the tobacco industry in Nevada created political barriers for tobacco control in the state that prevented health advocates from overturning preemption until 2006.

On June 4, 1999, Philip Morris organized a meeting of their local pro-tobacco coalition.⁸³ In attendance were the Greater Reno-Sparks Chamber of Commerce, Retail Association of Nevada, Mirage Resorts, Nevada Resort Association and the Las Vegas Convention & Visitors Authority. The Phillip Morris State Coordinator listed for Nevada was Amy Hill of McMullen Strategic Group, a Nevada political consultant of the tobacco industry. At the meeting, “The group agreed to try to broaden the coalition by bringing in more business associations using the ‘slippery slope’ theory” in order to maintain the business friendly policy environment in Nevada and prevent overly restrictive tobacco related regulation.⁸⁴ By 2001, the Nevada State Coalition had brought in a number of new business and other associations. According to a Philip Morris Field Action Team 2001 State Coalition Status Report, “These are constantly growing lists of supporters, advocates, and Philip Morris friends.”⁸³ In 2001, Sam McMullen, of the McMullen Strategic Group, was again listed as the State Coordinator for Nevada.

The Legislative effort in 2001, Senate Bill 258

In February 2001, Senate Bill 258, a preemption repeal bill was proposed by the Clark County Health District, the American Heart Association, the American Cancer Society, the American Lung Association and other public health advocates belonging to the Nevada Tobacco Prevention Coalition. The proposed law in its original form would have repealed preemption and authorized state agencies and local governments to adopt more stringent restrictions governing tobacco and tobacco products than restrictions imposed by state law including clean indoor air ordinances.

At a hearing of the Senate Committee on Judiciary, Denise Brodsky, Executive Director of the Nevada Tobacco Control and Prevention Coalition, and numerous other organizations and individuals committed to tobacco control testified in support of SB 258. Their testimony pointed out that Nevada had the highest rates of adult smoking and tobacco related deaths in the country and that local government should have the ability to enact the regulations related to tobacco that they saw fit. Brodsky, who also was a member of the Clark County School Board noted that the school district could not end smoking in schools because local governmental entities were preempted from making decisions concerning smoking.⁸⁵ Larry Matheis, President of the Nevada State Medical Association, Ray Espinoza, Mayor of Lovelock, Todd Plimpton, Persing County School Board Trustee, Helen Foley, representing the Clark County Health District, Jean Palmer, Health Manager of the Clark Country Health District, Brian MacMillan, representing the American Cancer Society, and Robin Camacho, representing the American Heart Association, also testified in support of the bill.

Opposition to Senate Bill 258 in legislative testimony was orchestrated by Sam McMullen, lobbyist for Philip Morris, and Harvey Whittemore, lobbyist for the Nevada Resort Association.⁸⁵ The two men testified that policies related to tobacco control should be handled at the state level. They accused the proponents of SB 258 of trying to take the initial steps to outlaw the use of tobacco altogether. Whittemore also stated that tobacco use was an adult choice and that business owners already had the right to restrict tobacco use in their establishments if they chose to.

Despite opposition from the tobacco and gaming industries, Senate Bill 258 passed the Senate Committee on Judiciary. However, after being referred to the Assembly Committee on

Judiciary, the bill was effectively killed when Bernie Anderson (D), chairman of the committee who received \$8,000 in campaign contributions from the tobacco industry between 2001 and 2004, refused to hear the bill on May 21, 2001.⁸⁵ Bernie Anderson was viewed by tobacco control advocates in the state as strongly aligned with the tobacco and gaming industries.⁴

County Health Department Survey and Advisory Questions

Despite limited success in the past, the Clark County Health Department Tobacco Control Program tried to use evidence of public support to convince the Legislature to more actively move towards smokefree environments. The feeling was that if health advocates could demonstrate to the legislature that the public was in support of clean indoor air and other tobacco control measures it would aid in advancing tobacco control proposals through the legislature. As a result, while the hearings on SB 258 were being held, the Clark County Health Department was conducting a countywide survey of public support for tobacco control policies. A total of 1,000, 15 minute phone interviews were completed by state and local tobacco prevention programs. The phone survey showed that nearly 50% of Clark County adults who worked outside of the house reported being exposed to secondhand smoke at least one or more work days a week. 20% of workers reported being exposed everyday.⁸⁶

In addition to exposure prevalence, the survey also showed that 86% of the sample supported restrictions on smoking in grocery stores; 67% supported smokefree indoor restaurants, 41% favored a no-smoking policy on outdoor restaurants and cafes and 39% supported smokefree casinos. 81% of smokers supported a smoking restrictions in grocery stores.⁸⁶

By 2002 Nevada's tobacco control advocates had begun to frame the clean indoor air issue in the state as one of protecting children.⁴ The thought among the tobacco control community was that by making it a child protection issue there would be more public support and it would ultimately be easier to pass legislation. The experience in other states has shown that framing the clean indoor air proposals as a child protection issue is not as successful as framing it as a workplace safety issue.⁸⁷ The inconsistencies that result from framing clean indoor air as a child protection issue and the pursuit of strong smokefree ordinances become a vulnerability that pro-tobacco forces will use to undermine tobacco control proposals.⁸⁷

In 2002 internal conflict within the Nevada Tobacco Prevention Coalition had begun to increase. The coalition had broadly agreed to prioritize cigarette taxes increases, clean indoor air, and preemption as the top policy goals to but there serious disagreement on the specific action that should be taken in the pursuit of each of those goals.⁸⁸ In 2002 the majority of the coalition was in favor of placing two non-binding advisory questions that would gauge public support for tobacco control policies on the November ballot in both Clark and Washoe County. Proponents felt that the advisory questions would mirror the results of recent polls which show the Nevada public was in support of clean indoor air and other tobacco control measures. The results could then be used to convince legislators to strengthen tobacco control policies. The American Cancer Society however, was strongly opposed to the advisory questions. ACS felt that since the questions were non-binding there was very little to be gained in placing them on the ballot and that an unfavorable outcome would be very damaging.⁸⁸ ACS, as one of the

coalition's primary financial backers, also feared that the effort would be expensive and ultimately a waste of money.⁸⁸

In 2002, Denise Brodsky, an American Cancer Society employee, was the executive director of the Nevada Tobacco Prevention Coalition. Brodsky was in the unfortunate situation of being at the focal point of the conflict regarding the advisory questions between NTPC and ACS. The majority of NTPC members and the organization's board of directors were in favor of the advisory questions but ACS would not back down.⁸⁸ While the rest of the coalition was moving forward with the planned advisory questions, Brodsky, at the direction of ACS, was working behind the scenes to try and ensure that the advisory questions did not make it on the November ballot.⁸⁸ She called political insiders in an attempt to block the advisory questions, but was unsuccessful. When the broader coalition learned of her actions there was outrage and anger directed at both Brodsky and ACS.⁸⁸ The conflict left tension within the coalition and Brodsky resigned from her position as the Executive Director of NTPC.

Despite the conflict within NTPC the Clark County and Washoe County Health Districts were confident that the public strongly supported the idea of smokefree laws, and moved forward with placing the two non-binding advisory questions on the November 2002 county ballot.⁸⁶ Placing the advisory questions on the ballot ended up being a very simple process as the county health districts had the authority to do so without any additional consultation or approval necessary from other sources. On July 15, 2002, the Clark and Washoe County Boards of Health met and unanimously voted to place the advisory questions on the November ballot. Expenses associated with publicizing and promoting the advisory questions were minimal as those activities were restricted to a limited number of grassroots-based activities, such as meeting the newspaper editorial boards.⁸⁸

In September 2002 the Nevada Retail Gaming Association, Retail Association of Nevada, and the Nevada Petroleum Marketers and Convenience Store Association brought three separate legal challenges opposing the placement of the advisory questions by the Clark and Washoe County Health Districts.⁸⁹ All three legal challenges, one filed in Nevada Supreme Court on September 5, 2002, the second filed in Clark County District Court on September 9, 2002, and the third filed in Washoe County District Court on September 11, 2002, argued that the County Health Commissioners did not have the authority to place the advisory questions on the ballot. The Nevada Supreme Court quickly ruled that the Supreme Court's intervention was not warranted at that point and the two district courts both ruled in September that the County Health Commissioners did have the authority to put the advisory questions on the ballot.

Beyond the three lawsuits there was no resistance from the tobacco and gaming industries related to the advisory questions. Health groups speculated that the tobacco and gaming industries did not mount a "No" campaign because the advisory questions were non binding and pro-tobacco forces did not consider them to be a significant threat to industry interests.⁸⁸ On November 5, 2002 voters in Clark and Washoe Counties voted on the advisory questions. The results of the advisory questions are outlined in Table 13.

Table 13: Clark and Washoe County Tobacco Advisory Question Results		
Advisory question WC8 & CC12:		
Should the Washoe /Clark County board of health be able to adopt regulations that are stronger than state law in order to protect people from secondhand smoke? (This does not include businesses that exclude persons under the age of 21.)		
<i>Clark County Results:</i> <i>Precincts Reporting: 1,035/1,035 (100%)</i> <i>Total Votes: 301,723</i>		
	Votes	Percent
YES	172,773	57.6%
NO	128,950	42.7%
<i>Washoe County Results:</i> <i>Precincts Reporting: 345/345 (100%)</i> <i>Total Votes: 102,994</i>		
	Votes	Percent
YES	60,939	59.2%
NO	42,055	40.8%
Advisory question WC9 & CC13:		
Shall state law completely prohibit secondhand smoke in places frequented by children? (i.e. schools, grocery stores, restaurants and government buildings.)		
<i>Clark County Results:</i> <i>Precincts Reporting: 1,035/1,035 (100%)</i> <i>Total Votes: 302,364</i>		
	Votes	Percent
YES	202,050	66.8%
NO	100,314	33.2%
<i>Washoe County Results:</i> <i>Precincts Reporting: 345/345 (100%)</i> <i>Total Votes: 103,407</i>		
	Votes	Percent
YES	70,192	67.9%
NO	33,215	32.1%

The results of the advisory questions showed support from the public for strengthening clean indoor air laws. Tobacco control advocates in the state were optimistic that the positive results from the advisory questions would lead to stronger tobacco control policies in Nevada.

Legislative Efforts in 2003, Senate Bill 50 and Assembly Bill 96

Armed with the survey and advisory question results health advocates felt that they were in a much stronger position to pursue smokefree policies and other tobacco control measure legislatively.⁴ In 2003, two bills, Senate Bill 50 and Assembly Bill 96, were introduced by the

Nevada Tobacco Prevention Coalition in an effort to give local governments the authority over tobacco related issues, including clean indoor air.

By the 2003 legislative session it had become apparent to tobacco control advocates in the state that the Chair of the Assembly Judiciary Committee, Bernie Anderson, was strongly aligned with the tobacco industry and would not allow a tobacco control proposal out of committee.^{78, 88} In Nevada, the statutes dealing with clean indoor air regulations are located in Nevada Revised Statutes (NRS) Title 15 (Crimes and Punishments) not Title 40 (Public Health and Safety). Because of the statute's location in the NRS the proposals dealing with clean indoor air regulation needed to pass through the Judiciary Committee and not a health-related committee. This procedural requirement created a difficult barrier to overcome because it was extremely unlikely that Bernie Anderson would even allow a hearing on a tobacco control measure.^{78, 88}

In an effort to get their tobacco control proposals a hearing in the Assembly Judiciary Committee, in early 2003, the Nevada Tobacco Prevention Coalition specifically targeted Bernie Anderson in his home district. The coalition created flyers criticizing Anderson and his unwillingness to allow hearings on tobacco control measures. As recalled in a 2007 interview by Buffy Martin, lobbyist for the American Cancer Society:

So we spent two weekends, just blanketing his district. I remember I took great pleasure in actually placing one of the flyers on his door. I singled out his particular house. What we did was we really educated people in his district, people, who didn't really know about preemption because nobody know about it. Nevadans, including myself until I started working for ACS, resigned ourselves to, "This is just how it is. We'll just have to live with it." So we really were able to turn the tides on that. It's my understanding, and I'd heard from other lobbyists and other lawmakers that he was furious we had done that.⁷⁸

The strategy was successful at ensuring hearings were held for the tobacco control proposals put forth by the Nevada Tobacco Prevention Coalition in 2003 discussed in detail later, but health advocates in the state would go on to encounter many additional challenges.

Senate Bill 50

On January 20, 2003 Senate Bill 50 was introduced by Sen. Ray Rawson (R-Las Vegas) on behalf of the Task Force for a Healthy Nevada, the government-appointed body responsible for administering and distributing MSA money devoted to public health.⁹⁰ SB 50 was originally introduced as a law that authorized state agencies and local governments to adopt more stringent restrictions governing the use and distribution of tobacco products than those imposed by state law, effectively repealing preemption.⁹⁰ At the February 7, 2003 hearing before the Senate Committee on Judiciary, Sen. Rawson, the chairman of the Task Force, explained that the bill was a reflection of the will of the voters expressed in the two ballot advisory questions conducted in 2002.^{90, 91} Testifying in support of SB50 were representatives of the Nevada State Medical Association, the Nevada Tobacco Prevention Coalition, the American Cancer Society, the American Heart Association, the American Lung Association, and the public health agencies of Washoe and Clark Counties.^{90, 91} Although no testimony came directly from the tobacco companies, representatives from tobacco industry ally groups listed as part of Philip Morris'

2001 Field Action Team State Coalition, the Retail Association of Nevada and the Nevada Petroleum Marketers,⁸³ opposed the measure.

At the April 4, 2003 hearing before the Senate Committee on Judiciary, Senator Maurice E. Washington (R-Washoe 2), Committee Vice Chair (who received \$3750 in tobacco industry campaign contributions from 1998-2004), moved to amend SB50. Under the amendments, SB50 would no longer allow local agencies to impose stricter smoking laws. Instead, only school districts would have the power to impose smoking regulations stricter than the state law. Also included in the amendment was a clause that required grocery stores to comply with weak state ventilation regulations in gaming areas by 2007. The amendment was unanimously approved by the committee.⁹⁰ SB50 would next go to the full Senate for a vote.

Health advocates criticized the watering down of the SB50 in the press. Dr. Sean Ameli, a spokesperson for the American Heart Association, told reporters that legislators “are going against the wishes of the people and anybody that is trying to save lives.”⁹² Some health advocates also expressed their intent to continue fighting for additional amendments to SB50 that would give additional powers to local governments.⁹² Regarding the amendment's ventilation requirements, Ameli explained to reporters that no form of ventilation could adequately keep non-smoking areas safe from secondhand smoke.⁹²

Comments made to the press by some members of the Senate committee indicated a desire to get a weakened bill passed, rather than fighting for the stronger version of SB50 that many politicians and health advocates believed would fail. Senate Minority Leader Dina Titus (D-Las Vegas), a supporter of the original SB50, was concerned that too many additional restrictions on smoking would doom the measure, stating, “What I fear is if you get to putting too many controls into the bill, you could lose the whole thing,” and that she “learned over the years it's better to get a little piece at a time than to lose it all.”⁹² Also, known tobacco and gaming industry ally, Assembly Judiciary Chairman Bernie Anderson (D-Sparks) made statements doubting that most lawmakers would support shifting from state to local authority on smoking laws.⁹²

On April 17, 2003, the Nevada Senate approved SB50 by a 19 to 1 vote. The single vote against the bill came from Sen. Maggie Carlton (D-Clark 2; received \$3000 in tobacco industry campaign contributions from 1998-2004) who, despite the already weakened version of SB50, still believed the bill gave too much power to local government. Carlton stated she was against taking authority away from the state, and added “I don't trust the school district.”⁹³ SB50 next went to the Democrat-controlled State Assembly, and there were reports that some lawmakers in the Assembly might attempt to reinstate provisions for local smokefree ordinances into SB50.⁹³

At the May 7, 2003, hearing before the Assembly Committee on Judiciary, Helen Foley, representing the Clark County Health District, testified regarding the need for smokefree ordinances that would prohibit smoking in public places, and stated her intent not to include any gambling businesses or casinos. Specifically, Foley addressed public buildings such as video arcades, food stores and child care facilities, all of which permitted smoking in designated areas. Testimony in support of strengthening SB50 came from the City of Reno, the Nevada Tobacco Prevention Coalition (NTPC) (founded in 1995 by the Nevada State Medical Association, the American Cancer Society, the American Lung Association, and the American Heart

Association), and the League of Women Voters. Opposition to a strengthening amendment came from the tobacco industry ally groups: Nevada Retail Gaming Association, the Nevada Petroleum Marketers and Convenience Store Association, the Nevada Restaurant Association, the Nevada Hotel and Lodging Association, and the Retail Association of Nevada.⁹⁰

Comments by committee members focused on concerns that restaurants would no longer be able to dictate their own smoking policies, and the fear that smoke-free ordinances might hurt business. As a result of extensive discussions by the committee expressing a desire to allow restaurants to decide their own smoking policies, Assemblywoman Sharron Angel (R, Dist) made a motion to amend SB50 return it to its original form and give local governments control, but included an exemption for restaurants. In response to this attempt to strengthen the bill while sidestepping the concern over restaurants, Committee Chairman Bernie Anderson (D-Washoe 31) refused to accept the amendment. At the hearing, Anderson explained his position on the proposed amendment, stating that there were not enough committee votes to approve the amendment and, furthermore, he doubted an amended SB50 would be passed by the Senate. According to the minutes of the Assembly Committee on Judiciary from May 7, 2003, Anderson stated that “it is the Chair's preference to try to move things along rather than try to move [SB50] back to [the Senate],” and added that “I would advise against [the amendment], for all the [Senate] need to do is drag their feet a little bit and the bill itself would die. I think that would cause all of us concern.”⁹⁰ However, as noted by the *Las Vegas Journal-Review*, Anderson had repeatedly voted against tobacco control policies and was known to tobacco control advocates to be aligned with pro-tobacco interests.^{4, 94} The article stated that “[Anderson] had also thwarted efforts in the 1999 and 2001 legislative session to allow local governments to pass anti-smoking ordinances more restrictive than state law.”⁹⁴

SB50, which in its weakened form allowed school districts to prohibit smoking on school grounds and required supermarkets to use new air filtration systems in slot machine areas by 2007, was approved by the Assembly in a 36 to 5 vote on May 19, 2003. Health groups viewed the outcome of SB 50 as a significant defeat and were discouraged that despite demonstrating the support of the public for tobacco control measures in 2002 with the survey and advisory questions, they were still not able to advance tobacco control policy significantly in the legislature.⁴

Assembly Bill 96

Assembly Bill 96, introduced by the Clark County Health District on February 13, 2003, would have authorized local boards of health (as opposed to SB 50 which dealt with local city councils) to impose stricter regulations concerning tobacco than those imposed by state law (including gambling areas within retail stores), though casinos and taverns would be exempt.⁹⁵ At the March 18, 2003 hearing before the Assembly Committee on Judiciary, support for AB96 was given by the Washoe County District Health Department, the Nevada Public Health Foundation, the American Heart Association, the American Cancer Society, and the Nevada Tobacco Prevention Coalition, all of whom testified to the dangers of secondhand smoke.

Testimony in opposition to AB96, came from representatives of the Nevada Retail Association, the Las Vegas Chamber of Commerce, the Retail Association of Nevada, and the Nevada Petroleum Marketers & Convenience Store Association, all of which are listed as

member organization of Philip Morris' 2001 Field Action Team State Coalition. Representatives from United States Smokeless Tobacco also testified against AB96.⁹⁵ Opposition testimony focused heavily on the rights of business owners and the effectiveness of state law. Despite long and heated legislative testimony, the Assembly Judiciary Committee eventually took no action on AB96, effectively killing the bill. After the hearing, committee chairman Anderson stated, as he did after allowing SB50 to die, that he doubted legislators would approve giving state control over to local control on smoking.⁹⁶

The influence that the tobacco and gaming industries had in the Nevada state legislature made the pursuit of clean indoor air laws and other tobacco control policies extremely difficult for health advocates in the state. The repeated failures of tobacco control legislative efforts were demoralizing for the state's health groups. The pro-tobacco stance of Nevada's state government is a clear of example of the influence the tobacco industry has on the formal policy process. The tobacco industry's influence remained strong despite clear indications that the general public in Nevada was increasingly in support of tobacco control policies. The Nevada Tobacco Prevention Coalition took an important step when they organized advisory questions that demonstrated publicly that Nevada voters were in favor of clean indoor air. While the advisory questions did not produce immediate results in the legislature, they did provide the foundation for the eventual statewide ballot initiative that repealed preemption and significantly strengthened the states clean indoor air regulations.

2003 CIGARETTE TAX INCREASE

In early 2002 tobacco control advocates, in reaction to the state's financial troubles, identified an opportunity to raise Nevada's cigarette tax. From 1989 to 2002 the tax on cigarettes in Nevada had not changed, remaining at 35 cents. In January 2002, Denise Brodsky, Executive Director of the Nevada Tobacco Prevention Coalition, made a presentation to the Task Force for the Fund for a Healthy Nevada and stated that a tax increase would generate tens of millions of dollars and reduce overall smoking rates for adults and children. The Nevada Tobacco Prevention Coalition suggested a 85 cent increase in the cigarette tax would be appropriate. The proposal had immediate political support in the legislature since an expected \$370 million state budget deficit had many in the state, including the governor, believing that increased taxes would be necessary to fund government services.⁹⁷⁻⁹⁹

The Task Force for the Fund for a Healthy Nevada voted unanimously in June 2002 to draft a proposal to raise the state's cigarette tax by 65 cents, from 35 cents to a total of \$1.00.¹⁰⁰ ¹⁰¹ Health advocates gave public support to the proposal, touting both the financial benefits and the health benefits that would result in a cigarette tax increase, explaining to the press that the tax would “not just raise income, but save lives.”¹⁰² Despite little to no pressure from the Nevada Tobacco Prevention Coalition to earmark tax revenue for tobacco control programs, the Task Force for a Healthy Nevada suggested that revenue from the tax increase be distributed as follows: 40 percent to the general fund, 20 percent for local governments, 20 percent for education training, and 20 percent for anti-smoking and other tobacco control programs.¹⁰⁰

By October 2002, Gov. Guinn was publicly supporting an increased cigarette tax (as well as taxes on liquor, gambling, and retail sales), citing the need to eliminate a state budget deficit that had Nevada in a “very, very fragile” financial condition.⁹⁹ Guinn also noted that there had

not been a cigarette tax increase in over 13 years, and that the price of cigarettes in Nevada, \$3-\$5 per pack, was relatively cheap compared to other states.⁹⁹ All states surrounding Nevada had higher cigarette taxes in 2002 (California: 87 cents per pack; Utah: 69.5 cents; Arizona: 58 cents; Oregon: 68 cents).¹⁰⁰

Though the tobacco industry did speak out in the press, they had little effect on the governor and legislators who were desperate to find additional revenue in a budget crisis. John Singleton, spokesman for RJ Reynolds Tobacco Co., and Harvey Whitmore of the Lional, Sawyer & Collins law firm, also representing RJR, were the main public opponents to the increase, claiming that it was unfair to tax a small segment of population to bail the state out. Despite the tobacco industry's opposition, there was little public debate on the issue and in November 2002 the Governor's Task Force on Tax Policy recommended a 35 cent increase in the cigarette tax, 30 cents less than the original proposal put forth by the Task Force for a Health Nevada.¹⁰³

The cigarette tax increase proposal was included in a larger tax package proposal to fund public schools and state government, Senate Bill 8, which passed in the Senate on July 21, 2003 in a 17-2 vote. Under SB 8, the cigarette tax was increased 45 cents per pack (for an 80 cent per pack total), and was expected to raise \$63 million in the 2003-2004 fiscal year, and \$70 million in the 2004-2005 fiscal year with all of the revenue going to general fund.¹⁰⁴

Though the primary reason for the cigarette tax increase from a health advocate perspective was a desire to reduce cigarette use, the health groups choose not to push allocating this money to tobacco control efforts, believing such attempts would only hinder the tax increase effort. As explained in a 2006 interview, by Erin Dixon, Tobacco Control Program Coordinator for the Washoe County Health District, "It was not the right time to ask for a slice of [the cigarette tax] to go to [tobacco] prevention," because "the deficit was so large and in Nevada we have, as in most states, a real concern about raising taxes."⁷⁶ The legislature's motivation for the cigarette tax increase "was purely financial," and happened to benefit the health of the state.⁷⁶

THE NEVADA CLEAN INDOOR AIR ACT

At the end of the 2003 legislative cycle tobacco control advocates in Nevada were extremely discouraged on the issue of clean indoor air.^{4, 78, 88} The Nevada Tobacco Prevention Coalition felt that they had clearly demonstrated to the state legislature that the public was in support of strengthening tobacco control measures in the state but that the legislature, not wanting to alienate the tobacco and gaming industries, had chosen to ignore the public's wishes.^{4, 78, 88} This failure left the coalition in a difficult situation moving forward, and there was uncertainty as to what steps the coalition should take. It was universally felt that the coalition had little chance of making significant progress in the legislature and members began discussing the possibility of pursuing a ballot initiative.

Deciding to pursue a ballot initiative and finalizing the specifics of the actual proposal was an extremely contentious process. While repealing preemption was a top priority for the coalition, polling had shown that the public did not have a good understanding of the issue and consequently a ballot initiatives based on preemption repeal was not likely to succeed.⁷⁸ There

was a general consensus that the coalition should pursue a ballot initiative based on strengthening Nevada's clean indoor air law but the coalition could not agree on the specifics.⁷⁸

There was pressure from the national offices of the American Heart Association, American Lung Association, and American Cancer Society for a comprehensive clean indoor air law.⁷⁸ Those organizations had adopted national policies supporting comprehensive smokefree regulations, but, based on earlier polling, members of NTPC felt that the Nevada public would not support a comprehensive law. Previous polling had shown low support for proposed smokefree regulations which would include stand alone bars and the gaming areas of casinos. Key members of the coalition including Kendall Stagg and Buffy Martin, lobbyists with the American Cancer Society, were in support of a ballot initiative proposing a statewide clean indoor air law exempting stand alone bars and the gaming floor of casinos that would also repeal preemption so that there would be the possibility of addressing these issues later at the local level. While the national organizations had reservations about the exemptions there were members of the coalition that felt the proposal even with the exemptions went too far. By January 2004 with Kendall Stagg taking the lead, ballot language was finalized with exemptions for stand alone bars and the gaming floors of casinos (Table 14). The coalition choose to call their initiative the Nevada Clean Indoor Air Act.

Stagg played a leading role in conducting the underlying research for the initiative and wrote the actual initiative language. Martin played the leading role in convincing the American Cancer Society's national office to support the initiative with the exemptions for stand alone bars and the gaming areas of casinos. Because the American Cancer Society was the only organization in a position to fund the initiative effort their support was critical.

In the beginning stages of the effort there was a decision to outline the justification for the initiative as protecting children from secondhand smoke. While this justification was consistent with previous tobacco control efforts in Nevada, it was decided upon more out of necessity than ideology.

At the urging of several national partners NTPC had considered framing their initiatives as one of protecting workers. However, NTPC knew, based on previous polling, that the public did not support smoking restrictions in bars and casino gaming areas and since these exemptions were deemed “necessary” using the protection of workers as justification would not be consistent with the initiatives language. While NTPC was supportive of comprehensive smokefree regulations and the framing of the issue as one of worker's rights, the coalition made the decision to adopt a “protection of children” stance as the justification of their initiative. While the coalition had used this strategy in previous years during legislative efforts, in 2003 it adopted the strategy again simply because the coalition felt that it was consistent with the initiative's language and the public could support it.⁷⁸

After the language for the proposal was finalized (Table 14) there were two coalition members, Robin Camacho (American Heart Association) and Helen Foley (lobbyist for the Clark County Health Department), who felt strongly that the ballot language went too far.⁷⁸ Camacho and Foley had expressed their concerns in NTPC meetings but were overridden by the American Cancer Society. ACS, as the primary financial backer of the proposed ballot initiative, had a tremendous amount of say and, as Martin recalled in a 2007 interview:

...the Cancer Society usually being the 5,000 lb. gorilla in the room came in through me and said, “We would not support this initiative unless it repeals preemption” “If we don't keep it as is with the [existing] exemptions and repealing preemption, we're backing away.” That pretty much told everybody, “If you don't do what we want to do, you're not going to get funded, so, good luck!”⁷⁸

Because ACS was taking a hard stance the rest of NTPC was forced to go along with their wishes but Camacho and Foley continued their efforts to weaken or prevent the initiative.

At some point in early 2004 Camacho and Foley went behind the back of NTPC and approached Sig Rogich, a pro-tobacco lobbyist in Nevada and gave him the NTPC plans of pursuing a ballot initiative.⁷⁸ Rogich was one of the most powerful lobbyists and political consultants in Nevada.⁷⁸ Soon after, Rogich called NTPC and invited Kendall Stagg and Buffy Martin to meet with him to discuss the planned initiative and a possible compromise. Rogich was representing the Slot Route Operators, a group of businesses that operate slot machines in grocery and convenience stores and other nondedicated gaming areas. At the meeting Rogich stated that if NTPC was willing to compromise on a joint initiative his clients would reimburse NTPC all of the expenses they had incurred in the pursuit of their initiative so far.⁷⁸

The compromise proposed by Rogich involved allowing smoking in grocery and convenience stores and eliminating the language that would have removed preemption.⁷⁸ Effectively, the proposed compromise would only have added additional restrictions to smoking in restaurants. Stagg and Martin knew that Rogich's compromise proposal was not acceptable and immediately informed him that NTPC would move forward with their original plan. Rogich then informed Stagg and Martin that the Slot Route Operators would then pursue their own competing initiative. Reflecting back on that meeting, in 2006 Martin stated:

...our essential attitude was, “ now we've got a competing ballot initiative and now not only do we have the gamers against us, the slot route operators against us, tobacco against us, now we'll have this other initiative.” They had their initiative out on the street, I would say, within three weeks.⁷⁸

The leaking of information to Sig Rogich led to a competing initiative and also gave the Slot Route Operators more time to pursue their initiative. In early 2004, NTPC hired the Southwest Group, a signature gathering firm and started signature gathering on March 16, 2004.¹⁰⁵ A month later, the Slot Route Operators hired, Southwest Strategies, and started to collect signatures just one month later on April 15, 2004 as well as forming a ballot advocacy group called the Smoke Free Coalition.¹⁰⁵ These efforts resulted in a situation where both initiative efforts were collecting signatures at the same time feeding the confusion that would play a prominent role in both campaigns.

Following the meeting between Stagg, Martin, and Rogich, NTPC held a meeting of its own to discuss the situation. Foley and Camacho again took matters into their own hands and invited Rogich to the meeting which was held at the American Cancer Society in Reno.⁷⁸ The steps taken by Foley and Camacho were an indication of the disagreement and dysfunction within NTPC during this time regarding the ballot initiative effort.⁷⁸ This dysfunction was evident in the meeting where Rogich was present. Following this incident both Foley and Camacho were released by their respective organizations and removed from the NTPC.

There were also others in the coalition that for various reasons had their doubts about pursuing an initiative and after the incident with Foley and Camacho some of those individuals and organizations dropped out of the coalition. Martin described the departure of these minor organizations as “that's when people [some coalition members] also started to pull away but in doing that it allowed NTPC to really consolidate with the strong people. It was almost like a pruning that had to happen.”⁷⁸ Following this shakeout NTPC became a smaller coalition more unified in its pursuit of the planned ballot initiative.

There was some speculation that the impression Rogich received of the NTPC during this time led him to not take the coalition seriously. Martin recalled:

...looking back with a little bit of perspective, that having Sig [Rogich] and he also had some of these other individuals there too. I think his lawyer was there at the meeting where I am sure she walked out of there not really respecting us because we were just lowly nonprofits, anyway. Thinking, “These people don't have a chance, so we don't really need to work very hard. They'll sink themselves.” Not knowing that what the meeting also did was it showed us our sort of internal enemies. These are people that don't need to be a part of the discussion. So it forced us to become stronger but it also gave them the perception that we were not very crafty, and not realizing that we actually had more funding than they believed.⁷⁸

By mid-April 2004 the pro-tobacco coalition, which called itself the Smoke Free Coalition, had formed and where actively collecting signatures to qualify their measure, called the Responsibly Protect Nevadans from Second-hand Smoke Act, for the ballot. The Smoke Free Coalition was funded by the Slot Route Operators. The name they chose and their initiative suggested that they were pursuing a tobacco control measure, but the specifics of their proposal showed that it would have weakened the state's existing clean indoor air law and allowed smoking virtually everywhere (Table 14). The name “Smoke Free Coalition” was a clear message that the strategy adopted by the pro-tobacco campaign was to try and confuse voters into thinking that their initiative was an alternative tobacco control measure.

For the remainder of 2004 both initiative campaigns focused on gathering the necessary number of signatures to qualify for the ballot. In Nevada, once ballot initiatives receive the requisite number of signatures and are approved by the Secretary of State, they go before the Legislature, which can approve the initiative and pass it into law without amendments. If an initiative is not approved or is rejected, it is put on the ballot.

Both campaigns needed to turn in 10 percent of the previous general election turnout or 51,337 valid signatures in order to qualify for the 2006 ballot. On November 3, 2004, the Smoke Free Coalition turned in 87,613 signatures to the Nevada Secretary of State.¹⁰⁶ On November 9, 2004, NTPC turned in 77,440 signatures to the Nevada Secretary of State.¹⁰⁷ Both initiatives had secured the necessary number of signatures but inconsistencies within the Nevada Secretary of State's office called into the question whether either initiative would make it to the ballot.

In late 2004 the Secretary of State's office had instructed all groups seeking to qualify a ballot initiative to not submit their collected signatures until after the November 2, 2004 election.⁸⁸ The reason given by the Secretary of State's office was that they were overwhelmed with the upcoming election. The Nevada Tobacco Prevention Coalition had submitted 64,828

Table 14 : Nevada Clean Indoor Air Act vs.
Responsible Protect Nevadans from Second-hand Smoke Act

	The Current Law (NRS Chapter 202)	Nevada Clean Indoor Air Act: Protecting children and families from secondhand smoke in most public places, excluding stand-alone bars and gaming areas of casinos	Responsible Protect Nevadans from Second-hand Smoke Act.
Name of campaign organization		Nevadans for Tobacco Free Kids	Smoke Free Coalition
Groups that filed the initiative		American Cancer Society; American Heart Association; American Lung Association	Lee Haney from Rogich Communications on behalf of the Slot Route Operators.
K-12 Schools	Schools have the legal authority to determine smoking policies on campus.	Smokefree on all grounds, including outdoor areas.	Smokefree on all grounds, including outdoor areas but would remove a schools authority to implement additional measures such as prohibiting smoking at off-campus events.
Daycare	Smoking is allowed in all childcare facilities, so long as it is in an area where children are not permitted. The law does not define what constitutes an appropriate indoor “area” within childcare facilities. Nevada law does not regulate smoking within childcare facilities that care for less than 13 children at one time. Smoking is allowed anywhere within these facilities.	Smokefree indoor areas of a licensed daycare center.	Smoking will be prohibited in licensed childcare facilities that provide care for 13 or more children. Smoking would still be allowed anywhere within any licensed childcare facilities that care for fewer than 13 children at one time.
Grocery stores	Smoking is allowed in any grocery store with less than 10,000 square feet of retail space. In larger grocery stores, smoking is allowed in areas segregated “by two or more walls or partial walls, or any combination	Smokefree	Smoking would be allowed in any area with one or more gaming devices. There would be no requirement for the gaming area to be enclosed in any way in order to keep secondhand smoke from infiltrating non-smoking areas.

	The Current Law (NRS Chapter 202)	Nevada Clean Indoor Air Act: Protecting children and families from secondhand smoke in most public places, excluding stand-alone bars and gaming areas of casinos	Responsibly Protect Nevadans from Second-hand Smoke Act.
	<p>thereof.” The definition of partial “may include, without limitation, one or more gaming devices...if the gaming devices are configured together or in conjunction with other structures.” Therefore, one slot machine sitting adjacent to a wall or two slot machines adjacent to each other meet the definition of a “partial wall”</p> <p>By 2007 the smoking areas within grocery stores must provide “a method of ventilation which substantially removes smoke from the area.”</p>		<p>The existing law that would require grocery stores that allow smoking to ventilate their smoking areas by the year 2007 would be repealed.</p>
Restaurants	<p>Restaurants that have 50 or more seats must offer a non-smoking section.</p>	<p>Smokefree within indoor areas of all restaurants. Smoking would still be allowed on outside patios and dining areas.</p>	<p>Smoking could be allowed anywhere within casino restaurants.</p> <p>Regardless of whether or not the restaurant contains a bar area, smoking could be allowed anywhere within restaurant that serves liquor, beer, or wine.</p> <p>This initiative contains a loop hole would allow smoking within any restaurant so long as the restaurant does not permit children within its designated smoking areas. There would be no requirement for smoking areas to be enclosed in any way in order to keep secondhand smoke from infiltrating non-smoking areas.</p>

	The Current Law (NRS Chapter 202)	Nevada Clean Indoor Air Act: Protecting children and families from secondhand smoke in most public places, excluding stand-alone bars and gaming areas of casinos	Responsibly Protect Nevadans from Second-hand Smoke Act.
Video Arcades	Smoking within video arcades is currently permitted.	Smokefree	Smokefree
Government buildings	No smoking in public portions of buildings.	Smokefree	Smokefree
Retail tobacco stores	The law does not restrict smoking in retail tobacco stores.	Smoking would be allowed	Smoking would be allowed
Malls	The law does not restrict smoking in malls.	Smokefree	Smoking would be banned, unless a gaming device was present. In the presence one or more gaming devices, an exemption would be offered for that area. There would be no requirement for the gaming area to be enclosed in any way in order to keep secondhand smoke from infiltrating non-smoking areas.
Convenience stores	The law does not restrict smoking in convenience stores.	Smokefree	Smoking would be banned, unless a gaming device was present. In the presence one or more gaming devices, an exemption would be offered for that area. There would be no requirement for the gaming area to be enclosed in any way in order to keep secondhand smoke from infiltrating non-smoking areas.
Other retail stores	The law does not restrict smoking in retail stores.	Smokefree	Smoking would be banned, unless a gaming device was present. In the presence one or more gaming devices, an exemption would be offered for that area. There would be no requirement for the gaming area to be enclosed in any way in order to keep secondhand smoke from infiltrating non-smoking areas.

	The Current Law (NRS Chapter 202)	Nevada Clean Indoor Air Act: Protecting children and families from secondhand smoke in most public places, excluding stand-alone bars and gaming areas of casinos	Responsibly Protect Nevadans from Second-hand Smoke Act.
Movie theaters	The law does not restrict smoking in movie theaters.	Smokefree	Smokefree
Bars	The law does not restrict smoking in bars.	Smoking permitted unless bar serves full meals. It would then be classified as a restaurant. Smoking would be banned in bars that are part of a restaurant	Smoking would be allowed.
Gaming areas of casinos	The law does not restrict smoking within gaming areas of casinos.	Smoking would be permitted.	Smoking would be allowed.
Local control	School districts are currently allowed to make rules regarding tobacco use on campus. The law strictly prohibits local control for all other local boards, county commissions, and city councils.	Local governments would be able to fix any potential loopholes in the law, pass additional local ordinances to protect citizens from secondhand smoke, and enact and enforce measures intended to keep cigarettes out of the hands of kids.	Local governments would not be allowed to make any law regarding tobacco. This initiative would repeal existing state law regarding local control for school boards.
Enforcement	Health Authorities, Police Officers, and Sheriffs can issue a \$100 citation	Health Authorities, Police Officers, & Sheriffs could issue citations consistent with existing Nevada laws.	No provisions for enforcement are contained in this initiative, which could have made the initiative meaningless if passed.
NOTE: Both initiatives and current law allow business owners and property managers to voluntarily regulate tobacco (stricter than state law) on their property.			

valid signatures while the Slot Route Operator sponsored Smoke Free Coalition had submitted 74,347 valid signatures.¹⁰⁸ Both should have been enough to qualify for the ballot based on 2002 election numbers, but the Secretary of State's office stated that since the signatures were submitted after the November 2, 2004 election the number of valid signature required would be based on 2004 election numbers or 83,156 valid signatures.¹⁰⁸

The Secretary of State himself, Dean Heller (R), made an official decision, based on advice from Nevada's Attorney General that the 2004 election numbers should be used, disqualifying both smoking-related initiatives.¹⁰⁹ This situation affected several other proposed

ballot initiatives and all of them, except the Slot Route Operators, came together and challenged Heller's decision in court. At the end of January, 2005 U.S. District Court Judge James Mahan overturned Heller and ruled that all the ballot initiative groups were following the Secretary of State's instructions when they turned in the signatures after the November election and should be held to the standard created by Nevada's 2002 elections.¹⁰⁹ This ruling ensured that both smoking-related initiatives would appear on the 2006 ballot.

The 2005 Legislative Session

As noted above, the ballot initiative process in Nevada is a three year process. The first year ballot groups qualify their initiative by turning in the necessary number of signatures. In the second year the state legislature reviews qualified proposals and has the ability to approve them and make them law. If the legislature does not act on the proposals, in the third year the issues are put to a vote.

NTPC knew that the qualified proposals would again go before the Assembly Judiciary Committee where Bernie Anderson was still the committee chair, so they felt that there was no chance of the committee approving their proposal. In addition, there was a tradition in Nevada of the legislature not acting upon proposals brought before them by the initiative process. Issues in Nevada brought to the legislature via the initiative process tended to be more controversial and the legislature was therefore less likely to take action on them. The legislature was, however, required to hold a hearing on the proposed issues and in March 2005 the Assembly Judiciary Committee held a hearing for both smoking proposals.^{110, 111}

During the hearing testimony, the initiative sponsored by the Slot Route Operators had a large number of organizations and individuals that spoke on behalf of the proposal. These individuals and organizations were all associated with either the gaming or hospitality industries and their testimony focused on their belief that overly restrictive smoking regulations would hurt their industries and the Nevada economy.^{110, 111} Two individuals of special interest at the hearing who would go onto play significant roles in the Slot Route Operators ballot campaign were Sean Higgins, President of the Nevada Gaming Retail Association, and Lee Hanley, official spokesperson for ballot advocacy group formed by the Slot Route Operators.^{110, 111}

The pro-tobacco organizations and individuals at the hearing seemed to place more emphasis on testifying against the proposal put forth by NTPC than in favor of their own proposal. When it came time for NTPC to testify on behalf of their own proposal they decided to upon a minimalist strategy to try and highlight the differences between the industry backed pro-tobacco proposal and the public health backed NTPC proposal.⁷⁸ NTPC decided that only one individual, Brook Wong, an employee of the American Lung Association who was visibly pregnant, would testify. Brook read a brief statement pointing out that the NTPC proposal would save lives and asked the legislature "not to sacrifice the health of Nevada citizens to the tobacco industry."¹¹¹ As anticipated, the Assembly Judiciary committee took no action on either proposal, sending both to face each other in the 2006 election.¹¹¹ At the conclusion of the legislative session the Slot Route Operators-backed initiative was placed on the ballot as Question 4 and the health group-backed initiative was placed on the ballot as Question 5.

Assembly Bill 118: Modest Restrictions on Smoking in Video Arcades and Day Care Centers

Though the Nevada legislature failed to act on the Nevada Clean Indoor Air Act initiative in March 2005, the Assembly did produce a much weaker and much less contested bill. Assembly Bill 118 prohibited smoking in video arcades with 10 or more machines, and removed the ability for child care facilities serving 5 or more children from designating smoking areas.¹¹² In giving the reason behind AB 118, bill sponsor Assemblywoman Kathy McClain (D-Las Vegas) (who received \$4050 in tobacco industry contributions from 1998 to 2004), told reporters she believed that the Legislature needed to take action in response to the smoke free initiative scheduled for the November 2006 election ballot.¹¹³

At a hearing before the Assembly Judiciary Committee on March 17, 2005, McClain warned against making any proposed amendment to her bill, claiming that such action would kill it. Lobbyists for the Petroleum Marketers and Convenience Store Association, representatives of Herbst Gaming, the Nevada Restaurant Association, Retail Association of Nevada, and Nevada Chamber Commerce all supported AB118. Buffy Martin, representing the American Cancer Society, American Heart Association, and the Nevada Tobacco Prevention Coalition, also gave support to AB118, even while testifying that the health groups did not believe the proposal went far enough to protect children.¹¹⁴ Martin later stated to the press, "It's ridiculous to think that we even have to pass a law to ban smoking in child care centers."¹¹⁵ Despite their public support, some health advocates felt that the law was an effort by pro-tobacco interests to show the public that a law had been passed and no further action needed to be taken by the voters on their proposed initiative.⁷⁸

AB118, having no opposition, was unanimously approved at every vote of both chambers of the Legislature,¹¹² and signed by the governor, with an effective date of October 1, 2006. The law did little to add to the protection of children, since many of the areas it affects were already smokefree on a voluntary basis. As described by Erin Dixon, "it [AB118] honestly didn't do that much. Most large childcare facilities don't allow smoking. They legally could but they don't do it. And the arcades with 10 or more machines [are] large video arcade[s]. That's not a small video arcade in a restaurant. So I don't think it changed many laws."⁷⁶

The Formation of Nevadans for Tobacco Free Kids

Following the 2005 legislative session NTPC began to prepare for the 2006 initiative campaign. The decision was made to hire a professional campaign manager, political consultant Michael Hackett, who was official hired in November 2005. Hackett had no background in tobacco control but was an experienced political consultant from Nevada. NTPC felt that it was important for whoever was hired to have good local knowledge and that bringing someone from outside the state might give the public impression that forces outside Nevada were working to influence the state.⁷⁸

After Hackett joined the campaign key members of NTPC including the American Cancer Society and the American Lung Association began to consider the possibility of forming a smaller ballot advocacy group separate from NTPC to run the ballot initiative campaign in 2006. There were two primary reasons given for this proposed action: (1) forming a separate ballot advocacy groups would help ensure there was no conflict with NTPC or coalition member

funding that was restricted from political uses, and (2) Martin and Hackett felt that in order to run an effective campaign they needed to have a small management team and not the entire coalition trying to make decisions.⁷⁸

Many members of NTPC that were not to be included in the ballot advocacy group were strongly opposed to the action, but, as Martin explained in a 2007 interview:

What we ended up having to do and there were two reasons why we did this, first, because NTPC it was an open membership and so pretty much anybody could show up at the meetings. The meetings were public because it was a separate nonprofit even though the Cancer Society was a fiscal agent. So they operated under a separate board, they had their separate bylaws, and so they had to report as a nonprofit when they were 501c3. Because they weren't really receiving any political money at that point we could not risk losing the money from the state when they were moving away from doing more political work...

...so we couldn't risk losing the money for that program and putting that into jeopardy. Plus we also, the core group pretty much decided that we couldn't control the message anymore in these large group meetings. After seeing the mess that was created with just even developing the language for the ballot initiative and seeing the leaks that were happening and the betrayal and just the inability to get anything done with a committee that large.⁷⁸

The formation of the ballot advocacy group and the exclusion of many members of the NTPC did, however, create hard feeling among the state's tobacco control advocates.

The American Cancer Society had already developed a reputation in Nevada of being heavy handed when dealing with tobacco control issues and the formation of the ballot advocacy group reinforced that perception. Martin recalled:

...once again they saw because the person delivering the message was me, they once again saw it as, "Oh, now the American Cancer Society comes in and is deciding everything,"...They felt they were being punished because of what had happened with Robin Camacho and Helen Foley. They felt, "Listen, I've been here since the very beginning and now I'm being cut out." They felt as if basically I had chosen the tribe and selected only the people that I got along with...⁷⁸

Despite the hard feelings among the coalition as a whole, a core group that consisted of Buffy Martin with the American Cancer Society, Larry Matheis with the Nevada State Medical Association, Brook Wong with the American Lung Association, and Michael Hackett as campaign manager formed the campaign management team and the ballot advocacy group "Nevadans for Tobacco Free Kids" to run the initiative campaign in 2006. The American Heart Association was also part of the ballot advocacy group in name but played a very limited role. The rest of the NTPC was left out.

The Lawsuit and Attempt to Remove the Nevada Clean Indoor Air Act From the Ballot

In March 2005, backers of the pro-tobacco counter initiative, including Slot Route Operator Herbst Gaming and the Nevada Resort Association, brought a lawsuit against the proposed Nevada Clean Indoor Air Act claiming that the initiative did not provide a funding mechanism for proposed law.¹¹⁶ The case was heard by District Court Judge Bill Maddox.

Lawyers for Herbst Gaming asked that the initiative be removed from the 2006 ballot. Lawyers for the American Cancer Society defended the initiative language and stated that a funding mechanism was not necessary for the law. Judge Maddox himself pointed out that the state legislature frequently passed new laws with no funding mechanism but did not give an immediate ruling. Instead he publicly stated that both sides would have until April 2005 to prepare additional legal briefings on the case. Maddox, sat on the case and took no action for over a year.

The lack of resolution created a sense of uncertainty and doubt surrounding the initiative effort. The fear was that at any point the courts could come in and take the initiative off the ballot. The uncertainty created by the unresolved legal case hampered ongoing fund raising efforts as donors, questioning whether the initiative would ever be voted on, were reluctant to give money.⁷⁸ Legal resolution would not come until late 2006.

Outside Consultants; SE2 and the Decision to Move Forward

In September, 2005, at the prompting of the American Cancer Society national office, Buffy Martin, Michael Hackett, Brook Wong, and Brian Lee from the American Cancer Society National office met with the Denver, CO political consulting firm SE2. The meeting was held to discuss how the initiative campaign should be handled moving forward. Campaign specifics such as messaging, money, manpower, and general strategy were discussed. After presenting all of the background to the consultants the group was told by SE2 that, "You guys should not move forward with this campaign. You won't win."^{78, 117} In a 2007 interview, Martin recalled:

It was hard and the problem is they said that in front of my national representative and everybody at that point was so scared because they knew, "Well, if Brian Lee thinks it can't happen, we're not going to get funded." We really didn't know what to do and Brian looked at me he said, "I called the national office and it's up to you, Buffy. We'll move forward if you say yes or we'll back down if you say no and we'll just call it a wash with the signatures. We'll just go about our business elsewhere."

..It was huge pressure and it was entirely up to me. I said, "Do I have to tell you now?" and he said, "No, but I need to know tomorrow morning because we have 100,000 waiting for you in reserve that we can send to you tomorrow so you can go ahead and you can hire Michael Hackett and you can maybe start building some things that you need to build, but I need to know tomorrow." That pressure was on me of how if I choose not to move forward, how do I go back to NTPC and say, "After all of the work that you've done, we've decided we're pulling out."

...And they all knew that nobody else could carry it because they needed us but then if I said, "All right, let's go on ahead and do it," and then we fail and I waste all that money. . I went home dialed our lawyer and said, "Bob, what the hell do we do?" First of all, how do I get it off the ballot? Because we hadn't even heard from the judge at that point what was going on. He said, "Well, you just go on ahead and you withdraw it," and he said, "but they will not withdraw theirs because theirs will seek that little tiny bit of preemption and they will punish you because theirs will pass and they won't even have to put ten grand towards it, because there will only be one thing on the ballot and people will automatically see it as a ballot initiative." Because I just automatically thought, "Ok, they'll both go away." He's like, "They're not going to pull theirs because they want you guys to feel some pain and theirs rolls back whatever little tiny bit of tobacco-control we had received." Had that ballot initiative, the competing one, not been there I

probably would have pulled the plug.

... The next day I told Brian, we are going to move forward with this And he said, "We're in this." I remember him telling me, "You can't quit your job now."⁷⁸

After finalizing the decision to pursue the initiative group prepared itself for the 2006 campaign.

The 2006 Campaign

The election campaign for the Nevada Clean Indoor Air Act officially kicked off on March 23, 2006 with a press conferences in Reno and Las Vegas, NV.¹¹⁸ News coverage of the initiative campaign framed it as a fight between health advocates and the gaming industry, which was described as “fighting the [health group sponsored] initiative on several fronts, suing to keep it off the ballot an crafting its own anti-smoking petition to compete with the Clean Indoor Air Act.”¹¹⁹

From that start of the campaign the management team for Nevadans for Tobacco Free Kids felt that the primary challenge was to overcome the confusion introduced by the pro-tobacco competing initiative.^{4, 78, 117} Early polling done in 2005 had shown over 60% support for both initiatives.^{78, 117} Health advocates needed to pass their initiative but they wanted to avoid a situation where both initiatives might pass. If both initiatives were to pass, the initiative with the most votes would take precedence.

Previous polling and the advisory questions had shown strong support for strengthening of clean indoor air laws. In an effort to leverage this support and defeat the pro-tobacco initiative the health campaign outlined a three part strategy: (1) maintain a health based message around protecting children, (2) associate each campaign with its respective backer, and (3) make sure people knew if they supported public health they also need to vote no on the pro-tobacco initiative.¹¹⁷

The health campaign knew that their biggest weakness was the concern that increased smoking restrictions would somehow harm the economy. Maintaining a health based message and not straying into the topics of the economy or jobs was important. The health campaign felt that if they were able to frame the issue as one of public health they would have a better chance.^{78, 117}

Associating each campaign with its respective backer was seen as an effective way of easily communicating to the public what each initiative was really about. NTPC had also done polling in years past that showed that the American Cancer Society, American Lung Association, and American Heart Association all had high public credibility; when asked 91% of people stated that the health voluntaries were trustworthy.⁸⁸ This result contrasted with the tobacco industry which in the same poll had 18% of people respond that the industry was trustworthy.⁸⁸

Internal health group polling, which played such a prominent roll in determining the ballot initiative language, was not conducted by the health group campaign management team in 2006. Martin felt that polling numbers had played an important roll in determining initiative

language and campaign strategy in the beginning but that there were too many competing interests during the campaign. In a 2007 interview, she explained, "...polling is expensive. It's very worthwhile in the beginning stages and had I had more money I would have done more polling."⁷⁸ The national partners and funding sources, however, were interested in polling numbers. At one point very late in the campaign when Martin and Hackett were still trying to secure additional funding, Martin was in discussion with the Campaign for Tobacco Free Kids based in Washington, D.C. As she described, "CTFK asked for our polling numbers... I broke down what some of the basic stuff was... I did not say [that the numbers were from] October 2005 so they probably thought it was a very recent poll. They're probably not going to be happy to hear this..." Instead of spending money on polling Martin and Hackett decided to focus their resources on media buys and other activities that they felt increased their chances of winning the election.^{78, 117}

The Pro-Tobacco Counter Initiative

During 2005 legislative testimony regarding the two competing ballot initiatives there were two apparent strategies adopted by the Slot Route Operator backed pro-tobacco campaign: (1) portray itself as a genuine alternative smoking ban and (2) raise the issue of economic concerns.⁷⁸ Based on this testimony health advocates in Nevada assumed that the pro-tobacco campaign would adopt a similar strategy during the public campaign in 2006. However, the campaign strategy adopted by the pro-tobacco campaign in 2006 was significantly different than expected: the pro-tobacco campaign focused entirely on portraying itself as the authentic tobacco control measure and did not bring up the issue of the economy or jobs.

The major casinos and the tobacco industry did not appear to play a role in the pro-tobacco campaign. The major casinos did not get involved because the health group initiative exempted the gaming floors casinos. The tobacco industry appeared content to let the slot route operators represent their interests. During the campaign there were no public communications



Figure 7: Media Messaging and Imaging from Health Groups (left) copies by the Pro-tobacco Campaign (right)

between the tobacco industry and the slot route operators or official contributions of money by the tobacco industry.

Television commercials for the pro-tobacco campaign were done in a manner to imitate the commercials for the Nevada Clean Indoor Air Act (the health backed initiative). These pro-tobacco commercials pointed out the dangers of secondhand smoke, quoted the Surgeon General and stated that smoking causes disease, took a position that Nevada needed a new clean indoor air law, and then encouraged the public to vote for their law, the Responsibly Protect Nevadans from Secondhand Smoke Act.

In April, 2006, prior to either campaign reaching full campaign mode, the *Las Vegas Review Journal* conducted a poll showing support for both initiatives.¹²⁰ In the poll 57% of voters were in favor of the pro-tobacco initiative and 63% were in favor of the health group backed initiative.¹²⁰ The polls showed the potential for the very scenario that tobacco control advocates in the state feared, which was the passage of both initiatives although this poll showed the health group's initiative ahead.

Resolution of the Lawsuit

In September 2006, the Nevada Supreme Court ended the legal challenge against the Nevada Clean Indoor Air Act, when it ruled that the Nevada Clean Indoor Air Act would not be removed from the ballot.¹²¹ The initial legal challenge had been brought in March 2005 and claimed that because the Nevada Clean Indoor Air Act did not provide a funding mechanism it was unconstitutional. The pending legal proceedings had created a cloud of doubt around the public health initiative and the resolution of the legal case helped the health initiative's public perception and last minute fund raising.

The Campaigns and the Election

As the two competing initiatives reached full campaign mode in September 2006 the divergent strategies of the two campaigns became more apparent. The Slot Route Operators had a heavy paid media presence (\$917,000 total media expenditure), primarily in the form of television commercials.¹⁰⁵ There was little grassroots effort on the part of the pro-tobacco campaign. When there was an effort to show public support for their initiative it would be in the form of small events conducted with employees from gaming establishments or with signs displayed in businesses owned by Slot Route Operators. Health advocates felt that in a way those types of functions might have actually helped the public differentiate between the two competing initiatives and see more clearly that the Responsibly Protect Nevadans from Secondhand Smoke Act was supported by gaming interests, not public health.⁷⁸

The health group sponsored campaign in contrast had a much smaller paid media presence (\$385,000 total media expenditure).¹⁰⁵ The television commercials for the Nevada Clean Indoor Air Act air were a significant part of their overall campaign, but grassroots efforts, especially earned media coverage, was a critical part of the public communication strategy.^{78, 117} The television commercial that was run by the Nevada Clean indoor Air Act closely followed the three part strategy outlined by the campaign management team. In the commercial the issue was framed as one of protecting public health, the Heart, Lung, and Cancer associations are

Table 15: Contributors to the Smoke Free Coalition (Pro-tobacco Campaign, Yes on 4/No on 5)		
<u>Contributor</u>	<u>Amount</u>	<u>% of Total</u>
Herbst Gaming	\$1,052,050	44.7%
United Coin	\$297,500	12.6%
Golden Gaming	\$200,000	8.5%
Nevada Petroleum Marketers & Convenience Store Assoc	\$122,000	5.2%
Rebel Oil Co	\$100,000	4.3%
Nevada Resort Assoc	\$100,000	4.3%
Las Vegas Sands	\$100,000	4.3%
Nevada Tavern Owners Assoc	\$72,000	3.1%
International Gaming Technology	\$50,000	2.1%
7-Eleven	\$46,250	2%
Village Pub Management	\$30,000	1.3%
Timbers Hospitality Group	\$25,000	1.1%
Western Petroleum Marketers Assoc	\$15,000	0.6%
City Stop	\$15,000	0.6%
Corrigan Management Inc Grand Canyon	\$10,000	0.4%
Circle K Stores	\$7,500	0.3%
Anchor Development	\$6,000	0.3%
Nevada Restaurant Assoc	\$5,500	0.2%
Konami Gaming	\$5,000	0.2%
The Lodge Taverns	\$5,000	0.2%
Total	\$2,263,800	100.0%

announced as supporters, and the commercial concluded by urging voters to vote “no” on Question 4 and “yes” on Question 5.

Earned media, primarily in the form of newspaper articles and TV news reports, were an important part of the health group campaign because of its limited paid media budget. Martin stressed this fact in a 2007 interview, “Had it not been for the earned media, we would have never won because they [earned media] carried the message for us.”^{78, 117} Newspaper articles and TV news reports helped the health campaign because they tended to focus on differentiating the campaigns and highlighting their respective backers.

Table 16: Contributions to Nevadans for Tobacco Free Kids (Pro-Health Campaign, Yes on 5/No on 4)		
<u>Contributor</u>	<u>Amount</u>	<u>% of Total</u>
American Cancer Society	\$529,690	85.8%
American Lung Assoc	\$47,500	7.7%
American Heart Assoc	\$23,400	3.8%
KPS/3 INC	\$6,566	1.1%
Marriott International	\$2,500	0.4%
Nevada Academy of Family Physicians	\$750	0.1%
Individual Contributions	\$4,020	0.7%
Total	\$614,426	100.0%

As the campaigns progressed, newspaper polling showed eroding support for both initiatives but the health group initiative, relative to the pro-tobacco initiative, maintaining more support (Figure 8). Throughout the campaign both sides were consistent in their strategy and public communication right up until the November election. The health group campaign was concerned about the election outcome and the closeness of the race but felt that their existing messaging provided the best chance of success.^{78, 117}

On November 11, 2006, voters passed the Nevada Clean Indoor Air Act with 54% voting in favor. Equally important, voters failed the Responsibly Protect Nevadans from Secondhand Smoke Act with only 48% voting in favor.

The passage of the Nevada Clean Indoor Air Act was a significant step forward for tobacco control in Nevada. After years of failed attempts in the

legislature the ballot initiative repealed preemption and significantly strengthened the states clean indoor air law. While the law was not comprehensive, exempting stand alone bars and the gaming floors of casinos, it still represented significant progress. The repeal of preemption was especially significant for Nevada's future tobacco control efforts as health advocates will be able to work to eliminate these exemptions in the future through local legislation.

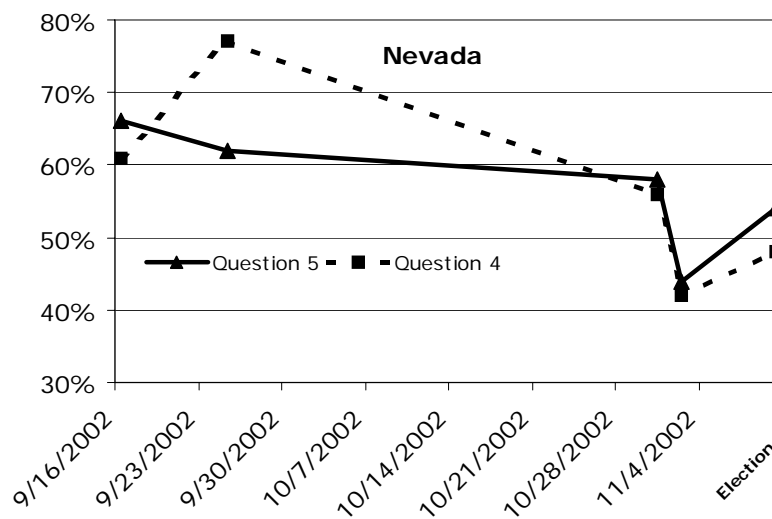


Figure 8: Polling for Questions 4 and Question 5

IMPLEMENTATION OF THE NEVADA CLEAN INDOOR AIR ACT

Immediately after the passage of the Nevada Clean Indoor Air Act questions emerged regarding how the law would be implemented. The Nevada Clean Indoor Air Act called for both criminal and civil penalties associated with the enforcement of the law and stated generally that “health authorities, police officers of cities and towns, sheriffs, and the deputies shall, within their respective jurisdictions, enforce the provisions of this Act.” The law was to go into effect on December 8, 2006, just a month after it passed, as specified by the Nevada constitution. Health groups had focused all of their efforts on passing the law and not given much thought as to how the specifics of implementation should go.⁷⁸ This short time resulted in a situation where there was a tremendous amount of uncertainty from health departments and business owners on how the implementation should proceed.¹²²

The language of the initiative regarding enforcement was left open so that it would not inadvertently restrict implementation or enforcement in the future. This is a common practice with laws as the details of implementation and enforcement are typically left to the responsible government agency. However, coupled with lack of experience and preparation, the open language left the regional health districts and law enforcement organizations, who had local jurisdiction and the responsibility for implementation and enforcement in their respective area, uncertain as to how implementation and enforcement should be handled.^{66, 76} In addition, no funding was made available for the implementation and enforcement of the new law. These challenges, along with regional variation in organized opposition to the new law, led to different implementation and enforcement outcomes around Nevada.^{66, 76}

The First Legal Challenge in Clark County

On December 6, 2006, just two days before the new clean indoor air law was to go into effect, a lawsuit was filed by a group of bar owners in Clark County (which includes Las Vegas).^{123, 124} The lawsuit was brought by a group of 20 local businesses, mostly restaurant bars, in Clark County including the Three Angry Wives Pub operated by Sean Higgins (the official spokesperson for the pro-tobacco counter initiative). The lawsuit claimed that the Nevada Clean Indoor Air Act was “impossibly vague” regarding what conduct was considered criminal and therefore the law violated the right to due process.^{123, 124} The Nevada Tavern Owners Association was not one of the original plaintiffs, but joined the lawsuit several days after it was initially filed.

The case was heard in District court by Judge Douglas Herndon who scheduled an injunction hearing on December 19, 2006.^{123, 124} Health advocates were concerned because before the December 19 hearing Judge Herndon showed a bias toward the tavern owners when he publically stated regarding the case, “I think the balancing of the hardships greatly favors the plaintiffs.”^{123, 124} At the hearing Judge Herndon ruled that the law as a whole was not unconstitutional but that the criminal component of the law was vague enough to create concerns regarding arbitrary enforcement.¹²⁵ Judge Herndon also determined that the law while too vague to support criminal penalties was sufficient to support the civil penalties and requirements. In the end Judge Herndon removed the criminal component of the law but only for those plaintiffs party to the case.

While the law had been weakened in Clark County, tobacco control advocates publicly stated that Judge Herndon's ruling was a victory.¹²⁵ A key aspect of the ruling was that it only applied to those businesses that were party to the lawsuit and that the law itself along with civil penalties remained intact. The criminal penalties for those not party to the lawsuit were still intact. As such health advocates were optimistic that they could move forward with implementation and achieve a high level of compliance in Clark County. While the lawsuit had delayed the implementation of Nevada's new law and created some uncertainty as to whether it might be struck down in the courts, the health districts were able to move forward with implementation and enforcement.^{66, 76}

Washoe County and the Rest of Nevada

While Clark County experienced organized resistance to Nevada's new clean indoor air law, Washoe County (which includes Reno) and the rest of Nevada experienced little resistance. In fact, the implementation and enforcement of the new law went relatively smoothly in these areas.⁷⁶ In Washoe County the health district took the approach of educating business owners and incorporating smoking-specific elements (smokers present, smoking paraphernalia present, etc.) into the regular health inspector visits to restaurants and other hospitality venues.⁷⁶ Aside from these measures the enforcement of the new law was largely complaint driven and by mid to late 2007 the law was largely self enforcing.⁷⁶ While there were a few businesses that the county health department continued to have compliance issues with, Nevada's clean indoor air law was receiving strong public support and the law was generally accepted and “out of the news” in all areas but Clark County.⁷⁶

Initial Implementation Efforts Concentrate on Education

Following commonly accepted best practices, from January 2007 to April 2007 the health districts throughout Nevada focused their implementation efforts on education. During this time the regional health districts were responsible for enforcement and implementation in their respective areas and met with businesses to inform them about the specifics on how to comply with the law and no citations or fines were given. Outside of Clark County the education-based implementation conducted by the health departments went well and businesses largely complied.⁷⁶ In Clark County however a very visible and vocal minority of business continued to ignore the law and allow smoking.

During the early implementation phase, the exemption for standalone bars in the state's new law created some uncertainty and challenges with implementation. There were a minority of businesses that decided to stop serving food in order to meet the criteria for a standalone bar and be exempt from the law. There were also a handful of businesses in both the Reno and Las Vegas area that stopped serving food in order to be exempt from the law but then allowed food to be delivered from a sister restaurant.¹²⁶ While this arrangement was unusual, the broader effect that was created by the bar exemption was a perceived competitive advantage by the public for those establishments that were somehow exempt from Nevada's clean indoor air law. Because these establishments were technically following the law, the health departments took no action against them.

Additional Legal Challenges

In April 2007, a group of business owners including the Nevada Tavern Owners Association filed a notice of appeal with the state Supreme Court related to the previous ruling in district court which upheld the constitutionality of Nevada's clean indoor air law but struck the criminal components.¹²⁷ Health advocates had expected an appeal of the district court's ruling that the Nevada's clean indoor air law was constitutional. Legal briefings filed during the course of the appeal showed that the appeal was based on four arguments: (1) The clean indoor air law is impermissibly vague and the district court erred in finding it constitutional as a civil regulatory scheme, (2) the clean indoor air law represents an unconstitutional regulatory taking, (3) The exemptions in the clean indoor air law violate the equal protection clauses of the United States and Nevada Constitutions, and (4) The district court erred in severing the criminal and civil components and should have struck down the entire law as unconstitutional. As of July 2008 the Nevada Supreme Court has not made a ruling on the appeal.

The Move to Active Enforcement

In April 2007, the health districts across Nevada moved into the enforcement phase of their implementation of the state's clean indoor air law.¹²⁸ Prior to that time the health districts had focused almost entirely on education. In the beginning of April the health districts sent letters to businesses that had been found to be noncompliant informing them that if they did not comply with the law the health districts would begin issuing citations. By then compliance was already very high in the Reno area and the rest of Washoe county. The Washoe county health district had received approximately 200 complaints in total since the law went into effect and estimated that compliance in the county was over 90%.¹²⁸ Complaints were typically followed up with educational visits from the health department. In Las Vegas and Clark County, on the other hand, had accumulated approximately 2000 complaints and, while the district estimated that the majority of businesses were in compliance, a very visible minority continued to flout the law.¹²⁸

Following the civil enforcement measures by the health districts compliance improved across the state but the visible minority in the Las Vegas area continued to ignore the law. One establishment in particular, Bilbo's Bar and Grill, refused to comply. Bilbo's had posted "no smoking" signs as required but continued to distribute smoking related parapheneilia including ashtrays and matches and allowed patrons to smoke.^{129, 130} Bilbo's had been cited numerous times by the Southern Nevada Health District but continued to refuse to comply.

In June 2007, the Southern Nevada Health District in a civil lawsuit asked for the district court to issue an injunction ordering Bilbo's to remove smoking parapheneilia and comply with the state's clean indoor air law.^{129, 130} After hearing arguments from the health district and from the treasurer of the corporation that runs Bilbo's, Bob Peccole who is also an attorney, Judge Valerie Adair issued an injunction ordering Bilbo's to comply with the health districts requests.^{129, 130} Peccole had argued that Nevada's clean indoor air law unfairly favors certain business, referring to the exemption for standalone bars, but Judge Adair stated that the law provides a "rational basis for the distinction between businesses with a nonrestricted gaming license and businesses with a restricted gaming license" and "is no more extensive than necessary to serve the substantial government interest of mitigating the effects and exposure to secondhand smoke."¹³⁰ Despite Judge Adair's ruling the challenges with Bilbo's would continue.

Following Judge Adair's ruling Bilbo's removed smoking paraphenelia from their establishment but continued to allow patrons to smoke. On July 13, 2007, Bob Peccole, treasurer of the corporation that runs Bilbo's, went to an extraordinary measure to challenge the state's clean indoor air law when he intentionally lit a cigar in Bilbo's with health inspectors present and announced publically that he wanted to be the first person sued civilly for smoking.¹³¹

In reaction to Peccole's actions and the continued smoking in Bilbo's the Southern Nevada Health District took Bilbo's back to court in September 2007, claiming that the restaurant had violated the courts previous injunction.^{132, 133} Peccole argued that Biblo's had complied fully with Judge Adair's injunction when they removed ashtrays and matchbooks from the restaurant. Peccole also stated that the health district was singling out and harassing Bilbo's and that the restaurant was not responsible for controlling individual patrons who choose to smoke.^{132, 133} The Southern Nevada Health District countered that Bilbo's did have a responsibility to ensure patrons did not smoke and that the restaurant was actively facilitating smoking by allowing patrons to use shot glasses as ashtrays.^{132, 133}

Curiously, District Court Judge Joseph Bonaventure, who was previously retired but came out of retirement for this case, ruled in favor of Bilbo's.^{132, 133} Judge Bonaventure stated publically that the health district should "calm down a little," that Bilbo's had complied with the previous injunction, and that the health district would be required to pay Bilbo's attorney fees.^{132, 133} The health district was surprised by the ruling and was left wondering why Judge Bonaventure came out of retirement for the case.⁶⁶ The ruling left the Southern Nevada Health District in a difficult situation moving forward where they felt that they did not have the support of the state's legal system in enforcing the Nevada's clean indoor air law. Because of this uncertainty, the health districts choose not to appeal any of the unfavorable legal rulings.

Searching for a way to make additional implementation progress, in August 2007, the Southern Nevada Health District announced that it would take enforcement of the state's clean indoor air law to the next level and begin issuing citations to individuals found smoking in establishments where smoking is prohibited.¹³⁴ Individual smokers found to be in violation of the law could be fined \$100. The additional step was seen as a necessary measure in the Las Vegas/Clark County area as noncompliance remained an issue. Despite the intention to introduce the fines as of July 2008 no fines for individuals or businesses were issued. When the Southern Nevada Health District approached the district courts to discuss how individual citations would be processed the court stated that they would not be involved in handling citations related to the clean indoor air law. This response from the courts effectively killed all attempts to issue citation in Clark County. The local health district in Reno and the Washoe County area determined that introducing fines for individual smokers was not necessary because compliance in those areas was high.¹³⁴

Resistance Softens

After Judge Bonadventure's ruling in favor of Bilbo's the fight between the Southern Nevada Health District and the small number of establishments that remained out of compliance reached a stalemate. The health district did not feel that it had sufficient support from the courts to push enforcement measures further but at the same time resistance from the hospitality

industry as a whole seemed to soften.⁶⁶ In October 2007, Golden Tavern Gaming, a prominent member of the Nevada Tavern Association, removed itself from the case and publicly stated that they were in “positive negotiations” with the health district and intended to comply with the law.¹³⁵

Economic Concerns

Following the passage of the Nevada Clean Indoor Air Act in November 2007, many in the hospitality industry in Nevada predicted that the state's new smoking restrictions would negatively effect the economy. Claims that smokefree laws hurt restaurant and bar business are a common tobacco industry tactic to try and erode public support for clean indoor air. In addition, research has shown the smokefree laws have no effect or a positive effect on restaurant and bar revenue.¹³⁶⁻¹³⁸ However, a general downturn in hospitality business in 2007 did appear to create some public doubts as to what effect Nevada's clean indoor air law had on the area's economy.

As health groups anticipated, some business establishments claimed that the state's new clean indoor air law was hurting business. Of significance was the fact that these claims came primarily from establishments in the Las Vegas and Clark County area where organized resistance to the clean indoor air law was the strongest. Claims of economic harm from the clean indoor air law received increased attention as the Nevada economy fell on hard times in 2007.¹³⁹⁻¹⁴¹

The clean indoor air law received blame for everything from individual restaurants going out of business to a rise in the state's jobless rate.^{139, 140} Of special interest was the alarming decline in financial performance from Herbst Gaming during 2007.¹⁴²⁻¹⁴⁵ Herbst Gaming had been the primary financial backer for the pro-tobacco counter initiative in 2006. In numerous public statements and earnings reports, Herbst Gaming blamed Nevada's smoking restrictions for their financial troubles.¹⁴²⁻¹⁴⁵ In early 2008 it looked as though Herbst Gaming might go bankrupt.¹⁴⁵

Despite these concerns, as of early 2008 compliance with Nevada's clean indoor air law was high throughout the state.^{66, 76} The Las Vegas area remained the region with the largest number of compliance issues. From the Southern Nevada Health District's perspective the remaining noncompliant businesses represent a small minority and the rest of the county has good compliance with the state's clean indoor air law.⁶⁶ The regional health districts have all continued to take an educational approach with implementation and enforcement efforts. In early 2008 the regional health districts began discussions to create uniform regulations across the state but as of July 2008 this process was not complete.

Discussion

Implementation is a critical and frequently overlooked phase in enacting clean indoor air laws via the ballot initiative route. There were several significant implementation challenges faced by the regional health districts in Nevada. The legal challenges and claims of economic harm are standard tactics used by pro-tobacco forces in an effort to undermine public support for recently passed clean indoor air laws.^{11, 138} These issues were unavoidable and should have been

anticipated in Nevada as they have been in other localities with pro-tobacco resistance and, given the circumstances, were handled well by the state's health districts.

The one challenge faced by the health districts that was avoidable however was the short period of time given to prepare for implementation. State law dictated that the Nevada Clean Indoor Air Act go into effect on December 8, 2007 so the time between passage of the law and implementation date was short. The health group clean indoor air campaign had the opportunity to work with the health districts to prepare for implementation during the running of the ballot initiative campaign but proactive measures were never taken.

Two factors prevented the ballot initiative campaign managers from working with the regional health districts prior to the passage of the law. The first was the perceived rift formed in the Nevada Tobacco Prevention Coalition when The American Health Association, American Lung Association, American Cancer Society, and the Nevada Medical Association split off to form their own ballot advocacy committee. This rift created a communication gap between the health voluntaries and the health districts. The second was the complete focus the ballot advocacy committee had on passing the initiative and lack of consideration given to implementation. While the regional health districts handled the implementation of Nevada's clean indoor air law well considering the short time frame for preparation, the state's implementation experience, especially the uncertainty immediately after the passage of the law, highlights the need for ballot initiative campaigns to work with health departments prior to the passage of laws in an effort to facilitate future implementation effort.

CONCLUSIONS AND LESSONS LEARNED

The progression of tobacco control policies in Nevada has faced many challenges and the experience of health advocates in the state hold many important lessons for tobacco control advocates in other states. In tobacco control health advocates know the actions, interventions, and policies necessary to benefit public health. The barriers to the implementation of these interventions and policies are not from lack of knowledge but from industries, organizations, and people who have real (tobacco industry) or perceived (hospitality industry) interests that are in opposition to advancing the state of tobacco control.

The tobacco industry is the primary barrier to the advancement of effective tobacco control policies both domestically and internationally. At every step in the advancement of tobacco control policy in Nevada the tobacco industry used its considerable resources and abilities to work against health advocates. Lessons learned from Nevada deal primarily with overcoming tobacco industry opposition and include the following:

Preemption is one of the most significant barriers to the advancement of tobacco control policies. The inability to pursue local clean indoor air laws and other local tobacco control policies hindered the advancement of statewide tobacco control policies in the Nevada from 1988 to 2006. The lack of local tobacco control activity that resulted from the introduction of preemption prevented the increase in public support that accompanies local tobacco control policies. Consequently, public support for statewide tobacco control policies were slower to build compared to other states without preemption. In 2006, Arizona and Ohio also pursued statewide clean indoor air ballot initiatives. Because both of these states did not have

preemption local governments were free to pass clean indoor air laws. The passage of local clean indoor air laws in Arizona and Ohio increased public support throughout those states for tobacco control and as a result both states were successful at passing comprehensive clean indoor air laws with no exemptions by wider margins than Nevada's law with exemptions.

Legislative efforts to advance tobacco control should pursue policies shown to be effective through evidence and health advocates should be wary of legislative compromises with the tobacco industry. The introduction of preemption in Nevada in 1998 was due to compromise legislation between the tobacco industry and health advocates. Health advocates at the time did not have an appreciation for the dangers of preemption and by compromising with the tobacco industry stalled future tobacco control efforts in Nevada for two decades. Health advocates should be wary of legislative proposals that are compromises with the tobacco industry or provide no evidence based benefit as these proposals may be advancing pro-tobacco policy objectives.

Statewide tobacco control programs should have an overall programmatic focus that follows the CDC best practices guidelines. Nevada's grants based approach disregarded CDC best practices and led to a lack of focus in the state's tobacco control program. The arbitrary nature of the grants and lack of meaningful evaluation also created poor coordination and a statewide program that has not been adequately evaluated. An effectively run statewide tobacco control program can have an enormous impact on smoking prevalence and the health of a state's population as seen in California. The tobacco control program in Nevada should consider current CDC guidelines moving forward and implement a more comprehensive evaluation component.

Ballot initiatives can be an effective way at circumventing pro-tobacco state legislatures and introducing statewide clean indoor air laws. Tobacco control advocates in Nevada faced significant barriers in the form of preemption and a pro-tobacco legislature. Despite these barriers health groups were able to pass a strong clean indoor air law that also repealed statewide preemption. The health groups were successful in doing this by using polling and understanding what the public would support. Local health advocates knew the public would have less support for a clean indoor air law that included gaming areas and bars so those areas were exempted in the health group initiative despite pressure from the national offices to pursue a comprehensive law. The health groups were also successful because they incorporated three key elements into the initiative campaign; (1) they maintained a consistent message that clean indoor air laws are good for public health, (2) they associated the pro-health initiative with high credibility health groups such as the American Cancer Society and the pro-tobacco initiative with the low-credibility tobacco industry, and (3) they ensured the public knew that if they support public health they must also vote against the pro-tobacco initiative.

The ballot initiative experience in Nevada also provides an important lesson regarding implementation of laws passed by initiative. There was no coordination between the health groups running the initiative and the regional health districts in Nevada that were responsible for implementing and enforcing the law. This lack of communication and coordination led to unnecessary confusion during the implementation process. Groups running clean indoor air ballot initiatives should give careful consideration to implementation of the law and coordinate with the health department and other state agencies responsible for implementation and

enforcement to facilitate the process.

The passage of Nevada's Clean Indoor Air law in 2006 represented a major step forward for tobacco control in the state. The lifting of preemption and the new ability for local communities to pursue stronger smokefree regulations represents a major opportunity to further advance tobacco control policy in Nevada. The elimination of the bar and gaming area exemptions in the state law are obvious targets for stronger local level smokefree laws. Based on experience elsewhere, it is likely that as the public has an opportunity to appreciate the state law, public support for tobacco control policies will increase and stronger local laws will pass to eliminate the remaining exemptions in the state law. Health advocates should leverage this eventual increase in public support to pursue a statewide clean indoor air law with no exemption as well as additional funding for tobacco control programs in the state.

REFERENCES

1. Campaign for Tobacco Free Kids. Campaign for Tobacco Free Kids. Available at: <http://www.tobaccofreekids.org/>, 2008.
2. Battelle. *Adult Tobacco Survey (ATS) of Tobacco Use, Opinions, and Related Behaviors of Nevada Adult Residents*: Battelle Centers for Public Health Research and Evaluation; 2008.
3. National Institute on Money in State Politics. National Institute on Money in State Politics. Available at: <http://www.followthemoney.org/>, 2008.
4. Matheis L. Phone Interview with Gregory Tung; August 28, 2007 2007.
5. Nevada Legislature. A.B. 17 Legislative History. Available at: <http://www.leg.state.nv.us/lcb/research/library/1975/AB017,1975.pdf>.
6. Bialous SA, Glantz SA. *Tobacco Control in Arizona, 1973-1997*. San Francisco: Center for Tobacco Control Research and Education; October 1, 1997 1997. <http://repositories.cdlib.org/ctcre/tcpmus/AZ1997>
7. Tsoukalas TH, Ibrahim JK, Glantz SA. *Shifting Tides: Minnesota Tobacco Politics*. San Francisco: Center for Tobacco Control Research and Education; March 1, 2003 2003. <http://repositories.cdlib.org/ctcre/tcpmus/MN2003>
8. The Tobacco Institute. TOBACCO ACTION NETWORK REPORT TO PHILIP MORRIS INCORPORATED. 16 Mar 1979. Philip Morris. <http://legacy.library.ucsf.edu/tid/oc338e00>.
9. McLean D. GREENBRIER CONFERENCE/PRESENTATION. Brown and Williamson1975 (est.):680238683/680238685. <http://legacy.library.ucsf.edu/tid/tp04f00>
10. Mandel LL, Glantz SA. Hedging their bets: tobacco and gambling industries work against smoke-free policies. *Tob Control*. September 1, 2004 2004;13(3):268-276.
11. Dearlove JV, Bialous SA, Glantz SA. Tobacco industry manipulation of the hospitality industry to maintain smoking in public places. *Tob Control*. Jun 2002;11(2):94-104.
12. Nevada State Journal. Gazette Journal, Legislative Bureau, NV State Journal. Public Smoking Ban 'Hazard to Economy'. 4 Mar 1975. Philip Morris. <http://legacy.library.ucsf.edu/tid/dkd35e00>.
13. NEVADA STATE JOURNAL. PUBLIC SMOKING BAN. 04 Mar 1975:TIMN0250889.
14. RENO GAZETTE JOURNAL, NEVADA STATE JOURNAL. PUBLIC SMOKING BAN. 4 Mar 1975. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/lgn03f00>.
15. Givel MS, Glantz SA. Tobacco lobby political influence on US state legislatures in the 1990s. *Tob Control*. Jun 2001;10(2):124-134.
16. NV HEALTH DIVISION. NV & SMOKING. 28 Jun 1988. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/udi91f00>.
17. Nevada Legislature. S.B. 25 Legislative History. Available at: <http://www.leg.state.nv.us/lcb/research/library/1989/SB025,1989.pdf>.
18. The Tobacco Institute. 1982 LOBBYISTS/ASSOCIATION AGREEMENTS. 17 May 1982. Lorillard. <http://legacy.library.ucsf.edu/tid/lko44a00>.
19. Siegel M, Carol J, Jordan J, et al. Preemption in Tobacco Control: Review of an Emerging Public Health Problem. *Jama*. September 10 1997;278(10):858-863.
20. Nixon ML, Mahmoud L, Glantz SA. Tobacco industry litigation to deter local public health ordinances: the industry usually loses in court. *Tob Control*. Mar 2004;13(1):65-73.
21. The Tobacco Institute. THE TOBACCO INSTITUTE STATE CONTRIBUTIONS REPORT. 03 Jan 1989. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/axs07d00>.
22. Nevada Legislature. Summary of Legislation (S.B. 313). *Research Division Legislative Council Bureau*. Available at: <http://www.leg.state.nv.us/lcb/research/library/1991/SB313,1991.pdf>. Accessed Aug 2, 2004.
23. The Tobacco Institute. 1991 Legislative Analysis Nevada. 1991. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/agj86d00>.
24. Department of Health and Human Services. *45 CFR Part 96 Tobacco regulation for substance abuse prevention and treatment block grants; final rule*: Department of Health and Human

- Services; 19 January 1996 1996.
25. The Tobacco Institute. 1995 LEGISLATIVE FORECAST PREEMPTION ON ADAMHA. 11 Aug 1994. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/prv76d00>.
 26. The Tobacco Institute. ISSUE BRIEF ADAMHA ENFORCEMENT SALES, SAMPLING, ADVERTISING, LICENSING, STATEWIDE PREEMPTION. No Date 1994. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/pbu30c00>.
 27. AMERICANS FOR NONSMOKERS RIGHTS. PREEMPTION: TOBACCO CONTROL S #1 ENEMY. 15 Oct 1998. Brown & Williamson. <http://legacy.library.ucsf.edu/tid/kiz11c00>.
 28. Philip Morris. FEDERAL PREEMPTION SHOULD NOT BE ABOLISHED. 00 Dec 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/qkb63c00>.
 29. Bureau of Alcohol and Drug Abuse. Department of Employment, Training and Rehabilitation Bureau of Alcohol and Drug Abuse (BADA). 8 Dec 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/jvc77e00>.
 30. SLAVITT J. Nevada and Youth. 7 Dec 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/hcf52e00>.
 31. Landman A, Ling PM, Glantz SA. Tobacco industry youth smoking prevention programs: protecting the industry and hurting tobacco control. *Am J Public Health*. Jun 2002;92(6):917-930.
 32. Mandel LL, Bialous SA, Glantz SA. Avoiding "truth": tobacco industry promotion of life skills training. *J Adolesc Health*. Dec 2006;39(6):868-879.
 33. Nevada Legislature. Summary of Legislation (A.B. 622). Available at: <http://www.leg.state.nv.us/lcb/research/library/1995/AB622,1995.pdf>. Accessed August 9, 2004.
 34. Nevada Legislature. Summary of Legislation (A.B. 637). Available at: <http://www.leg.state.nv.us/lcb/research/library/1995/AB637,1995.pdf>. Accessed August 9, 2004.
 35. Wakefield M, Giovino G. Teen penalties for tobacco possession, use, and purchase: evidence and issues. *Tob Control*. Jun 2003;12 Suppl 1:i6-13.
 36. Bryan Jones K, Bero L. Tobacco industry efforts to defeat the occupational safety and health administration indoor air quality rule. *Am J Public Health*. 2003;93(4):585-592.
 37. Drope J, Aguinaga-Bialous S, Glantz S. Tobacco industry efforts to present ventilation as an alternative to smokefree environments in north america. *Tobacco Control*. 2004:(in press).
 38. Unknown. OSHA Communications Report (Status as of July 18, 1996). 18 Jul 1996. Philip Morris. <http://legacy.library.ucsf.edu/tid/gqw47d00>.
 39. Unknown. OSHA Communications Report August 1, 1996. August 1 1996. Philip Morris. <http://legacy.library.ucsf.edu/tid/cqw47d00>.
 40. Dobra J. NATURAL RESOURCE INST. Economic Impacts of the Proposed OSHA Smoking Ban on the State of Nevada. Dec 1996. Philip Morris. <http://legacy.library.ucsf.edu/tid/xzx97d00>.
 41. Unknown. OSHA Projects. Jan 1997. Philip Morris. <http://legacy.library.ucsf.edu/tid/xqv93c00>.
 42. Rapp M. FAX COVER SHEET. 03 Dec 1996. Philip Morris. <http://legacy.library.ucsf.edu/tid/fyv93c00>.
 43. Unknown. Dobra Transcript. 00 Dec 1996. Philip Morris. <http://legacy.library.ucsf.edu/tid/kyv93c00>.
 44. Unknown. EXECUTIVE SUMMARY BULLETS ON THE ECONOMIC IMPACTS OF PROPOSED OSHA REGULATIONS IMPOSING A NATIONWIDE WORKPLACE SMOKING BAN ON THE NEVADA STATE ECONOMY. 00 Dec 1996. Philip Morris. <http://legacy.library.ucsf.edu/tid/lyv93c00>.
 45. Unknown. Smith Kelley Transcript. 00 Dec 1996. Philip Morris. <http://legacy.library.ucsf.edu/tid/iyv93c00>.
 46. Unknown. MEDIA PREPARATION CONFERENCE CALL - 10 A.M., TUESDAY, 931203. 02 Dec 1996. Philip Morris. <http://legacy.library.ucsf.edu/tid/gvq64a00>.
 47. Unknown. Kapp Transcript. 00 Dec 1996. Philip Morris. <http://legacy.library.ucsf.edu/tid/jyv93c00>.
 48. Unknown. Collins Transcript. 00 Dec 1996. Philip Morris.

- <http://legacy.library.ucsf.edu/tid/hyv93c00>.
49. Unknown. Herr Transcript. 00 Dec 1996. Philip Morris.
<http://legacy.library.ucsf.edu/tid/gyv93c00>.
 50. Scollo M, Lal A, Hyland A, Glantz S. Review of the quality of studies on the economic effects of smoke-free policies on the hospitality industry. *Tobacco Control*. 2003;12:13-20.
 51. Dearlove J, Bialous S, Glantz S. Tobacco industry manipulation of the hospitality industry to maintain smoking in public places. *Tob Control*. 2002;11(2):94-104.
 52. Logue M. N921: Casino/Resort Gaming Industry. 27 Jan 1997. Philip Morris.
<http://legacy.library.ucsf.edu/tid/xdl27d00>.
 53. Meyne R. Smoking Restriction and the Gaming Industry. 9 March 1996. R.J. Reynolds.
<http://legacy.library.ucsf.edu/tid/kro80d00>.
 54. McDaniel J. Gaming Convention Vegas. 25 Nov 1997. Philip Morris.
<http://legacy.library.ucsf.edu/tid/bjo16c00>.
 55. Unknown. SITUATION ANALYSIS: THE GAMING INDUSTRY AND ACCOMMODATION AT A GLANCE. 00 Feb 1998. Philip Morris. <http://legacy.library.ucsf.edu/tid/lfl06c00>.
 56. HCIAQ. The Hospitality Coalition on Indoor Air Quality. Dec 1999.
<http://legacy.library.ucsf.edu/tid/ml192c00>.
 57. Bialous S, Glantz S. ASHRAE Standard 62: tobacco industry's influence over national ventilation standards. *Tobacco Control*. 2002;11(4):315-328.
 58. Griffith M. Nevada joins rest of nation in approving tobacco settlement. *Associated Press*. Nov. 20, 1998.
 59. Vogel E. Fight expected in use of tobacco windfall. *Las Vegas Review-Journal*. Nov. 24, 1998;A; Pag. 1A.
 60. Associated Press. Del Papa questions Guinn scholarship plan. Jan. 19, 1999;State and Regional.
 61. Whaley S. Tobacco fund plan doubted. *Las Vegas Review-Journal*. Feb. 13, 1999;B; Pg. 1B.
 62. Nevada Legislature. Minutes of the Joint Meeting of the Senate Committee on Finance and the Assembly Committee on Ways and Means, Seventieth Session. *Senate Committee on Finance*. 70th Regular Session ed. Carson City, NV; April 7 1999.
<http://www.leg.state.nv.us/70th/Reports/history.cfm?ID=3081>
 63. Whaley S. Millennium proposal countered. *Las Vegas Review-Journal (NV)*. February 19, 1999, 1999.
 64. Whaley S. Democratic idea introduced on Guinn. *Las Vegas Review-Journal (NV)*. March 23, 1999, 1999.
 65. Riley B. Nevadans want settlement funds used to cut teen smoking. *Associated Press*. May 17, 1999;State and Regional.
 66. Azzarelli M. Phone Interview with Gregory Tung and Randy Torrijos. San Francisco; March 21 2006.
 67. Whaley S. Pact made on tobacco settlement. *Las Vegas Review-Journal*. May 28, 1999.
 68. Assembly Bill 474: Facilitates use of money from federal tobacco settlements,. 70th Session ed. Carson City, NV: Nevada Legislature; May 31 1999.
<http://www.leg.state.nv.us/70th/Reports/history.cfm?ID=2773>
 69. Riley B. Governor, lawmakers work out Millennium Scholarship. *Associated Press*. May 27, 1999.
 70. Department of Health and Human Services. Fund for a Healthy Nevada Grants Administration Website [Web]. Available at: <http://www.healthynevada.state.nv.us/>. Accessed 30 Nov, 2005.
 71. Task Force for Fund: Creation; membership; selection and term of Chairman and Vice Chairman; compensation of members; relief from regular duties of member who is officer or employee of local government; administrative support and technical assistance. *Administration of Public Health*. Vol NRS 439.6251999. <http://www.leg.state.nv.us/NRS/NRS-439.html>
 72. Vogel E. Special task force announces tobacco grants. *Associated Press*. April 27, 2002.
 73. Gross CP, Soffer B, Bach PB, Rajkumar R, Forman HP. State expenditures for tobacco-control

- programs and the tobacco settlement. *N Engl J Med*. Oct 3 2002;347(14):1080-1086.
74. Babula J. Anti-tobacco programs lack funds. *Las Vegas Review-Journal*. Nov 22, 2002.
 75. Center for Disease Control and Prevention. Best Practices for Comprehensive Tobacco Control Programs - August 1999. *U.S. Department of Health and Human Services, Center for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health*. [Web]. 21 January 2005. Available at: <http://www.cdc.gov/tobacco/bestprac.htm>. Accessed 21 July, 2005.
 76. Dixon E. Phone Interview with Gregory Tung and Randy Torrijos. San Francisco, CA; March 22 2006.
 77. Pritsos C. Phone Interview with Randy Torrijos. San Francisco, CA; March 22 2006.
 78. Martin B. Phone Interview with Gregory Tung. San Francisco, CA; September 12, 2007 2007.
 79. Centers for Disease Control and Prevention. *Best Practices for Tobacco Control Programs - 2007*: Centers for Disease Control and Prevention; 2007.
http://www.cdc.gov/tobacco/tobacco_control_programs/stateandcommunity/best_practices/
 80. The Task Force for the Fund for a Healthy Nevada. Agendas and Meeting Notes. Available at: <http://www.leg.state.nv.us/>, 2008.
 81. Grants Management Unit. *Request for Applications*: State of Nevada Department of Health and Human Services; 2007.
 82. Task Force for the Fund for a Healthy Nevada. *Meeting Minutes 9-28-2000*: Nevada Legislature; September 28th 2000. <http://www.leg.state.nv.us/70th/Interim/Statcom/HealthyNV/Minutes/IM-HealthyNV-20000928-2330.html>
 83. Serrano M. 2001 State Coalition Status Report Field Action Team. 12 Mar 2001. Philip Morris. <http://legacy.library.ucsf.edu/tid/hzc22c00>.
 84. Coalition Summit Reports 1999- Volume II. 15 Jun 1999. Philip Morris. <http://legacy.library.ucsf.edu/tid/yel76c00>.
 85. Nevada Legislature. SB258. *Nevada Legislative Counsel Bureau*. Available at: <http://leg.state.nv.us/71st/Reports/history.cfm?ID=3924>. Accessed March 22, 2006.
 86. Dixon E. Email from Erin Dixon. In: Torrijos R, ed. Reno, NV; Oct 24 2005.
 87. Tsoukalas T, Glantz S. The Duluth Clean Indoor Air Ordinance: Problems and Success in Fighting the Tobacco Industry at the Local Level in the 21st Century. *Am J Public Health*. August 1, 2003 2003;93(8):1214-1221.
 88. Stagg K. Phone Interview; July 30, 2007 2007.
 89. Vogel E. SUPREME COURT: Questions can remain on ballot. *Las Vegas Review-Journal (NV)*. September 6, 2002, 2002: 1B. https://vpn.ucsf.edu/iw-search/we/.DanaInfo=infoweb.newsbank.com+InfoWeb?p_product=AWNB&p_theme=aggregate&d5&p_action=doc&p_docid=0F5F2CD802D0FAC3&p_docnum=4&p_queryname=8
 90. Nevada Legislature. SB 50: An Act Relating to tobacco; authorizing state agencies and local governments to adopt more stringent restrictions governing tobacco and products made from tobacco than restrictions imposed pursuant to state law under certain circumstances; revising the time by which certain stores must comply with certain provisions pertaining to smoking within public areas; and providing toher matters properly relating thereto. January 30, 2003. Available at: <http://www.leg.state.nv.us/72nd/Reports/history.cfm?ID=97>. Accessed SB50.
 91. Riley B. Plan lets local Nevada governments impose harsh anti-smoking rules. *Associated Press*. Feb 7, 2003.
 92. Babula J, Whaley S. Weakened anti-smoking bill criticized. *Las Vegas Review-Journal*. April 14, 2003.
 93. Associated Press. Nevada Senate votes to allow school smoking bans. April 17, 2003;State and Regional.
 94. Vogel E. Lighting-Up Legislation: Panel rejects plan to ban smoking. *Las Vegas Review Journal*. May 8, 2003.
 95. Nevada Legislature. AB96: Revises provisions governing smoking of tobacco in public places

- (BDR-15-423). Available at: <http://www.leg.state.nv.us/72nd/Reports/history.cfm?ID=250>. Accessed 13 Dec, 2005.
96. Vogel E. Sides chosen on anti-smoking bill. *Las Vegas Review-Journal*. March 19, 2003.
 97. Whaley S. Boost sought in cigarette tax. *Las Vegas Review-Journal*. January 16, 2002, 2002.
 98. Vogel E. Coalition pushes ambitious tax plan. *Las Vegas Review-Journal*. April 25, 2002, 2002.
 99. Ritter K. Nevada gov favors higher cigarette, alcohol, gambling taxes. *Associated Press*. October 16, 2002, 2002;State and Regional.
 100. Vogel E. Group to draft bill raising cigarette tax. *Las Vegas Review-Journal*. June 26, 2002, 2002.
 101. Nevada Legislature. SB509. *Nevada Legislative Counsel Bureau* [<http://www.leg.state.nv.us/72nd/Reports/history.cfm?ID=1231>]. Accessed March 21, 2006.
 102. Associated Press. Big hike in Nevada tobacco tax called 'win, win, win'. July 16, 2002, 2002;State and Regional.
 103. VOGEL E. Tobacco company prepares for tax fight, hires lobbyist. *Las Vegas Review-Journal (NV)*. November 27, 2002: 1B.
 104. Whaley S, Vogel E. State Legislature: Budget Approved. *Las Vegas Review-Journal*. July 22, 2003.
 105. Nevada Secretary of State. Campaign Finance; April 3 2008. <http://sos.state.nv.us/SOSCandidateServices/AnonymousAccess/ReportSearch/BrowseReports.aspx>
 106. Whaley S. Anti-smoking petitions turned in. *Las Vegas Review-Journal (NV)*. November 6, 2004: 4B.
 107. WHALEY S. Petition promoters start early. *Las Vegas Review-Journal (NV)*. November 10, 2004: 1B.
 108. Vogel E. Petitions to legalize marijuana, further limit smoking fall short. *Las Vegas Review-Journal (NV)*. December 21, 2004: 1a.
 109. Sebelius S. The right ruling. *Las Vegas Review-Journal (NV)*. February 1, 2005: 7B.
 110. Vogel E. Petitions" backers expect defeat in Legislature. *Las Vegas Review-Journal (NV)*. March 8, 2005: 3B.
 111. Vogel E. LEGISLATURE 2005: Anti-smoking petitions head for 2006 ballot. *Las Vegas Review-Journal (NV)*. March 10, 2005: 1A.
 112. Nevada Legislature. AB118. *Nevada Legislative Counsel Bureau* [Web]. Available at: <http://leg.state.nv.us/73rd/Reports/history.cfm?ID=1540>. Accessed March 22, 2006.
 113. Vogel E. Assembly unanimously approves smoking bill. *Las Vegas Review-Journal*. April 15, 2005.
 114. Assembly Bill 118. *Assembly Committee on Judiciary*. 73rd ed. Carson City, NV: Nevada Legislature; March 17 2005.
 115. Associated Press. Bill would ban smoking in Nevada arcades, child care centers. May 10, 2005, 2005.
 116. Vogel E. Anti-smoking petition panned for lacking enforcement funds. *Las Vegas Review-Journal (NV)*. March 23, 2005: 1B.
 117. Hackett M. Phone Interview with Gregory Tung. San Francisco; October 11, 2007 2007.
 118. Associated Press. Group launches initiative to ban smoking in Nevada public places. *Las Vegas Sun*. March 23, 2006. <http://www.lasvegassun.com/sunbin/stories/nevada/2006/mar/23/032310224.html>
 119. Damon A. Competing interests fight over 2 smoking initiatives. *Reno Gazette-Journal*. March 24, 2006, 2006. <http://news.rgj.com/apps/pbcs.dll/article?AID=2006603240387>
 120. Wells A. Nevadans strongly support bans on smoking. *Las Vegas Review-Journal (NV)*. April 11, 2006: 2B.
 121. Whaley S. Judges give voters say on smoking initiatives. *Las Vegas Review-Journal (NV)*. September 9, 2006: 5A.

122. Jacobs TS. Smoking ban goes into effect Dec. 8; how to comply still hazy for some. *Reno Gazette-Journal (NV)*. December 1, 2006: 01G.
123. Thevenot CG. Smoking ban delayed. *Las Vegas Review-Journal (NV)*. December 8, 2006: 1A.
124. Stutz KCHaH. Legal challenge targets smoking ban. *Las Vegas Review-Journal (NV)*. December 6, 2006: 1A.
125. Robis BHaJ. Anti-smoking law sustained. *Las Vegas Review-Journal (NV)*. December 22, 2006: 10A.
126. Staff. Bully's to open new bar geared toward smokers. *Reno Gazette-Journal (NV)*. August 23, 2007: 06A.
127. Wells A. Smoke ruling faces appeal. *Las Vegas Review-Journal (NV)*. April 6, 2007: 1B.
128. DeLong J. Officials ready to get tougher on smoking ban. *Reno Gazette-Journal (NV)*. April 28, 2007: 01A.
129. Wells A. Judge says she is likely to rule against bar in smoking case. *Las Vegas Review-Journal (NV)*. June 7, 2007: 1B.
130. Wells A. Smokers flout judge's order. *Las Vegas Review-Journal (NV)*. June 8, 2007: 1B.
131. Wells A. Bilbo's Bar, health district smoking fight heats up. *Las Vegas Review-Journal (NV)*. August 15, 2007: 8A.
132. Health district must 'calm down a little'. *Las Vegas Review-Journal (NV)*. September 17, 2007: 6B.
133. Wells A. Bilbo's dodges a contempt; - ; citation. *Las Vegas Review-Journal (NV)*. September 13, 2007: 1B.
134. Wells A. Agency to pursue smokers. *Las Vegas Review-Journal (NV)*. August 15, 2007: 1A.
135. Wells A. Bar owners in quandary over smoking ban. *Las Vegas Review-Journal (NV)*. October 23, 2007: 1B.
136. Glantz SA, Smith LR. The effect of ordinances requiring smoke-free restaurants and bars on revenues: a follow-up. *Am J Public Health*. Oct 1997;87(10):1687-1693.
137. Scollo M, Lal A, Hyland A, Glantz S. Review of the quality of studies on the economic effects of smoke-free policies on the hospitality industry. *Tob Control*. Mar 2003;12(1):13-20.
138. Alamar B, Glantz SA. Effect of smoke-free laws on bar value and profits. *Am J Public Health*. Aug 2007;97(8):1400-1402.
139. Smoking ban hurting local businesses. *Las Vegas Review-Journal (NV)*. June 25, 2007: 6B.
140. Staff LP. Smoke ban cited in jobless rise. *Reno Gazette-Journal (NV)*. June 19, 2007: 1A.
141. Readers. Readers weigh in on impact of smoking ban on business. *Reno Gazette-Journal (NV)*. June 22, 2007: 07B.
142. Howard Stutz GW. Smoking ban fuels quarterly loss for Herbst Gaming. *Las Vegas Review-Journal (NV)*. November 9, 2007: 3D.
143. Howard Stutz GW. Herbst revenue jump goes up in smoke. *Las Vegas Review-Journal (NV)*. August 16, 2007: 1D.
144. Howard Stutz GW. Smoking ban hard on Herbst. *Las Vegas Review-Journal (NV)*. May 10, 2007: 1D.
145. Stutz H. Herbst Gaming faces hurdles. *Las Vegas Review-Journal (NV)*. April 2, 2008: 1D.

Appendix A: Organizations Funded by Competitive Tobacco Control Grants

Recipient	2001	2002	2003	2004	2005	2006	2007	2008	CDC Funding Area
American Cancer Society NTPC (Nevada Tobacco Pr	\$100,000	\$170,000	\$200,000	\$200,000	\$200,000	\$200,000	\$106,493	\$91,900	State and Community Interventions
American Lung Youth Association - TATU (Teens Ag	\$300,000	\$337,000	\$426,630	\$435,293	\$426,630	\$435,293	\$328,992	\$293,443	State and Community Interventions
Battelle Centers for Public Health Research and Evaluation							\$276,727	\$368,970	Surveillance and Evaluation
Big Brothers/Sisters of Nevada					\$41,136	\$31,355	\$43,896	\$40,380	State and Community Interventions
Boys/Girls Club of Nevada					\$26,967	\$28,315			State and Community Interventions
Bridge Counseling Associates	\$90,000	\$90,000	\$90,000	\$90,000					Cessation
Carson Advocates for Cancer Care			\$160,000	\$160,000	\$150,000	\$150,000	\$60,992	\$65,408	State and Community Interventions
Carson Tahoe Hospital		\$108,670							State and Community Interventions
Carson Tahoe Hospital-"I Quit" Smoking Cessation Program			\$72,000						Cessation
Churchill Community Coalition					\$25,000	\$25,000	\$10,496	\$14,504	State and Community Interventions
Churchill County School District	\$3,450	\$3,450	\$4,500	\$4,500					State and Community Interventions
Clark County Health District	\$500,000	\$900,000	\$850,000	\$850,000	\$783,518	\$780,554	\$670,979	\$608,145	State and Community Interventions
CLASS! Publications	\$20,425	\$31,625	\$24,864	\$24,864	\$24,864	\$24,639			Health Communications
Community Counseling Center - Las Vegas							\$15,576	\$13,707	State and Community Interventions
Health Smart	\$93,650	\$115,000	\$96,000	\$96,000	\$150,000	\$150,000	\$190,999	\$173,130	State and Community Interventions
Healthy Communities Coalition					\$75,132	\$75,132	\$45,552	\$41,685	State and Community Interventions
Lincoln County School District - Pahrnagat Valley High School - Panther Rac			\$100,000	\$74,096					State and Community Interventions
Mesquite Family Resources Center		\$42,000							State and Community Interventions
Nevada Academy - Family Physicians - Tar Wars	\$30,000	\$30,000	\$30,000	\$30,000	\$47,130	\$47,130	\$39,715	\$36,623	State and Community Interventions
Nevada Cancer Institute							\$44,660	\$39,301	State and Community Interventions
Nevada Dental Association	\$90,000								Health Communications
Nevada Department of Education	\$21,022	\$55,400							Surveillance and Evaluation
Nevada Medicaid	\$35,208	\$72,727							Cessation
Nevada State Division of Health Care Financing and Policy - MOMS Smoking C			\$40,290	\$41,911					Cessation
Nevada State Health Division							\$106,009	\$89,954	State and Community Interventions
Nevada State Health Division - BADA - Tobacco Prevention and Environmental			\$200,000	\$200,000					State and Community Interventions
Nevada State Health Division - Chronic Disease Self-Management Program			\$105,706	\$75,000					State and Community Interventions
Nevada Urban Indians					\$36,817	\$36,817			State and Community Interventions
New Frontier Treatment Program - Tobacco Cessation			\$50,000	\$50,000					Cessation
North Star Treatment and Recovery Center			\$75,000	\$75,000					Cessation
Northern Area Substance Abuse Council	\$22,000	\$54,000							Cessation
Northern Nevada Center for Independent Living, Inc.							\$32,681	\$30,159	State and Community Interventions
Nye Community Coalition							\$34,305	\$31,789	State and Community Interventions
Nye County School District					\$73,734	\$63,057			State and Community Interventions
Oikos, Inc. DBA Sagewind - Kick All Nicotine (KAN) Program			\$51,541	\$51,541					State and Community Interventions
PACE Coalition					\$52,244	\$41,118	\$45,929	\$38,534	State and Community Interventions
Partnership of Community Resources					\$67,323	\$68,362	\$53,187	\$49,093	State and Community Interventions
Social Entrepreneurs					\$6,725	\$11,681			Surveillance and Evaluation
Southern Nevada Area Health Education Center	\$113,932	\$125,325	\$100,000	\$100,000	\$143,178	\$150,594			State and Community Interventions
St Mary's Foundation-Youth Outreach	\$176,381	\$301,381	\$300,000	\$300,000	\$300,000	\$300,000	\$304,942	\$267,428	State and Community Interventions
STEP 2, Inc. - Lifeline	\$115,423	\$142,000	\$164,023	\$145,840					Cessation
Sunrise Children's Hospital Foundation - "Be Bright! Don't Light" Program			\$12,663	\$12,663					State and Community Interventions
United Way of Northern Nevada/Sierra							\$38,133	\$38,133	State and Community Interventions
UNLV School of Medicine - Board of Regents							\$604,464	\$522,618	State and Community Interventions
UNLV-School of Dentistry	\$800,102	\$500,000	\$705,688	\$742,309	\$537,167	\$539,782	\$565,415	\$494,745	State and Community Interventions
UNR - Board of Regents-ETS (Environmental Tobacco	\$88,243	\$83,462	\$88,243	\$58,384					Research
UNR Regents-Healthier Opportunities for Pregnant Tobacco Users		\$50,000							Cessation
UNR-Board of Regents-Helpline	\$413,358	\$353,629	\$750,000	\$750,000	\$750,000	\$750,000			Cessation
Washoe County District Health					\$300,000	\$300,000	\$238,363	\$215,964	State and Community Interventions
Washoe Health System-Give Back to the Community		\$25,000							Cessation
Washoe Medical Center - Health Enhancement					\$200,000				State and Community Interventions
WestCare		\$100,000	\$90,000	\$90,000					Cessation
Total	\$3,013,194	\$3,690,669	\$4,697,148	\$4,567,401	\$4,417,565	\$4,208,829	\$3,858,505	\$3,565,613	

Appendix B: Campaign Contributions to Individual Legislators by Election Cycle

1990

Name	Party	Office	District	Altria	B&W	Lorillard	Malecon	RJR	STC	TI	USST	1990 Total
ADLER, ERNIE	DEMOCRAT	S	99	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ALLEN, FRANCIS	REPUBLICAN	A	4	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
AMODEI, MARK E	REPUBLICAN	S	CAPITAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ANDERSON, BERNIE	DEMOCRAT	A	31	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ANGLE, SHARRON	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ARBERRY, MORSE	DEMOCRAT	A	7	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ASSEMBLY DEMOCRATIC CAUCUS OF NEVADA	DEMOCRAT	PP		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ATKINSON, KELVIN	DEMOCRAT	A	17	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
AUGUSTINE, KATHY	REPUBLICAN	TREAS	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BACHE, DOUG	DEMOCRAT	A	11	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BANDIERO, ANTHONY	REPUBLICAN	A	29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BEERS, ROBERT	REPUBLICAN	S	CLARK 006	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BENNETT, MAX	REPUBLICAN	A	CLARK 14	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BENNETT, RICK	DEMOCRAT	A	CLARK 16	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BERMAN, MERLE	REPUBLICAN	A	2	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bobzien, David	DEMOCRAT	A	Washoe, No. 24	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BROWER, GREG	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BROWN, DAVID	REPUBLICAN	A	22	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BUCKLEY, BARBARA	DEMOCRAT	A	8	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CALLISTER, MATTHEW	DEMOCRAT	S	CLARK 8	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CARE, TERRY	DEMOCRAT	S	CLARK 007	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CARLTON, MAGGIE	DEMOCRAT	S	CLARK 002	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CARPENTER, JOHN C	REPUBLICAN	A	33	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CARTER, JOE	DEMOCRAT	S	WASHOE 002	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CEGAVSKE, BARBARA K	REPUBLICAN	S	CLARK 008	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CHOWNING, VONNE S	DEMOCRAT	A	28	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CHRISTENSEN, CHAD	REPUBLICAN	A	13	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CLABORN, JERRY D	DEMOCRAT	A	19	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CLOSE SR, JACK D	REPUBLICAN	S	7	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
COBB, TY	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
COFFIN, BOB	DEMOCRAT	S	CLARK 010	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
COLLINS, TOM	DEMOCRAT	A	1	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CONKLIN, MARCUS	DEMOCRAT	A	37	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DE BRAGA, MARCIA	DEMOCRAT	A	35	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DEMOCRATIC LEGISLATIVE CAUCUS OF NEVADA	DEMOCRAT	PP		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DENIS, MOISES	DEMOCRAT	A	28	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DINI JR, JOSEPH E	DEMOCRAT	A	38	\$0	\$0	\$0	\$0	\$750	\$0	\$0	\$0	\$750
DINI, GEORGE R	DEMOCRAT	A	38	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EVANS, JAN	DEMOCRAT	A	30	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GANSERT, HEIDI S	REPUBLICAN	A	25	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Gerhardt, Susan	DEMOCRAT	A	Clark, No. 29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIBBONS, DAWN	REPUBLICAN	A	25	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIBBONS, JIM	REPUBLICAN	G	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIUNCHIGLIANI, CHRIS	DEMOCRAT	A	9	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Goedhart, Ed	REPUBLICAN	A	Churchill (Part), Esmeralda, Lincoln, Mineral, Nye, No. 36	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GOICOECHEA, PETE	REPUBLICAN	A	35	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GOLDWATER, DAVID	DEMOCRAT	A	10	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GRADY, TOM	REPUBLICAN	A	38	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GRIFFIN, JOSH	REPUBLICAN	A	29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GUINN, KENNY C	REPUBLICAN	G	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GUSTAVSON, DON	REPUBLICAN	A	30	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

1992

Name	Party	Office	District	Altria	B&W	Lorillard	Malecon	RJR	STC	TI	USST	1992 Total	1990-1992
ADLER, ERNIE	DEMOCRAT	S	99	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ALLEN, FRANCIS	REPUBLICAN	A	4	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
AMODEI, MARK E	REPUBLICAN	S	CAPITAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ANDERSON, BERNIE	DEMOCRAT	A	31	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ANGLE, SHARRON	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ARBERRY, MORSE	DEMOCRAT	A	7	\$500	\$0	\$0	\$0	\$0	\$0	\$500	\$0	\$1,000	\$1,000
ASSEMBLY DEMOCRATIC CAUCUS OF NEVADA	DEMOCRAT	PP		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ATKINSON, KELVIN	DEMOCRAT	A	17	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
AUGUSTINE, KATHY	REPUBLICAN	TREAS	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BACHE, DOUG	DEMOCRAT	A	11	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BANDIERO, ANTHONY	REPUBLICAN	A	29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BEERS, ROBERT	REPUBLICAN	S	CLARK 006	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BENNETT, MAX	REPUBLICAN	A	CLARK 14	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BENNETT, RICK	DEMOCRAT	A	CLARK 16	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BERMAN, MERLE	REPUBLICAN	A	2	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bobzien, David	DEMOCRAT	A	Washoe, No. 24	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BROWER, GREG	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BROWN, DAVID	REPUBLICAN	A	22	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BUCKLEY, BARBARA	DEMOCRAT	A	8	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CALLISTER, MATTHEW	DEMOCRAT	S	CLARK 8	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000	\$1,000
CARE, TERRY	DEMOCRAT	S	CLARK 007	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CARLTON, MAGGIE	DEMOCRAT	S	CLARK 002	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CARPENTER, JOHN C	REPUBLICAN	A	33	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CARTER, JOE	DEMOCRAT	S	WASHOE 002	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CEGAVSKE, BARBARA K	REPUBLICAN	S	CLARK 008	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CHOWNING, VONNE S	DEMOCRAT	A	28	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CHRISTENSEN, CHAD	REPUBLICAN	A	13	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CLABORN, JERRY D	DEMOCRAT	A	19	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CLOSE SR, JACK D	REPUBLICAN	S	7	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
COBB, TY	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
COFFIN, BOB	DEMOCRAT	S	CLARK 010	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
COLLINS, TOM	DEMOCRAT	A	1	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CONKLIN, MARCUS	DEMOCRAT	A	37	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DE BRAGA, MARCIA	DEMOCRAT	A	35	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DEMOCRATIC LEGISLATIVE CAUCUS OF NEVADA	DEMOCRAT	PP		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DENIS, MOISES	DEMOCRAT	A	28	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DINI JR, JOSEPH E	DEMOCRAT	A	38	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000	\$1,750
DINI, GEORGE R	DEMOCRAT	A	38	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EVANS, JAN	DEMOCRAT	A	30	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GANSERT, HEIDI S	REPUBLICAN	A	25	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Gerhardt, Susan	DEMOCRAT	A	Clark, No. 29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIBBONS, DAWN	REPUBLICAN	A	25	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIBBONS, JIM	REPUBLICAN	G	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIUNCHIGLIANI, CHRIS	DEMOCRAT	A	9	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Goedhart, Ed	REPUBLICAN	A	Churchill (Part), Esmeralda, Lincoln, Mineral, Nye, No. 36	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GOICOECHEA, PETE	REPUBLICAN	A	35	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GOLDWATER, DAVID	DEMOCRAT	A	10	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GRADY, TOM	REPUBLICAN	A	38	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GRIFFIN, JOSH	REPUBLICAN	A	29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GUINN, KENNY C	REPUBLICAN	G	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GUSTAVSON, DON	REPUBLICAN	A	30	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

1994

Name	Party	Office	District	Altria	B&W	Lorillard	Malecon	RJR	STC	TI	USST	1994 Total	1990-1994
ADLER, ERNIE	DEMOCRAT	S	99	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ALLEN, FRANCIS	REPUBLICAN	A	4	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
AMODEI, MARK E	REPUBLICAN	S	CAPITAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ANDERSON, BERNIE	DEMOCRAT	A	31	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ANGLE, SHARRON	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ARBERRY, MORSE	DEMOCRAT	A	7	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
ASSEMBLY DEMOCRATIC CAUCUS OF NEVADA	DEMOCRAT	PP		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ATKINSON, KELVIN	DEMOCRAT	A	17	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
AUGUSTINE, KATHY	REPUBLICAN	TREAS	SW	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000	\$1,000
BACHE, DOUG	DEMOCRAT	A	11	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BANDIERO, ANTHONY	REPUBLICAN	A	29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BEERS, ROBERT	REPUBLICAN	S	CLARK 006	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BENNETT, MAX	REPUBLICAN	A	CLARK 14	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$500
BENNETT, RICK	DEMOCRAT	A	CLARK 16	\$750	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750	\$750
BERMAN, MERLE	REPUBLICAN	A	2	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bobzien, David	DEMOCRAT	A	Washoe, No. 24	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BROWER, GREG	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BROWN, DAVID	REPUBLICAN	A	22	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BUCKLEY, BARBARA	DEMOCRAT	A	8	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CALLISTER, MATTHEW	DEMOCRAT	S	CLARK 8	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
CARE, TERRY	DEMOCRAT	S	CLARK 007	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CARLTON, MAGGIE	DEMOCRAT	S	CLARK 002	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CARPENTER, JOHN C	REPUBLICAN	A	33	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CARTER, JOE	DEMOCRAT	S	WASHOE 002	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CEGAVSKE, BARBARA K	REPUBLICAN	S	CLARK 008	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CHOWNING, VONNE S	DEMOCRAT	A	28	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CHRISTENSEN, CHAD	REPUBLICAN	A	13	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CLABORN, JERRY D	DEMOCRAT	A	19	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CLOSE SR, JACK D	REPUBLICAN	S	7	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
COBB, TY	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
COFFIN, BOB	DEMOCRAT	S	CLARK 010	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000	\$1,000
COLLINS, TOM	DEMOCRAT	A	1	\$750	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750	\$750
CONKLIN, MARCUS	DEMOCRAT	A	37	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DE BRAGA, MARCIA	DEMOCRAT	A	35	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000	\$1,000
DEMOCRATIC LEGISLATIVE CAUCUS OF NEVADA	DEMOCRAT	PP		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DENIS, MOISES	DEMOCRAT	A	28	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DINI JR, JOSEPH E	DEMOCRAT	A	38	\$2,000	\$0	\$0	\$0	\$1,000	\$0	\$0	\$0	\$3,000	\$4,750
DINI, GEORGE R	DEMOCRAT	A	38	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EVANS, JAN	DEMOCRAT	A	30	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GANSERT, HEIDI S	REPUBLICAN	A	25	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Gerhardt, Susan	DEMOCRAT	A	Clark, No. 29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIBBONS, DAWN	REPUBLICAN	A	25	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIBBONS, JIM	REPUBLICAN	G	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIUNCHIGLIANI, CHRIS	DEMOCRAT	A	9	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Goedhart, Ed	REPUBLICAN	A	Churchill (Part), Esmeralda, Lincoln, Mineral, Nye, No. 36	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GOICOECHEA, PETE	REPUBLICAN	A	35	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GOLDWATER, DAVID	DEMOCRAT	A	10	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GRADY, TOM	REPUBLICAN	A	38	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GRIFFIN, JOSH	REPUBLICAN	A	29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GUINN, KENNY C	REPUBLICAN	G	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GUSTAVSON, DON	REPUBLICAN	A	30	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

1996

Name	Party	Office	District	Altria	B&W	Lorillard	Malecon	RJR	STC	TI	USST	1996 Total	1990-1996
ADLER, ERNIE	DEMOCRAT	S	99	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ALLEN, FRANCIS	REPUBLICAN	A	4	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
AMODEI, MARK E	REPUBLICAN	S	CAPITAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ANDERSON, BERNIE	DEMOCRAT	A	31	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ANGLE, SHARRON	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ARBERRY, MORSE	DEMOCRAT	A	7	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
ASSEMBLY DEMOCRATIC CAUCUS OF NEVADA	DEMOCRAT	PP		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ATKINSON, KELVIN	DEMOCRAT	A	17	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
AUGUSTINE, KATHY	REPUBLICAN	TREAS	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
BACHE, DOUG	DEMOCRAT	A	11	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BANDIERO, ANTHONY	REPUBLICAN	A	29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BEERS, ROBERT	REPUBLICAN	S	CLARK 006	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BENNETT, MAX	REPUBLICAN	A	CLARK 14	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500
BENNETT, RICK	DEMOCRAT	A	CLARK 16	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750
BERMAN, MERLE	REPUBLICAN	A	2	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bobzien, David	DEMOCRAT	A	Washoe, No. 24	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BROWER, GREG	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BROWN, DAVID	REPUBLICAN	A	22	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BUCKLEY, BARBARA	DEMOCRAT	A	8	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CALLISTER, MATTHEW	DEMOCRAT	S	CLARK 8	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
CARE, TERRY	DEMOCRAT	S	CLARK 007	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CARLTON, MAGGIE	DEMOCRAT	S	CLARK 002	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CARPENTER, JOHN C	REPUBLICAN	A	33	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CARTER, JOE	DEMOCRAT	S	WASHOE 002	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CEGAVSKE, BARBARA K	REPUBLICAN	S	CLARK 008	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CHOWNING, VONNE S	DEMOCRAT	A	28	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CHRISTENSEN, CHAD	REPUBLICAN	A	13	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CLABORN, JERRY D	DEMOCRAT	A	19	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CLOSE SR, JACK D	REPUBLICAN	S	7	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
COBB, TY	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
COFFIN, BOB	DEMOCRAT	S	CLARK 010	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
COLLINS, TOM	DEMOCRAT	A	1	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750
CONKLIN, MARCUS	DEMOCRAT	A	37	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DE BRAGA, MARCIA	DEMOCRAT	A	35	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
DEMOCRATIC LEGISLATIVE CAUCUS OF NEVADA	DEMOCRAT	PP		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DENIS, MOISES	DEMOCRAT	A	28	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DINI JR, JOSEPH E	DEMOCRAT	A	38	\$2,000	\$0	\$0	\$0	\$0	\$0	\$1,500	\$0	\$3,500	\$8,250
DINI, GEORGE R	DEMOCRAT	A	38	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EVANS, JAN	DEMOCRAT	A	30	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GANSERT, HEIDI S	REPUBLICAN	A	25	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Gerhardt, Susan	DEMOCRAT	A	Clark, No. 29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIBBONS, DAWN	REPUBLICAN	A	25	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIBBONS, JIM	REPUBLICAN	G	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIUNCHIGLIANI, CHRIS	DEMOCRAT	A	9	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Goedhart, Ed	REPUBLICAN	A	Churchill (Part), Esmeralda, Lincoln, Mineral, Nye, No. 36	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GOICOECHEA, PETE	REPUBLICAN	A	35	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GOLDWATER, DAVID	DEMOCRAT	A	10	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$500
GRADY, TOM	REPUBLICAN	A	38	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GRIFFIN, JOSH	REPUBLICAN	A	29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GUINN, KENNY C	REPUBLICAN	G	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GUSTAVSON, DON	REPUBLICAN	A	30	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

1998

Name	Party	Office	District	Altria	B&W	Lorillard	Malecon	RJR	STC	TI	USST	Other	1998 Total	1990-1998
ADLER, ERNIE	DEMOCRAT	S	99	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$250	\$250	\$250
ALLEN, FRANCIS	REPUBLICAN	A	4	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
AMODEI, MARK E	REPUBLICAN	S	CAPITAL	\$1,250	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$0	\$1,750	\$1,750
ANDERSON, BERNIE	DEMOCRAT	A	31	\$1,000	\$0	\$0	\$0	\$0	\$0	\$1,000	\$0	\$0	\$2,000	\$2,000
ANGLE, SHARRON	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ARBERRY, MORSE	DEMOCRAT	A	7	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$1,500
ASSEMBLY DEMOCRATIC CAUCUS OF NEVADA	DEMOCRAT	PP		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ATKINSON, KELVIN	DEMOCRAT	A	17	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
AUGUSTINE, KATHY	REPUBLICAN	TREAS	SW	\$1,000	\$0	\$0	\$0	\$0	\$0	\$1,000	\$0	\$0	\$2,000	\$3,000
BACHE, DOUG	DEMOCRAT	A	11	\$750	\$0	\$0	\$0	\$0	\$0	\$1,000	\$0	\$0	\$1,750	\$1,750
BANDIERO, ANTHONY	REPUBLICAN	A	29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BEERS, ROBERT	REPUBLICAN	S	CLARK 006	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$500
BENNETT, MAX	REPUBLICAN	A	CLARK 14	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500
BENNETT, RICK	DEMOCRAT	A	CLARK 16	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750
BERMAN, MERLE	REPUBLICAN	A	2	\$750	\$0	\$0	\$0	\$0	\$0	\$500	\$0	\$0	\$1,250	\$1,250
Bobzien, David	DEMOCRAT	A	Washoe, No. 24	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BROWER, GREG	REPUBLICAN	A	26	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$500
BROWN, DAVID	REPUBLICAN	A	22	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BUCKLEY, BARBARA	DEMOCRAT	A	8	\$1,000	\$0	\$0	\$0	\$0	\$0	\$1,000	\$0	\$0	\$2,000	\$2,000
CALLISTER, MATTHEW	DEMOCRAT	S	CLARK 8	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
CARE, TERRY	DEMOCRAT	S	CLARK 007	\$1,000	\$0	\$0	\$0	\$0	\$0	\$500	\$0	\$0	\$1,500	\$1,500
CARLTON, MAGGIE	DEMOCRAT	S	CLARK 002	\$500	\$0	\$0	\$0	\$0	\$0	\$500	\$0	\$0	\$1,000	\$1,000
CARPENTER, JOHN C	REPUBLICAN	A	33	\$750	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750	\$750
CARTER, JOE	DEMOCRAT	S	WASHOE 002	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CEGAVSKE, BARBARA K	REPUBLICAN	S	CLARK 008	\$500	\$0	\$0	\$0	\$0	\$0	\$300	\$0	\$0	\$800	\$800
CHOWNING, VONNE S	DEMOCRAT	A	28	\$750	\$0	\$0	\$0	\$0	\$0	\$800	\$0	\$0	\$1,550	\$1,550
CHRISTENSEN, CHAD	REPUBLICAN	A	13	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CLABORN, JERRY D	DEMOCRAT	A	19	\$500	\$0	\$0	\$0	\$0	\$0	\$1,000	\$0	\$0	\$1,500	\$1,500
CLOSE SR, JACK D	REPUBLICAN	S	7	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000	\$1,000
COBB, TY	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
COFFIN, BOB	DEMOCRAT	S	CLARK 010	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
COLLINS, TOM	DEMOCRAT	A	1	\$750	\$0	\$0	\$0	\$0	\$0	\$1,200	\$150	\$0	\$2,100	\$2,850
CONKLIN, MARCUS	DEMOCRAT	A	37	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DE BRAGA, MARCIA	DEMOCRAT	A	35	\$500	\$0	\$0	\$0	\$0	\$0	\$900	\$0	\$0	\$1,400	\$2,400
DEMOCRATIC LEGISLATIVE CAUCUS OF NEVADA	DEMOCRAT	PP		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DENIS, MOISES	DEMOCRAT	A	28	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DINI JR, JOSEPH E	DEMOCRAT	A	38	\$2,000	\$0	\$0	\$0	\$0	\$0	\$1,000	\$500	\$500	\$4,250	\$12,250
DINI, GEORGE R	DEMOCRAT	A	38	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EVANS, JAN	DEMOCRAT	A	30	\$500	\$0	\$0	\$0	\$0	\$0	\$500	\$0	\$0	\$1,000	\$1,000
GANSERT, HEIDI S	REPUBLICAN	A	25	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Gerhardt, Susan	DEMOCRAT	A	Clark, No. 29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIBBONS, DAWN	REPUBLICAN	A	25	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$500
GIBBONS, JIM	REPUBLICAN	G	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIUNCHIGLIANI, CHRIS	DEMOCRAT	A	9	\$500	\$0	\$0	\$0	\$0	\$0	\$1,000	\$0	\$0	\$1,500	\$1,500
Goedhart, Ed	REPUBLICAN	A	Churchill (Part), Esmeralda, Lincoln, Mineral, Nye, No. 36	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GOICOECHEA, PETE	REPUBLICAN	A	35	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GOLDWATER, DAVID	DEMOCRAT	A	10	\$1,000	\$0	\$0	\$0	\$0	\$0	\$600	\$0	\$0	\$1,600	\$2,100
GRADY, TOM	REPUBLICAN	A	38	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GRIFFIN, JOSH	REPUBLICAN	A	29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GUINN, KENNY C	REPUBLICAN	G	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GUSTAVSON, DON	REPUBLICAN	A	30	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2000

Name	Party	Office	District	Altria	B&W	Lorillard	Malecon	RJR	STC	TI	USST	2000 Totals	1990-2000
ADLER, ERNIE	DEMOCRAT	S	99	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$250
ALLEN, FRANCIS	REPUBLICAN	A	4	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
AMODEI, MARK E	REPUBLICAN	S	CAPITAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,750
ANDERSON, BERNIE	DEMOCRAT	A	31	\$1,500	\$300	\$300	\$0	\$0	\$0	\$0	\$0	\$2,100	\$4,100
ANGLE, SHARRON	REPUBLICAN	A	26	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$500
ARBERRY, MORSE	DEMOCRAT	A	7	\$0	\$0	\$300	\$0	\$0	\$0	\$0	\$0	\$300	\$1,800
ASSEMBLY DEMOCRATIC CAUCUS OF NEVADA	DEMOCRAT	PP		\$4,500	\$0	\$0	\$0	\$3,500	\$0	\$0	\$0	\$8,000	\$8,000
ATKINSON, KELVIN	DEMOCRAT	A	17	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
AUGUSTINE, KATHY	REPUBLICAN	TREAS	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,000
BACHE, DOUG	DEMOCRAT	A	11	\$1,000	\$300	\$300	\$0	\$0	\$0	\$0	\$0	\$1,600	\$3,350
BANDIERO, ANTHONY	REPUBLICAN	A	29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BEERS, ROBERT	REPUBLICAN	S	CLARK 006	\$750	\$300	\$0	\$0	\$0	\$0	\$0	\$0	\$1,050	\$1,550
BENNETT, MAX	REPUBLICAN	A	CLARK 14	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500
BENNETT, RICK	DEMOCRAT	A	CLARK 16	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750
BERMAN, MERLE	REPUBLICAN	A	2	\$750	\$300	\$0	\$0	\$0	\$0	\$0	\$0	\$1,050	\$2,300
Bobzien, David	DEMOCRAT	A	Washoe, No. 24	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BROWER, GREG	REPUBLICAN	A	26	\$500	\$300	\$0	\$0	\$0	\$0	\$0	\$0	\$800	\$1,300
BROWN, DAVID	REPUBLICAN	A	22	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BUCKLEY, BARBARA	DEMOCRAT	A	8	\$500	\$600	\$300	\$0	\$0	\$0	\$0	\$0	\$1,400	\$3,400
CALLISTER, MATTHEW	DEMOCRAT	S	CLARK 8	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
CARE, TERRY	DEMOCRAT	S	CLARK 007	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,500
CARLTON, MAGGIE	DEMOCRAT	S	CLARK 002	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
CARPENTER, JOHN C	REPUBLICAN	A	33	\$500	\$300	\$0	\$0	\$0	\$0	\$0	\$0	\$800	\$1,550
CARTER, JOE	DEMOCRAT	S	WASHOE 002	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CEGAVSKE, BARBARA K	REPUBLICAN	S	CLARK 008	\$750	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750	\$1,550
CHOWNING, VONNE S	DEMOCRAT	A	28	\$750	\$0	\$300	\$0	\$0	\$0	\$0	\$0	\$1,050	\$2,600
CHRISTENSEN, CHAD	REPUBLICAN	A	13	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CLABORN, JERRY D	DEMOCRAT	A	19	\$0	\$300	\$600	\$0	\$0	\$0	\$0	\$0	\$900	\$2,400
CLOSE SR, JACK D	REPUBLICAN	S	7	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
COBB, TY	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
COFFIN, BOB	DEMOCRAT	S	CLARK 010	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
COLLINS, TOM	DEMOCRAT	A	1	\$1,000	\$300	\$0	\$0	\$0	\$0	\$0	\$0	\$1,300	\$4,150
CONKLIN, MARCUS	DEMOCRAT	A	37	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DE BRAGA, MARCIA	DEMOCRAT	A	35	\$500	\$300	\$0	\$0	\$0	\$0	\$0	\$0	\$800	\$3,200
DEMOCRATIC LEGISLATIVE CAUCUS OF NEVADA	DEMOCRAT	PP		\$0	\$5,000	\$0	\$0	\$4,000	\$0	\$0	\$500	\$9,500	\$9,500
DENIS, MOISES	DEMOCRAT	A	28	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DINI JR, JOSEPH E	DEMOCRAT	A	38	\$1,500	\$500	\$500	\$0	\$0	\$0	\$0	\$0	\$2,500	\$14,750
DINI, GEORGE R	DEMOCRAT	A	38	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
EVANS, JAN	DEMOCRAT	A	30	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
GANSERT, HEIDI S	REPUBLICAN	A	25	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Gerhardt, Susan	DEMOCRAT	A	Clark, No. 29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIBBONS, DAWN	REPUBLICAN	A	25	\$750	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750	\$1,250
GIBBONS, JIM	REPUBLICAN	G	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIUNCHIGLIANI, CHRIS	DEMOCRAT	A	9	\$1,500	\$300	\$0	\$0	\$0	\$0	\$0	\$0	\$1,800	\$3,300
Goedhart, Ed	REPUBLICAN	A	Churchill (Part), Esmeralda, Lincoln, Mineral, Nye, No. 36	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GOICOECHEA, PETE	REPUBLICAN	A	35	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GOLDWATER, DAVID	DEMOCRAT	A	10	\$1,500	\$300	\$0	\$0	\$0	\$0	\$0	\$0	\$1,800	\$3,900
GRADY, TOM	REPUBLICAN	A	38	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GRIFFIN, JOSH	REPUBLICAN	A	29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GUINN, KENNY C	REPUBLICAN	G	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GUSTAVSON, DON	REPUBLICAN	A	30	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000	\$1,000

Name	Party	Office	District	Altria	B&W	Lorillard	Malecon	RJR	STC	TI	USST	2002 Total	1990-2002
ADLER, ERNIE	DEMOCRAT	S	99	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$250
ALLEN, FRANCIS	REPUBLICAN	A	4	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
AMODEI, MARK E	REPUBLICAN	S	CAPITAL	\$1,000	\$500	\$0	\$0	\$1,000	\$0	\$0	\$0	\$2,500	\$4,250
ANDERSON, BERNIE	DEMOCRAT	A	31	\$1,500	\$500	\$500	\$0	\$2,000	\$0	\$0	\$0	\$4,500	\$8,600
ANGLE, SHARRON	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500
ARBERRY, MORSE	DEMOCRAT	A	7	\$0	\$300	\$0	\$0	\$0	\$0	\$0	\$0	\$300	\$2,100
ASSEMBLY DEMOCRATIC CAUCUS OF NEVADA	DEMOCRAT	PP		\$2,500	\$0	\$0	\$0	\$1,500	\$0	\$0	\$0	\$4,000	\$12,000
ATKINSON, KELVIN	DEMOCRAT	A	17	\$0	\$300	\$500	\$0	\$0	\$0	\$0	\$0	\$800	\$800
AUGUSTINE, KATHY	REPUBLICAN	TREAS	SW	\$0	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$3,500
BACHE, DOUG	DEMOCRAT	A	11	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000	\$4,350
BANDIERO, ANTHONY	REPUBLICAN	A	29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BEERS, ROBERT	REPUBLICAN	S	CLARK 006	\$1,000	\$300	\$0	\$0	\$0	\$0	\$0	\$0	\$1,300	\$2,850
BENNETT, MAX	REPUBLICAN	A	CLARK 14	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500
BENNETT, RICK	DEMOCRAT	A	CLARK 16	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750
BERMAN, MERLE	REPUBLICAN	A	2	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$2,800
Bobzien, David	DEMOCRAT	A	Washoe, No. 24	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BROWER, GREG	REPUBLICAN	A	26	\$1,000	\$300	\$0	\$0	\$0	\$0	\$0	\$0	\$1,300	\$2,600
BROWN, DAVID	REPUBLICAN	A	22	\$1,500	\$300	\$500	\$0	\$0	\$0	\$0	\$0	\$2,300	\$2,300
BUCKLEY, BARBARA	DEMOCRAT	A	8	\$1,000	\$800	\$0	\$0	\$0	\$0	\$0	\$0	\$1,800	\$5,200
CALLISTER, MATTHEW	DEMOCRAT	S	CLARK 8	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
CARE, TERRY	DEMOCRAT	S	CLARK 007	\$1,500	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$2,000	\$3,500
CARLTON, MAGGIE	DEMOCRAT	S	CLARK 002	\$1,000	\$500	\$500	\$0	\$0	\$0	\$0	\$0	\$2,000	\$3,000
CARPENTER, JOHN C	REPUBLICAN	A	33	\$750	\$300	\$500	\$0	\$0	\$0	\$0	\$0	\$1,550	\$3,100
CARTER, JOE	DEMOCRAT	S	WASHOE 002	\$0	\$500	\$500	\$0	\$0	\$0	\$0	\$0	\$1,000	\$1,000
CEGAVSKE, BARBARA K	REPUBLICAN	S	CLARK 008	\$500	\$500	\$500	\$0	\$0	\$0	\$0	\$0	\$1,500	\$3,050
CHOWNING, VONNE S	DEMOCRAT	A	28	\$600	\$300	\$500	\$0	\$0	\$0	\$0	\$0	\$1,400	\$4,000
CHRISTENSEN, CHAD	REPUBLICAN	A	13	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$500
CLABORN, JERRY D	DEMOCRAT	A	19	\$1,000	\$300	\$0	\$0	\$0	\$0	\$0	\$0	\$1,300	\$3,700
CLOSE SR, JACK D	REPUBLICAN	S	7	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
COBB, TY	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
COFFIN, BOB	DEMOCRAT	S	CLARK 010	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000	\$2,000
COLLINS, TOM	DEMOCRAT	A	1	\$1,250	\$300	\$500	\$0	\$0	\$0	\$0	\$0	\$2,050	\$6,200
CONKLIN, MARCUS	DEMOCRAT	A	37	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DE BRAGA, MARCIA	DEMOCRAT	A	35	\$1,000	\$300	\$500	\$0	\$0	\$0	\$0	\$0	\$1,800	\$5,000
DEMOCRATIC LEGISLATIVE CAUCUS OF NEVADA	DEMOCRAT	PP		\$0	\$1,500	\$0	\$0	\$4,000	\$0	\$0	\$0	\$5,500	\$15,000
DENIS, MOISES	DEMOCRAT	A	28	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DINI JR, JOSEPH E	DEMOCRAT	A	38	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$14,750
DINI, GEORGE R	DEMOCRAT	A	38	\$500	\$300	\$500	\$0	\$0	\$0	\$0	\$0	\$1,300	\$1,300
EVANS, JAN	DEMOCRAT	A	30	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
GANSERT, HEIDI S	REPUBLICAN	A	25	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Gerhardt, Susan	DEMOCRAT	A	Clark, No. 29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIBBONS, DAWN	REPUBLICAN	A	25	\$750	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750	\$2,000
GIBBONS, JIM	REPUBLICAN	G	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIUNCHIGLIANI, CHRIS	DEMOCRAT	A	9	\$1,000	\$300	\$500	\$0	\$0	\$0	\$0	\$0	\$1,800	\$5,100
Goedhart, Ed	REPUBLICAN	A	Churchill (Part), Esmeralda, Lincoln, Mineral, Nye, No. 36	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GOICOECHEA, PETE	REPUBLICAN	A	35	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GOLDWATER, DAVID	DEMOCRAT	A	10	\$1,250	\$500	\$500	\$0	\$0	\$0	\$0	\$0	\$2,250	\$6,150
GRADY, TOM	REPUBLICAN	A	38	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GRIFFIN, JOSH	REPUBLICAN	A	29	\$1,500	\$300	\$500	\$0	\$0	\$0	\$0	\$0	\$2,300	\$2,300
GUINN, KENNY C	REPUBLICAN	G	SW	\$7,500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$7,500	\$7,500
GUSTAVSON, DON	REPUBLICAN	A	30	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$1,500

2004

Name	Party	Office	District	Altria	B&W	Lorillard	Malecon	RJR	STC	TI	USST	2004 Total	1990-2004
ADLER, ERNIE	DEMOCRAT	S	99	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$250
ALLEN, FRANCIS	REPUBLICAN	A	4	\$750	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750	\$750
AMODEI, MARK E	REPUBLICAN	S	CAPITAL	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,250
ANDERSON, BERNIE	DEMOCRAT	A	31	\$2,500	\$500	\$0	\$0	\$500	\$0	\$0	\$0	\$3,500	\$12,100
ANGLE, SHARRON	REPUBLICAN	A	26	\$750	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750	\$1,250
ARBERRY, MORSE	DEMOCRAT	A	7	\$1,500	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$2,000	\$4,100
ASSEMBLY DEMOCRATIC CAUCUS OF NEVADA	DEMOCRAT	PP		\$2,500	\$0	\$0	\$0	\$1,500	\$0	\$0	\$0	\$4,000	\$16,000
ATKINSON, KELVIN	DEMOCRAT	A	17	\$1,000	\$250	\$0	\$0	\$0	\$0	\$0	\$0	\$1,250	\$2,050
AUGUSTINE, KATHY	REPUBLICAN	TREAS	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,500
BACHE, DOUG	DEMOCRAT	A	11	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,350
BANDIERO, ANTHONY	REPUBLICAN	A	29	\$0	\$250	\$0	\$0	\$0	\$0	\$0	\$0	\$250	\$250
BEERS, ROBERT	REPUBLICAN	S	CLARK 006	\$1,500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,500	\$4,350
BENNETT, MAX	REPUBLICAN	A	CLARK 14	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500
BENNETT, RICK	DEMOCRAT	A	CLARK 16	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750
BERMAN, MERLE	REPUBLICAN	A	2	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,800
Bobzien, David	DEMOCRAT	A	Washoe, No. 24	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BROWER, GREG	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,600
BROWN, DAVID	REPUBLICAN	A	22	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,300
BUCKLEY, BARBARA	DEMOCRAT	A	8	\$2,000	\$500	\$0	\$0	\$500	\$0	\$0	\$0	\$3,000	\$8,200
CALLISTER, MATTHEW	DEMOCRAT	S	CLARK 8	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
CARE, TERRY	DEMOCRAT	S	CLARK 007	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,500
CARLTON, MAGGIE	DEMOCRAT	S	CLARK 002	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,000
CARPENTER, JOHN C	REPUBLICAN	A	33	\$250	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$250	\$3,350
CARTER, JOE	DEMOCRAT	S	WASHOE 002	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
CEGAVSKE, BARBARA K	REPUBLICAN	S	CLARK 008	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,050
CHOWNING, VONNE S	DEMOCRAT	A	28	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,000
CHRISTENSEN, CHAD	REPUBLICAN	A	13	\$1,250	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,250	\$1,750
CLABORN, JERRY D	DEMOCRAT	A	19	\$1,250	\$250	\$0	\$0	\$0	\$0	\$0	\$0	\$1,500	\$5,200
CLOSE SR, JACK D	REPUBLICAN	S	7	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
COBB, TY	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
COFFIN, BOB	DEMOCRAT	S	CLARK 010	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,000
COLLINS, TOM	DEMOCRAT	A	1	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$6,200
CONKLIN, MARCUS	DEMOCRAT	A	37	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000	\$1,000
DE BRAGA, MARCIA	DEMOCRAT	A	35	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$5,000
DEMOCRATIC LEGISLATIVE CAUCUS OF NEVADA	DEMOCRAT	PP		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$15,000
DENIS, MOISES	DEMOCRAT	A	28	\$750	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750	\$750
DINI JR, JOSEPH E	DEMOCRAT	A	38	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$14,750
DINI, GEORGE R	DEMOCRAT	A	38	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,300
EVANS, JAN	DEMOCRAT	A	30	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
GANSERT, HEIDI S	REPUBLICAN	A	25	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Gerhardt, Susan	DEMOCRAT	A	Clark, No. 29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIBBONS, DAWN	REPUBLICAN	A	25	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,000
GIBBONS, JIM	REPUBLICAN	G	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIUNCHIGLIANI, CHRIS	DEMOCRAT	A	9	\$1,250	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$1,750	\$6,850
Goedhart, Ed	REPUBLICAN	A	Churchill (Part), Esmeralda, Lincoln, Mineral, Nye, No. 36	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GOICOECHEA, PETE	REPUBLICAN	A	35	\$750	\$250	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000	\$1,000
GOLDWATER, DAVID	DEMOCRAT	A	10	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$6,150
GRADY, TOM	REPUBLICAN	A	38	\$750	\$250	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000	\$1,000
GRIFFIN, JOSH	REPUBLICAN	A	29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,300
GUINN, KENNY C	REPUBLICAN	G	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$7,500
GUSTAVSON, DON	REPUBLICAN	A	30	\$750	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750	\$2,250

2006

Name	Party	Office	District	Altria	B&W	Lorillard	Malecon	RJR	STC	TI	USST	2006 Total	1990-2006
ADLER, ERNIE	DEMOCRAT	S	99	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$250
ALLEN, FRANCIS	REPUBLICAN	A	4	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000	\$1,750
AMODEI, MARK E	REPUBLICAN	S	CAPITAL	\$0	\$0	\$0	\$0	\$2,250	\$0	\$0	\$0	\$2,250	\$6,500
ANDERSON, BERNIE	DEMOCRAT	A	31	\$1,500	\$0	\$0	\$1,000	\$2,250	\$0	\$0	\$0	\$4,750	\$16,850
ANGLE, SHARRON	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,250
ARBERRY, MORSE	DEMOCRAT	A	7	\$750	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750	\$4,850
ASSEMBLY DEMOCRATIC CAUCUS OF NEVADA	DEMOCRAT	PP		\$2,000	\$0	\$0	\$0	\$1,000	\$0	\$0	\$0	\$3,000	\$19,000
ATKINSON, KELVIN	DEMOCRAT	A	17	\$750	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$1,250	\$3,300
AUGUSTINE, KATHY	REPUBLICAN	TREAS	SW	\$0	\$0	\$0	\$0	\$500	\$0	\$0	\$0	\$500	\$4,000
BACHE, DOUG	DEMOCRAT	A	11	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,350
BANDIERO, ANTHONY	REPUBLICAN	A	29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$250
BEERS, ROBERT	REPUBLICAN	S	CLARK 006	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,350
BENNETT, MAX	REPUBLICAN	A	CLARK 14	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500
BENNETT, RICK	DEMOCRAT	A	CLARK 16	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750
BERMAN, MERLE	REPUBLICAN	A	2	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,800
Bobzien, David	DEMOCRAT	A	Washoe, No. 24	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BROWER, GREG	REPUBLICAN	A	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,600
BROWN, DAVID	REPUBLICAN	A	22	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,300
BUCKLEY, BARBARA	DEMOCRAT	A	8	\$3,000	\$0	\$0	\$0	\$2,500	\$0	\$0	\$2,000	\$7,500	\$15,700
CALLISTER, MATTHEW	DEMOCRAT	S	CLARK 8	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
CARE, TERRY	DEMOCRAT	S	CLARK 007	\$750	\$0	\$0	\$0	\$750	\$0	\$0	\$500	\$2,000	\$5,500
CARLTON, MAGGIE	DEMOCRAT	S	CLARK 002	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000	\$4,000
CARPENTER, JOHN C	REPUBLICAN	A	33	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000	\$4,350
CARTER, JOE	DEMOCRAT	S	WASHOE 002	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
CEGAVSKE, BARBARA K	REPUBLICAN	S	CLARK 008	\$1,500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,500	\$4,550
CHOWNING, VONNE S	DEMOCRAT	A	28	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,000
CHRISTENSEN, CHAD	REPUBLICAN	A	13	\$750	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750	\$2,500
CLABORN, JERRY D	DEMOCRAT	A	19	\$750	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750	\$5,950
CLOSE SR, JACK D	REPUBLICAN	S	7	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
COBB, TY	REPUBLICAN	A	26	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$500
COFFIN, BOB	DEMOCRAT	S	CLARK 010	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$1,500	\$3,500
COLLINS, TOM	DEMOCRAT	A	1	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$6,200
CONKLIN, MARCUS	DEMOCRAT	A	37	\$2,500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,500	\$3,500
DE BRAGA, MARCIA	DEMOCRAT	A	35	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$5,000
DEMOCRATIC LEGISLATIVE CAUCUS OF NEVADA	DEMOCRAT	PP		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,500	\$1,500	\$16,500
DENIS, MOISES	DEMOCRAT	A	28	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$1,250
DINI JR, JOSEPH E	DEMOCRAT	A	38	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$14,750
DINI, GEORGE R	DEMOCRAT	A	38	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,300
EVANS, JAN	DEMOCRAT	A	30	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
GANSERT, HEIDI S	REPUBLICAN	A	25	\$750	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750	\$750
Gerhardt, Susan	DEMOCRAT	A	Clark, No. 29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GIBBONS, DAWN	REPUBLICAN	A	25	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,000
GIBBONS, JIM	REPUBLICAN	G	SW	\$5,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$5,000	\$5,000
GIUNCHIGLIANI, CHRIS	DEMOCRAT	A	9	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$6,850
Goedhart, Ed	REPUBLICAN	A	Churchill (Part), Esmeralda, Lincoln, Mineral, Nye, No. 36	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GOICOECHEA, PETE	REPUBLICAN	A	35	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$1,500
GOLDWATER, DAVID	DEMOCRAT	A	10	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$6,150
GRADY, TOM	REPUBLICAN	A	38	\$750	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$750	\$1,750
GRIFFIN, JOSH	REPUBLICAN	A	29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,300
GUINN, KENNY C	REPUBLICAN	G	SW	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$7,500
GUSTAVSON, DON	REPUBLICAN	A	30	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,250