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Tobacco Industry Political Activity and Tobacco Control Policy Making in Pennsylvania: 1979-1996

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# **Tobacco Industry Political Activity and Tobacco Control Policy Making in Pennsylvania: 1979-1996**

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

M. Begay and S. Glantz. *Political Expenditures by the Tobacco Industry in California State Politics*. UCSF IHPS Monograph Series, 1991.

M. Begay and S. Glantz. *Political Expenditures by the Tobacco Industry in California State Politics from 1976 to 1991*. UCSF IHPS Monograph Series, 1991.

B. Samuels and S. Glantz. *Tobacco Control Activities and the Tobacco Industry's Response in California Communities, 1990-1991*. UCSF IHPS Monograph Series, 1991.

M.E. Begay and S.A. Glantz. *Undoing Proposition 99: Political Expenditures by the Tobacco Industry in California Politics in 1991*. UCSF IHPS, 1992.

S.A. Glantz and L.R.A. Smith. *The effect of ordinances requiring smokefree restaurants on restaurant sales in California*. UCSF IHPS Monograph Series, 1992.

M.E. Begay, M. Traynor, S. A. Glantz. *Extinguishing Proposition 99: Political Expenditures by the Tobacco Industry in California Politics in 1991-1992*. UCSF IHPS, 1992.

M.E. Begay, M. Traynor, S.A. Glantz. *Tobacco Industry Political Expenditures in California State Politics, January-June, 1993*. UCSF IHPS, 1993.

M.E. Begay, M. Traynor, S.A. Glantz. *Tobacco Industry Political Expenditures in California in the 1991-1992 Election*. UCSF IHPS, 1993.

M.E. Begay, M. Traynor, S.A. Glantz. *The Twilight of Proposition 99: Preauthorization of Tobacco Education Programs and Tobacco Industry Political Expenditures in 1993*. UCSF IHPS, 1994.

H. Macdonald and S. Glantz. *Analysis of the Smoking and Tobacco Products, Statewide Regulation Initiative Statute*. UCSF IHPS, 1994.

H. Macdonald, M. Traynor, S. Glantz. *California's Proposition : An Analysis of the Tobacco Industry's Political Advertising Campaign*. UCSF IHPS, 1994.

S. Aguinaga, H. Macdonald, M. Traynor, M. Begay, S. Glantz. *Undermining Popular Government: Tobacco Industry Political Expenditures in California 1993-1994*. UCSF IHPS, 1995. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/tobexp>)

M. Begay, and S. Glantz. *Question 1: Tobacco Education Outlays From the 1994 Fiscal Year to the 1996 Fiscal Year* UCSF IHPS 1995. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/q1>)

F. Monardi, E. Balbach, S. Aguinaga, S. Glantz. *Shifting Allegiances: Tobacco Industry Political Expenditures in California, January 1995 - March 1996*. UCSF IHPS 1996 (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/sa>)

F. Monardi, A. O'Neill, and S. Glantz. *Tobacco Industry Political Activity in Colorado 1979 - 1995*. UCSF IHPS 1996. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/co>)

F. Monardi, and S. Glantz. *Tobacco Industry Political Activity in Washington 1983 - 1996*. UCSF IHPS 1996. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/wa>)

F. Monardi, and S. Glantz. *Tobacco Industry Political Activity and Tobacco Control Policy Making in New Jersey 1982 - 1995*. UCSF IHPS 1996. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/nj>)

E. Balbach, F. Monardi, B. Fox, S. Glantz. *Holding Government Accountable: Tobacco Policy Making in California, 1995-1997*. UCSF IHPS 1997. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/ca9596/>)

S. Aguinaga-Bialous and Stanton A. Glantz. *Tobacco Control in Arizona 1973-1997*. UCSF IHPS 1997. (Available on the World Wide Web at <http://galen.library.ucsf.edu/tobacco/az/>)

## **EXECUTIVE SUMMARY**

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

\* The tobacco industry has become a major source of campaign contributions to legislative candidates, state constitutional office candidates, and political party committees. In the 1979-1980 election cycle, the tobacco industry contributed \$3,600 to candidates and parties. In 1995-1996, the tobacco industry contributed \$65,850 to candidates and parties.

\* A majority of tobacco industry contributions to legislative candidates and political parties have shifted from the Democratic party to the Republican party. During the 1991-92 and 1993-1994 electoral cycles, the tobacco industry contributed 40% and 38%, respectively, of their legislative and political party contributions to the Republican party. During the 1995-1996 electoral cycle, the tobacco industry contributed 53% of their legislative and political party contributions to the Republican party.

\* A relationship exists between tobacco industry campaign contributions and state legislative behavior. The more money a legislator receives, the less likely he or she is to support tobacco control efforts. The tobacco industry also tends to contribute more money to legislators that have supported the industry in the past. Legislative behavior significantly influenced the level of tobacco industry contributions in 1993-1994, but did not in 1995-1996.

\* Several health related groups, such as Abington Memorial Hospital, Blue Cross-Blue Shield, Blue Cross of Northeastern Pennsylvania, Lehigh Valley Hospital and the Family Health Council are represented by lobbyists who also represent the tobacco industry. This pattern of representation raises the possibility of conflict of interests among lobbyists who represent the tobacco industry and health groups.

\* Pennsylvania was one of the first states to pass statewide legislation (the 1988 Clean Indoor Air Act) that preempts localities from enacting stronger clean indoor air ordinances than that of statewide law.

\* Lower Merion township was the first locality in Pennsylvania to ban all cigarette vending machines in 1991. However, an injunction sought by local cigarette vending machine companies prevented Lower Merion from enforcing its ordinance. Although the constitutional merits of the case were never decided, the failure of health organizations and public officials to defend the ordinance and the threat of lawsuits by cigarette vending machine companies stopped the spread of ordinances that completely ban cigarette vending machines.

\* The creation of the Uptown Coalition represented a significant broadening of the tobacco control community to explicitly include the African-American community, and represented the first time a specific tobacco brand was derailed in 1990. The Uptown Coalition remains active in Philadelphia local tobacco control efforts.

\* Pennsylvania tobacco control organizations have unsuccessfully attempted to pass statewide youth access legislation. The inclusion of preemption in statewide youth access legislation has divided the Pennsylvania tobacco control community.



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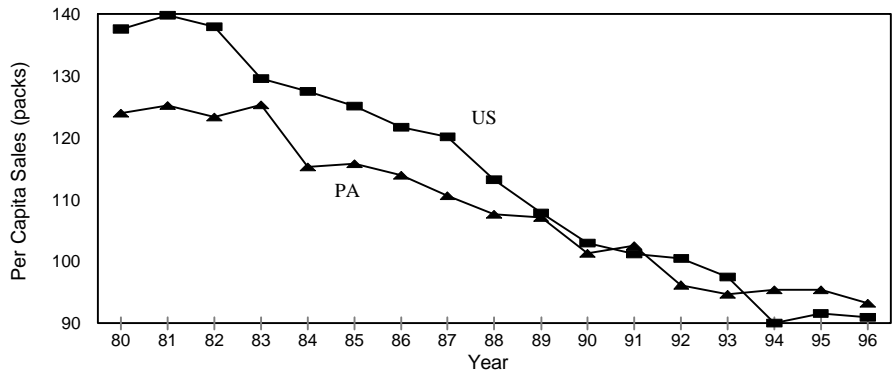
## INTRODUCTION

Since the mid 1980s cigarette consumption in Pennsylvania has been lower than cigarette consumption in the entire United States. This situation has changed in recent years because cigarette consumption in Pennsylvania has not declined as fast as the United States' rate (Figure 1). Pennsylvania was one of the first Northeastern states in which several localities passed clean indoor air laws during the late 1980s. The tobacco industry responded to this activity by convincing state legislators in 1988 to amend a statewide clean indoor air bill

to preempt localities from passing stronger clean indoor air laws. Pennsylvania was the third state (behind Florida and New Jersey) in which the tobacco industry successfully included a preemption clause in state clean indoor air legislation [1]. Since then, Pennsylvania tobacco control advocates have generally been successful in preventing tobacco industry favored legislation from becoming law, but they have also failed to obtain favorable tobacco control legislation at the state level. Because of state preemption, there has only been modest progress in the area of clean indoor air at the local level.

Since state law preempts progress on clean indoor air legislation, tobacco control advocates have focused most of their attention on reducing cigarette access to children. Several localities have passed ordinances eliminating or restricting vending machines and some communities are actively engaging in compliance checks to reduce tobacco sales to children. Tobacco control advocates have also attempted to have statewide youth access legislation passed; however, pro-tobacco amendments to youth access bills forced tobacco control advocates to withdraw support from their initial efforts and oppose the amended bills.

The tobacco industry has been involved in the Pennsylvania political process since the 1979-1980 legislative session (Table 1). (While Pennsylvania law requires disclosure of contributions to legislative candidates, state constitutional officers and political parties; payments to lobbying firms are not required.)

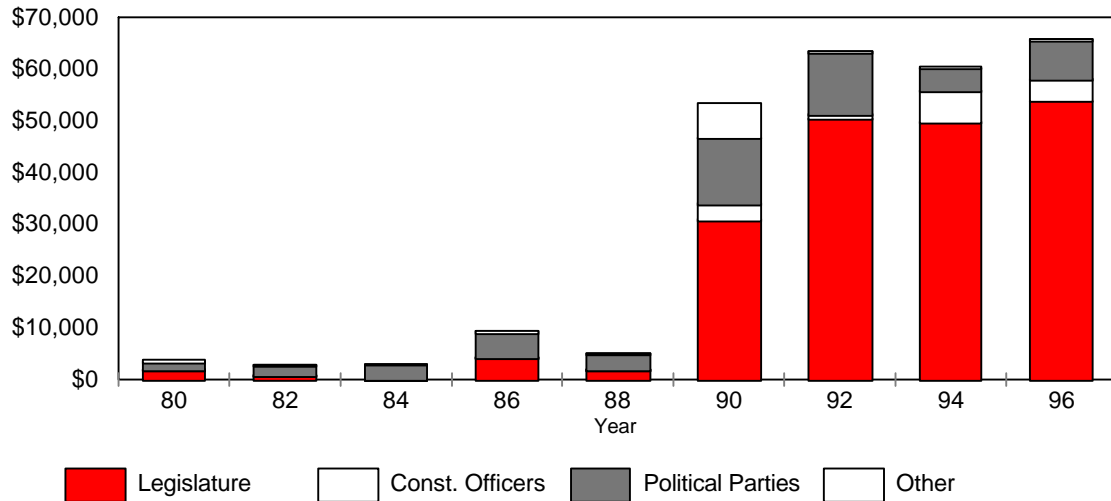


**Figure 1.** Per capita cigarette consumption has not declined as quickly in Pennsylvania compared to the rest of the United States. Source: *Tax Burden on Tobacco, 1997*. (The Tobacco Institute).

TABLE 1. SUMMARY OF TOBACCO INDUSTRY POLITICAL EXPENDITURES IN 1995-1996							
	1979-1992	1993-94	PM	RJR	TCPAC	1995-96	Grand Total
<b>Legislature</b>	\$90,930	\$49,885	\$25,750	\$19,825	\$8,350	\$53,925	\$194,740
<b>Political Party</b>	\$39,425	\$4,400		\$6,375	\$1,300	\$7,675	\$51,500
<b>Constitutional</b>	\$3,800	\$6,000		\$4,250		\$4,250	\$14,050
<b>Other</b>	\$6,950	\$250				\$0	\$7,200
<b>Total</b>	\$141,105	\$60,535	\$25,750	\$30,450	\$9,650	\$65,850	\$267,490



## Tob. Industry Political Expenditure 1979-1996



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

As shown in Figure 2, the tobacco industry became especially active in making political contributions during the 1989-1990 legislative session. It successfully preempted local clean indoor air laws in 1988. After that, the tobacco industry began seeking other legislation such as limiting product liability suits, supporting smokers' rights legislation, fighting a cigarette tax increase, and amending proposed youth access legislation to make it more acceptable to the tobacco industry.

### TOBACCO POLICY SCORES

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

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

In the House, Representative Lita Cohen (R-Conshohocken) had the highest tobacco policy score (most pro-tobacco control) 8.8. In the Senate, Senator Stewart Greenleaf (R-Willow Grove) had the highest tobacco policy score, 9.6. Representative Frank Gigliotti (D-Pittsburgh) and Richard Olasz (D-West Mifflin) and former Senator Michael Fisher (R-Pittsburgh) had the lowest policy scores (most pro-tobacco industry) in their chambers, 1.3, 1.3 and 0.6, respectively.

The distribution of tobacco policy scores was near normal (bell shaped curve) with a mean tobacco policy score of 5.1 (median, 5.3) and a standard deviation of 1.3. Members of two houses had similar mean

policy scores (House: mean 5.0, standard deviation 1.1, n=203; Senate: mean 5.3, standard deviation 1.7, n=53; p=.12). Republicans and Democrats also had similar tobacco policy scores (Republicans: mean 5.0, standard deviation 1.2, n=133; Democrats: mean 5.2, standard deviation, 1.3, n=123; p<.20). In contrast to other states (California, Colorado, New Jersey, and Washington) [2-5], the Pennsylvania legislature is not divided along party lines on tobacco control issues.

## **TOBACCO INDUSTRY CAMPAIGN CONTRIBUTIONS**

### **Campaign Contribution Data**

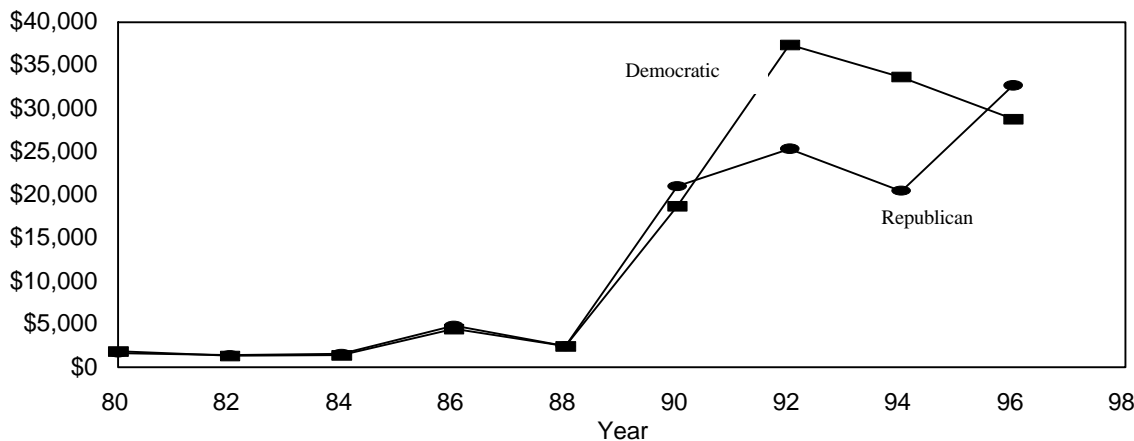
Data on tobacco industry statewide political expenditures were obtained from disclosure statements filed with the Pennsylvania Department of State from 1979-1980 through 1995-1996 election cycles using archival records and disclosure statements available at the Department of State. The 1979-1980 election cycle is the first cycle that the tobacco industry made political contributions in Pennsylvania. Contributions to legislators, constitutional officers, and statewide political parties and party committees are reported. Records for contributions to candidates at the local level were not available. The following organizations were included as "tobacco industry" sources of funds: American Tobacco Company, New Jersey Tobacco and Candy Distributors Political Action Committee, Brown and Williamson Tobacco Corporation, Lorillard Tobacco Company, Philip Morris Inc., RJR Nabisco Inc., Smokeless Tobacco Council, The Tobacco Institute, and U.S. Tobacco. Contributions from non-tobacco subsidiaries of these companies, such as Philip Morris' Kraft General Foods and Miller Beer, were not included, nor were contributions from individuals connected with the tobacco industry. Expenditures for legal action to oppose local ordinances regarding smoke free workplaces or public places or controlling access of tobacco to children, and public relations activity by the tobacco industry, while directed at influencing public policy, are not reportable as political expenditures under Pennsylvania law, and so are not included in our data. All data are reported according to the two-year election cycle.

### **Contributions to State Legislators**

Direct tobacco industry contributions to legislators and legislative candidates reached a peak of \$53,925 during the 1995-96 election cycle (Figure 2). Appendix tables A-1 through A-9 list contributions to legislators and legislative candidates since the 1979-1980 electoral cycle, when the tobacco industry began making contributions to Pennsylvania state legislators. As shown in Figure 2, tobacco industry contributions to legislators increased substantially during the 1989-90 and 1991-92 legislative session. This increase in campaign contributions coincides with an increased level of tobacco industry legislative activity such as passage of preemption of local clean indoor air ordinances in 1988, followed by unsuccessful efforts to enact product liability legislation in 1989-1990 favorable to the industry and smokers' rights legislation in 1991-1992. Campaign contributions to legislators has remained fairly constant during the last three legislative cycles.

When the tobacco industry became more active in the early 1990s, most legislative campaign contributions to state legislators were given to Democrats who held control of both the House and the Senate during the early 1990s by small margins. After Republicans took control of both houses after the 1994 elections, Republican legislators received slightly more tobacco industry campaign contributions than Democratic legislators. Compared to the 1991-1992 and the 1993-1994 electoral cycle, the tobacco industry contributed 38% and 36%, respectively, of their legislative contributions to Republican legislators and candidates. During the 1995-1996 electoral cycle, the tobacco industry contribution 52% of their legislative contributions to the Republican legislators and candidates.

### Contributions to Legislators and Political Parties



**Figure 3.** Tobacco industry contributions to Republicans candidates and the Republican party surpassed contributions to Democratic legislators and the Democratic party during the 1995-1996 electoral cycle.

After the 1994 elections, the tobacco industry shift to the Republican party was reflected in both contributions to legislators and political parties (Figure 3). During the 1991-92 and 1993-1994 electoral cycles, the tobacco industry contributed 40% and 38%, respectively, of their legislative and political party contributions to the Republican party. During the 1995-1996 electoral cycle, the tobacco industry contributed 53% of their legislative and political party contributions to the Republican party.

Table 2 provides a list of the top recipients of tobacco industry money in 1995-1996. Of the 18 recipients who received more than \$1,000 in 1995-1996, ten were Republicans and eight were Democrats. The average tobacco policy score for the top recipients was 4.0 (standard deviation, 1.4). Representative John Perzel (R-Philadelphia; tobacco policy score = 2.8) and Senator Joseph Loeper (R-Drexel Hill; tobacco policy score = 3.5) were the largest recipients of tobacco industry contributions in 1995-1996.

In the 1995-1996 Pennsylvania legislature, 126 members out of 253 have never received tobacco industry campaign contributions. There are 73 Republican non-recipients and 53 Democratic non-recipients. The average tobacco policy score among non-recipients was 5.8 (standard deviation, 1.1). The tobacco policy scores of individuals who did not receive tobacco industry contributions was significantly higher (more pro-tobacco control) than the top recipients (Table 2) of tobacco industry campaign contributions ( $p < .01$ ).

#### Legislative Leaders

As in other state legislatures, the tobacco industry wishes to maintain a close relationship with legislative leadership [2-9]. Several legislative leaders received large tobacco industry contributions in 1995-1996\* or during previous electoral cycles (Table 3). In the Senate, President Pro Tempore Robert

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\* The median contribution among tobacco industry recipients during the 1995-1996 electoral cycle was \$450.

TABLE 2. TOBACCO INDUSTRY RECIPIENTS RECEIVING \$1,000 OR MORE IN 1995-1996					
Officeholder	Party	House	Total	Grand Total	Tobacco Policy Score
Perzel, J	R	H	\$5,500	\$8,800	2.8
Loeper, J	R	S	\$4,000	\$8,500	3.5
Fumo, V	D	S	\$3,500	\$12,350	6.4
DeWeese, W	D	H	\$2,750	\$8,050	3.0
Coy, J	D	H	\$2,250	\$8,300	2.5
Cornell, R	R	H	\$2,250	\$2,975	3.8
Ryan, M	R	H	\$2,000	\$6,000	4.3
Wozniak, J	D	H	\$1,750	\$2,775	2.8
Rooney, T	D	H	\$1,550	\$1,750	4.8
Jubelirer, R	R	S	\$1,500	\$5,750	5.2
Raymond, R	R	H	\$1,250	\$1,550	4.0
Barley, J	R	H	\$1,000	\$1,000	2.8
Smith, S	R	H	\$1,000	\$1,000	6.3
Stapleton, P	D	S	\$1,000	\$1,050	5.7
Mellow, R	D	S	\$1,000	\$2,710	5.0
Piccola, J	R	S	\$1,000	\$1,330	3.8
Fisher, M	R	S	\$1,000	\$3,625	0.6
Veon, M	D	H	\$1,000	\$1,900	4.5

Jubelirer (R-Altoona), Republican Leader Joseph Loeper, and Minority Leader Robert Mellow (D-Peckville) received \$1,500, \$4,000, and \$1,000, respectively, in tobacco industry campaign contributions in 1995-1996. Joseph Loeper was the second largest recipient of tobacco industry funds in 1995-1996.

In the House of Representatives, the tobacco industry contributed \$2,000 to Speaker Matthew Ryan (R-Media) and \$5,500 to Majority Leader John Perzel in the 1995-1996 electoral cycle. Representative Perzel was the top recipient of tobacco industry contributions in 1995-1996. Policy Committee Chair Roy Cornell (R-Hatboro), and Minority Leader William DeWeese (D-Waynesburg) also received significant tobacco industry contributions in 1995-1996, \$2,250 and \$2,750, respectively.

### Legislative Committees

Most recent tobacco legislation has been considered in the Senate. The Senate Finance Committee and the Senate Judiciary Committee are important legislative committees that have considered tobacco related legislation in Pennsylvania (Tables A-10 and A-11). In 1996, the Senate Finance Committee considered a youth access bill that was amended to preempt local youth access ordinances. The Judiciary Committee have considered product liability, smokers rights', and vending machine legislation during the early 1990s.

*Senate Finance Committee* -- Half the members of the Senate Finance Committee accepted tobacco industry campaign contributions in 1995-1996. Vincent Fumo, one of the leading recipients of tobacco industry funds, received \$3,500 from tobacco industry sources. Melissa Hart, the chair of the committee, had returned several contributions after the media highlighted her involvement with the 1996 youth access legislation (details below). Two members. Allyson Schwartz (D-Philadelphia) and Gibson Armstrong

**TABLE 3. 1997-1998 PENNSYLVANIA LEGISLATIVE LEADERSHIP**

<b>Senate Leadership</b>	<b>Officeholder</b>	<b>Party</b>	<b>1979-92</b>	<b>1993-94</b>	<b>PM</b>	<b>RJR</b>	<b>TCPAC</b>	<b>1995-1996</b>	<b>Grand Total</b>	<b>Tobacco Policy Score</b>
President Pro Tempore	Jubelirer, Robert	R	\$3,450	\$800	\$1,000		\$500	\$1,500	\$5,750	5.2
Republican Leader	Loeper, Joseph	R	\$4,000	\$500	\$2,000	\$2,000		\$4,000	\$8,500	3.5
Republican Whip	Brightbill, David	R	\$500					\$0	\$500	6.0
Policy Chair	Robbins, Robert	R		\$500				\$0	\$500	4.7
Caucus Chair	Wenger, Noah	R	\$700					\$0	\$700	2.5
Minority Leader	Mellow, Robert	D	\$1,250	\$460	\$1,000			\$1,000	\$2,710	5.0
<b>House Leadership</b>										
Speaker	Ryan, Matthew	R	\$2,500	\$1,500		\$2,000		\$2,000	\$6,000	4.3
Majority Leader	Perzel, John	R	\$2,000	\$1,300	\$2,500	\$2,500	\$500	\$5,500	\$8,800	2.8
Majority Whip	Snyder, Donald	R						\$0	\$0	4.8
Policy Committee Chairman	Cornell, Roy	R	\$325	\$400	\$1,500	\$750		\$2,250	\$2,975	3.8
Caucus Chair	Fargo, Howard	R						\$0	\$0	4.5
Minority Leader	DeWeese, William	D	\$3,300	\$2,000	\$2,000	\$250	\$500	\$2,750	\$8,050	3.0

(R-Lancaster) have never received tobacco industry contributions. Schwartz is one of the leading tobacco control supporters in the legislature (tobacco policy score is 9.4).

*Senate Judiciary Committee*-- The tobacco industry contributed to six of the thirteen members of the Senate Judiciary Committee in 1995-1996. Vincent Fumo, who is also on the Senate Finance Committee, was the largest recipient. Stewart Greenleaf, Jane Earll (R-Erie), and Allen Kuckovich (D-North Huntingdon) have never accepted tobacco industry campaign contributions. Stewart Greenleaf was the sponsor of the 1996 youth access bill. He withdrew his support of the bill once the bill was amended to include preemption. Greenleaf also has the highest (pro tobacco control) rating in the 1995-1996 Pennsylvania legislature, 9.6.

### **State Constitutional Officers**

Pennsylvania elections are unique in that elections for state constitutional offices are staggered. Elections for Governor and Lieutenant Governor (who run as a team) are held at the same time as presidential midterm elections ( i.e. 1990, 1994, and 1998). Elections for Attorney General, Treasurer and Auditor General occur during presidential elections (i.e., 1988, 1992, 1996).

In 1996, tobacco industry contributions became a contentious issue in the race for Attorney General. In an open race, State Senator Michael Fisher (Republican) was competing against Joe Kohn (Democrat). Kohn was a class action lawyer from the Philadelphia law firm of Kohn, Swift and Graf who lost the attorney's general race in 1992. During the 1996 campaign, Kohn called Fisher "Joe Camel" and advertised that Fisher "sleeps" with tobacco interests because Fisher has accepted money from the tobacco industry and because Fisher invested in a Hilton Head South Carolina condo with William Greenlee, a lobbyist for Philip Morris [10, 11]. Kohn also advertised that Fisher supported tobacco industry supported youth access legislation in 1994 and 1996 (discussed below) [11]. Fisher responded to the attack ads "I certainly have not done anything to push a tobacco agenda or compromise my office . . . I never let contributions or friendships interfere with my job in the Senate. I'm not going to let it interfere with my job as attorney general," [11]. Fisher received \$1,000 in 1995-1996, and has received a lifetime total of \$3,625 from tobacco industry sources. He had the lowest tobacco policy score in the legislature in 1995-1996 (0.6). Fisher won the Attorney's General race in 1996 (49.6% to 48.1%). Pennsylvania is one of 40 states to have filed a Medicaid Suit against the tobacco industry. Mike Fisher filed the suit in 1997.

Other current state constitutional officers to have received tobacco industry contributions include Governor Tom Ridge (Republican). Governor Ridge, who was first elected in 1994, has received \$3,250 from the tobacco industry since 1994. Governor Ridge received \$1,000 in 1996. Candidate for state treasurer Mina Knoll (Democrat) received \$1,000 from RJ Reynolds in 1996, but lost to Republican Barb Hafer in the general election. Former state constitutional officers who had accepted tobacco industry contributions include former Governor William Casey (Democrat), former Lieutenant Governor Mark Singel (Democrat), and former Attorney General Ernie Preate (Republican) (Table A-12).

### **Political Parties**

Between 1980 and 1994, the tobacco industry usually contributed near equal amounts of campaign funds to the Republican and Democratic campaign committees (Table A-13). During the 1995-1996 electoral cycle, the tobacco industry contributed almost twice as much to the Republican House and Senate campaign committees compared to the Democratic House and Senate campaign contributions, \$4,900 and \$2,650 respectively. Compared to the 1991-1992 and the 1993-1994 electoral cycle, the tobacco industry contributed 50.4% and 53%, respectively, of their political party contributions to the Republican party

campaign committees. During the 1995-1996 electoral cycle, the tobacco industry contributed 65% of their political party contributions to the Republican party campaign committees. The tobacco industry has also made nominal contributions to the Pennsylvania Legislative Black Caucus in the last two electoral cycles, \$150 in 1993-1994 and \$125 in 1995-96.

## **Lobbying**

Payments to lobbyists and lobbying firms are not required in Pennsylvania at this time. However, the Pennsylvania legislature was considering legislation (SB 1) in 1997 that would require disclosure of lobbying expenditures. SB 1 passed the Senate Judiciary committee in July 1997.

Philip Morris employs Greenlee and Associates and previously employed James Lemperes, RJR Nabisco employs Thomas Finley, Debra Kisela, Jeffrey Suzenski, James White, Richard Willey and Kenneth Zielonis, the Tobacco Institute and UST Public Affairs employs Eugene Knopf and Associates, the Smokeless Tobacco Council employs Richard Gmerek and Joseph Steighner and Associates, the Cigar Association of America and the Distributors Association employs Gerald Kupris, the food Merchants Association and the Convenience Store Council employ John Kulik, and the Tobacco Industry Labor Management Committee employs Robert Wolper and Associates.

Several health related groups are represented by many of the same lobbyists as the tobacco industry. In addition to Philip Morris, Greenlee and Associates also represent Abington Memorial Hospital, Blue Cross-Blue Shield, Blue Cross of Northeastern Pennsylvania, and State Farm Insurance. Eugene Knopf and Associates, which represents the Tobacco Institute, also represents Lehigh Valley Hospital and the Family Health Council [12]. This pattern of representation raises the possibility of conflict of interests among lobbyists who represent the tobacco industry and health groups [13].

## **THE RELATIONSHIP BETWEEN CAMPAIGN CONTRIBUTIONS AND LEGISLATIVE POLICY MAKING**

There is a statistical relationship between tobacco industry campaign contributions and the tobacco policy scores, with both the campaign contributions and the tobacco policy scores affecting each other. We sought to test the hypothesis that campaign contributions sway legislators to be sympathetic toward the tobacco industry's point of view, while at the same time, the tobacco industry rewards those legislators that have helped it in the past. Simultaneous equations regression using two stage least squares was used to test the hypothesis that campaign contributions were affecting legislative behavior simultaneously with behavior affecting contributions [2-5, 14] during Pennsylvania's 1993-94 and 1995-1996 legislative sessions.

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

Tables 4 and 5 presents the results of this analysis. For every \$1000 a legislator received, his or her tobacco policy score dropped (i.e., became more pro-tobacco industry) by an average of -1.44 in 1993-94 and -.42 in 1995-96. In other words, the more money a legislator received, the more pro-tobacco industry the legislator became. Republican legislators were not significantly different from Democratic legislators for the same amount of tobacco industry funds. At the same time, for every one point reduction in the tobacco

**TABLE 4. SIMULTANEOUS EQUATIONS RESULTS FOR TOBACCO POLICY SCORES AND 1993-1994 CAMPAIGN CONTRIBUTIONS**

Dependent Variable = Tobacco Policy Score				
Variable	Coefficient	St. Error	t	p
Contributions (in thousands of dollars)	-1.44	.31	-4.70	<.001
Republican Legislators	.20	.20	.95	.67
Intercept	5.32			
Dependent Variable = Campaign Contributions (in dollars)				
Tobacco Policy Score	-244.4	41.8	-5.84	<.001
Majority Party (Republicans)	65.4	63.8	1.02	.31
Leadership	326.9	187.1	1.74	.08
Intercept	1393.7			
n=253				
R <sup>2</sup> = .14 for tobacco policy score; R <sup>2</sup> = .12 for campaign contributions.				

**TABLE 5. SIMULTANEOUS EQUATIONS RESULTS FOR TOBACCO POLICY SCORES AND 1995-1996 CAMPAIGN CONTRIBUTIONS**

Dependent Variable = Tobacco Policy Score				
Variable	Coefficient	St. Error	t	p
Contributions (in thousands of dollars)	-.42	.19	-2.21	.02
Republican Legislators	-.19	.15	-1.27	.20
Intercept	5.27			
Dependent Variable = Campaign Contributions (in dollars)				
Tobacco Policy Score	2919.2	430.3	.56	.58
Leadership	239.0	550.7	.27	<.001
Intercept	-1075.7			
n=253				
R <sup>2</sup> = .03 for tobacco policy score; R <sup>2</sup> = .12 for campaign contributions.				



policy score, campaign contributions from the tobacco industry increased by an average of \$244 in 1993-1994. Legislative behavior did not significantly influence the level of tobacco industry contributions in 1995-1996, as it did in 1993-1994.

These results are comparable to previous findings of the effects of tobacco industry campaign contributions on the California, Colorado, Massachusetts, New Jersey, Ohio, and Washington legislatures [2-5, 8, 9, 14]. These studies also found a simultaneous relationship between tobacco policy scores and tobacco industry campaign contributions.

## **LOCAL TOBACCO CONTROL EFFORTS**

### **Local Ordinances**

In 1987 and 1988, Pittsburgh, State College, Erie and Lower Merion were the first localities in Pennsylvania to pass local clean indoor air ordinances (Table 6). Several other localities were also considering enacting clean air ordinances [15], and Pennsylvania appeared to be on the verge of a rapid growth in local clean indoor air ordinances. The tobacco industry responded by convincing the state legislature to amend SB 26, introduced by Senator Michael Dawida (D-Pittsburgh), a Clean Indoor Air advocate, to preempt local clean indoor air legislation. However, the Clean Indoor Law of 1988 (described below) preempted localities from passing new laws relating to second hand smoke. The 1988 state law also overturned the ordinances in State College, Erie and Lower Merion. The legislation allowed Pittsburgh to maintain its own ordinance, but prohibited future changes.

Because state law preempts local clean air ordinances, and because many Pennsylvania tobacco control advocates began growing concerned about minor's access to cigarettes, local efforts focused on reducing access of cigarettes to children. In 1990 and 1991, eleven localities passed measures that would ban vending machines or restrict the location of vending machines. However, after a lawsuit in Lower Merion Township, the pace of vending machine ordinances halted.

### **Lower Merion Township's Vending Machine Ordinance**

In March 21, 1991, Lower Merion township, located in Montgomery county, passed the first total ban on vending machines in Pennsylvania. Montgomery county is located in Southeastern Pennsylvania, west of Philadelphia. Earlier in 1991, Pittsburgh, Bethlehem, Allentown and Uwchlan Township in Chester County passed ordinances that restricted the placement of vending machines. Vending machine companies in southeastern Pennsylvania opposed the ordinance claiming that a complete ban would impinge on economic freedom [16]. The vendors argued that vending machines should be allowed in licensed liquor establishments where children were not allowed and the machines could be supervised [16]. Representatives from American Lung Association of Philadelphia and Montgomery counties, the American Heart Association of Southeastern Pennsylvania, the Philadelphia Heart Institute and individual Lower Merion Township Commissioners cited federal reports and an article in the Journal of the American Medical Association that partial bans had been ineffective [16]. Despite the protests of the vendors, the Lower Merion Board of Commissioners unanimously approved (14-0) the total ban on vending machines.

<b>TABLE 6. LOCAL ORDINANCES ENACTED IN PENNSYLVANIA</b>		
<b>Year</b>	<b>Municipality</b>	<b>Type</b>
1987	Pittsburgh	Clean Indoor Air
1987	State College	Clean Indoor Air
1988	Erie	Clean Indoor Air
1988	Lower Merion	Clean Indoor Air
1990	Allentown	Partial Vending Machine
1990	Pittsburgh	Partial Vending Machine
1990	Bethlehem	Partial Vending Machine
1991	Uwchlawn Township	Partial Vending Machine
1991	Westchester	Partial Vending Machine
1991	Lower Merion	Total Vending Machine
1991	Warrington Township	Total Vending Machine
1991	Eastown	Partial Vending Machine
1991	Treddyffin	Total Vending Machine
1991	West Goshen Township	Partial Vending Machine
1991	Haverford	Total Vending Machine
1991	Radnor	Total Vending Machine
1991	Montgomery County	Partial Vending Machine
1995	Philadelphia	Self-Service, Single Cigarette Sales, ID

Several other townships in Southeastern Pennsylvania followed Lower Merion’s example and passed total or partial bans on vending machines. Some members of the Montgomery County Board of Supervisors began considering a similar county wide ban on vending machines [17, 18]. However, before the Lower Merion ordinance was to be enforced starting June 18, 1991, cigarette vending machine companies asked for an injunction to prevent the enforcement of the vending machine ban in Montgomery county Court until a court could decide on the constitutionality of the ordinance. The injunction was granted.

Montgomery County Court Judge Stanley Ott heard arguments about the Lower Merion ban on vending machines on July 31, 1991. Marvin Wilenzik, who represented four vending machine companies, argued that the total ban encroached the rights of both vending machine companies and adults who use vending machines [19]. Arguing that a total ban was inappropriate, Wilensek stated, “When you ban an entire industry, that is not justice, that is overkill [19].” Edward Swichar, a private attorney also representing the vending machine companies, argued that minors could also buy cigarettes over the counter as well as vending machines. Swichar argued that the best method of preventing children’s access to tobacco was to enforce Pennsylvania law which bans the sale of cigarettes to individuals under the age of eighteen [19].

Lower Merion was represented by their township solicitor, Gilbert High. High argued that the ban was not prohibition, but a “regulation of one form of distribution [19].” High also argued during the hearings, “We don’t live in an unregulated society. What if Mr. Wilenzik said it was an impingement upon his clients’ rights that they are not able to sell Jack Daniels in the Laundromat? [19]”

The next day, August 1, 1991, Montgomery County Judge Stanley Ott decided not to lift the injunction, preventing Lower Merion from enforcing its vending machine ordinance [19] with a final court hearing to be scheduled later in the year. The judge, however, did not make any any pronouncement of whether the ordinance was constitutional or unconstitutional at the time. Although a court never ruled

whether the Lower Merion's vending machine ban was constitutional or unconstitutional, cigarette vending machine companies attended township meetings where banning cigarette vending machines was on the agenda and declared that they had defeated Lower Merion in court on constitutional grounds [17]. In addition, Montgomery County, which was considering a county wide ban on cigarette vending machines, decided on a limited ban. The limited ban on cigarette vending machines, enforced by the Montgomery County Health Department, allows vending machines in places that exclude minors such as bars or restaurants with liquor licenses [20, 21].

Rather than defending their ordinance, Lower Merion Township amended their vending machine ordinance so that it was similar to the Montgomery County limited ban. Lower Merion's amended ordinance muted local cigarette vending machine companies complaints. The cigarette vending machine companies discontinued their litigation and a final court hearing was never needed. The failure of health organizations and public officials to defend the ordinance and the threat of lawsuits by cigarette vending machine companies stopped the spread of ordinances that completely ban vending machines.

### **The Pittsburgh Clean Air Ordinance**

In 1987, city council member Mark Pollock, introduced a clean indoor air ordinance for Pittsburgh. The introduced ordinance was patterned after the model ordinance proposed by Association for Non-Smokers' Rights (ANSR). The public hearings produced more controversy than expected [22]. Association for Non-Smokers' Rights of Pennsylvania and the Southwestern Pennsylvania Coalition on Smoking or Health favored the proposed ordinance. The Tobacco Institute, the Western Pennsylvania Restaurant Association, and the Allegheny County Labor Council opposed the ordinance [22]. Because of the controversy, Pollock created a "Smoking Legislation Committee" to try to build a consensus for the proposed ordinance. The committee consisted of representatives from labor unions, restaurant and tavern associations, the Chamber of Commerce, building owners, department stores, the hotel association, the Allegheny County Department of Health, the Southwestern Pennsylvania Coalition on Smoking or Health, and the Association for Non-Smokers Rights of Pennsylvania [22]. After the several meetings, the proposed ordinance was revised to allow for some exceptions, and to reduce the number of seats in the non-smoking sections in restaurants from 50% to 20%. The proposed ordinance failed on a vote of four in favor, four opposed, and one abstention.

After the failed vote, several events took place that forced the council to reconsider a second vote. First, Action on Smoking and Health (a Washington D.C. public interest group) provided data that showed that smoking restrictions did not lead to economic hardship. Second, the *Pittsburgh Post Gazette* editorialized need for a smoking control ordinance [22]. Finally, Mayor Richard Caliguiri lobbied council members aggressively. The ordinance passed on the second vote when council member Sophie Masloff, who opposed the ordinance on the first vote, voted in favor on the second vote. The ordinance passed with five in favor, two opposed and two abstentions. The ordinance was implemented on April 1, 1988.

### **The Accommodation Program in Pittsburgh**

In response to Pittsburgh's clean air ordinance, Philip Morris devised a public relations strategy, "The Accommodation Program" to hinder the implementation of the ordinance. The Pittsburgh ordinance required "No Smoking" signs to be posted in areas that were designated as non-smoking. In response, Philip Morris' Accommodation Program sponsored signs and advertisements that presented confusing information about where smoking was not allowed [22]. The program started on June 1, 1989.

The Accommodation Program's two main features was a program logo and a public relations campaign. In contrast to the traditional "No Smoking" symbol, Philip Morris created a new symbol that was similar to the Chinese sign of harmony. One side of the symbol showed a smoking cigarette indicating that smoking was permitted. The other side of the symbol was blank with no clear indication where or whether smoking was not permitted. The captions read "Smokers and Non-Smokers Welcome." The ambiguity of the logo would make it difficult for non-smokers to complain to businesses [22].

Philip Morris worked with the public relations firm Burston-Marsteller in developing a public relations campaign to make Pittsburgh citizens familiar with the Accommodation Program. On June 1, 1989, the Accommodation program symbol appeared on billboards and taxis across the city and in newspaper advertisements. Philip Morris also sponsored full page advertisements in local newspapers for businesses that included the Accommodation Program symbol [22].

In reaction to Philip Morris' Accommodation Program, Councilman Mark Pollack and Bill Godshall of ANSR attempted to organize a coalition of health organizations to run a counter campaign exposing Philip Morris' desire to maintain smoking as socially desirable. The voluntary health agencies, the Allegheny County Medical Society, and the Allegheny County Health Department declined to participate. One reason these groups declined was because they did not want to give Philip Morris even more publicity [22]. The American Lung Association declined because they disapproved of the tactics being used by non-smokers' rights groups [22]. The American Cancer Society declined to participate because they were satisfied with how the ordinance was being implemented [22].

At the press conference that was organized by Godshall and Pollack, the Pittsburgh Director of Public Safety stated that the Accommodation symbol was not an legal substitute for the international No Smoking symbol. Godshall also announced that he filed a complaint with the Federal Trade Commission because the Surgeon General's warning was not included with Accommodation Program advertisements [22, 23]. While the press conference did create some negative publicity against Philip Morris and the Accommodation Program, the American Cancer Society disagreed with the level of activism displayed by Bill Godshall and fired him [22]. After a some disagreements with ANSR about the future of ANSR, Godshall created his own organization called Smokefree Pennsylvania [22].

After the press conference, ANSR and Smokefree Pennsylvania continued to encourage their supporters to write letters to the editor criticizing the Accommodation Program. ANSR also wrote letters to businesses asking them to remove the Accommodation Program symbol from their businesses. Surgeon General C. Everett Koop helped the counter campaign by criticizing the Accommodation Program in November, 1989. The counter campaign by a few activists and the national attention that Pittsburgh received created enough controversy so that businesses and the public questioned Philip Morris' motives [22]. By early 1990, a majority of businesses stopped displaying the Accommodation symbol and only a few billboards and taxis still carried the Accommodation advertisements [22].\*

### **The Uptown Coalition**

In 1989, RJ Reynolds announced plans to test market a new brand of cigarettes -- Uptown Cigarettes - to the African American population in Philadelphia starting on February 5, 1990 [24]. The "Uptown" cigarette was a high tar, high nicotine menthol cigarette developed to appeal to African Americans

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\* While Pennsylvania tobacco control advocates succeeded in derailing the Accommodation Program as a way to undermine the Pittsburgh ordinance, it has remained as a public relations campaign to urge restaurants elsewhere to oppose clean indoor air ordinances.

[23]. Advertising and billboards had not been placed yet, but media reports, particularly in the *Wall Street Journal*, disclosed RJ Reynolds' future plans. R.J.Reynolds' spokespersons stated publicly their need to better capture the African American market. Lynn B. Beasley, a Reynolds' Vice President at the time, claimed "We expect Uptown to appeal most strongly to black smokers" [24].

A coalition quickly formed in early January, 1990 [24, 25] to protest this marketing strategy that targeted the African American community, 40% of Philadelphia's population [26]. Reverend Jesse Brown, a Christ Evangelical Lutheran Church pastor and Chair of the "Committee to Prevent Cancer Among Blacks" and Dr. Robert Robinson of the Fox Chase Cancer Center, and the Philadelphia Division American Cancer Society began the initial attempt to organize a coalition to protest against RJ Reynolds' marketing strategy [25]. The Committee to Prevent Cancer Among Blacks was a coalition of community based groups and Health Maintenance Organizations that educated the African American community in reducing cancer risk. Jesse Brown and Robert Robinson began contacting hospital associations, health professional groups, and other public health groups to make them aware of the situation and to urge them to join the coalition. Because RJ Reynolds was specifically targeting the African American community, they also contacted African American civic and social groups [25].

Several organizations that had never been involved in tobacco control quickly lent their support to the protest. While RJ Reynolds test marketing plan was considered a threat to public health, Brown and Robinson believed they had to also frame the issue as a threat to the African American community. Brown argued that, "This is one time that if ... African Americans are going to be the target ... it was going to have to be the African American community who was going to have to bear the burden of responding." Although many diverse organizations became involved, Bob Robinson and Jesse Brown convinced organizations joining the coalition that the leadership needed to be exclusively African American, because there was the need for legitimacy within the African American community [25, 27]. Besides Brown and Robinson, Dr. Carl Mansfield, Chair of Oncology at Jefferson Hospital and the chair for the Philadelphia Division ACS Committee on Cancer and the Poor, Charyn Sutton, an advertising consultant, and George Burrell, a city council person; became the spokespersons for the Uptown Coalition. All five individuals are African American.

With the release of the Uptown cigarettes in just a few weeks, a sense of urgency was apparent, which led to the coalition forming quickly. Over 60 local groups had joined the coalition or sent representatives to assist in strategic planning [25]. Some of the groups that became involved included the American Cancer Society, the American Lung Association, the Black United Methodist Preachers, Conference of Black Clergy of Philadelphia and Vicinity, Philadelphia Unemployment Project and the City of Philadelphia Health Department [24].

Brown and Robinson were very concerned about keeping the focus on RJ Reynolds' marketing plan as a threat to the African American community. They were concerned that any divisions among the African American community would shift the focus away from RJ Reynolds' plans. While there was an outpouring of support from African American organizations and public health organizations in the Philadelphia area, there were some events that had the potential for dividing the African American community. In an article in the *Michigan Chronicle*, a Detroit newspaper, former NAACP Executive Director Benjamin Hooks stated, "Blacks don't need some guardian angel to protect their best interests.... Blacks, like the rest of the populace, can make the choice of whether to smoke or not" [24]. The NAACP has received tobacco industry money [28]. However, Hooks had made those statements in the past and was backing off those remarks [25].

Another potential divisive issue at the time was Philip Morris' support Mayor Wilson Goode's (African American Mayor of Philadelphia) literacy campaign. To keep the focus on the immediate concern of RJ Reynolds' marketing strategy, the Uptown Coalition decided not to publicly denounce any African

American officials who had accepted tobacco money [25]. According to Brown, “It was a deliberate choice that we would keep all our efforts on one cigarette, the Uptown cigarette, defeat it, and not deal with the rest of the cigarettes in the marketplace” [25].

While the Coalition Against Uptown Cigarettes was organizing and planning a press conference for January 22, 1997, Secretary of Health and Human Services Louis Sullivan, an African American, had been in Philadelphia at the time attending a medical conference. On Wednesday, January 17, Sullivan strongly denounced RJ Reynolds’ plan [27], stating that RJ Reynolds was “promoting a culture of cancer” [26]. Although the Uptown Coalition had not asked Sullivan to make a statement, Sullivan and his staff were watching the developments in Philadelphia [25]. While the coalition was surprised and elated by Sullivan’s denouncement, they still continued their plans for a press conference the following Monday, January 22. However, on Friday, January 19, two days after Sullivan’s statement, RJ Reynolds announced that they canceled their plans to test market the Uptown cigarettes in Philadelphia.

Although the press conference was never needed, the coalition capitalized on this victory by forming a continuing tobacco control coalition called the Uptown Coalition for Tobacco Control and Public Health. Although the Uptown crisis brought many organizations together, the coalition remained to work on tobacco control issues in the Philadelphia area. They have lobbied, unsuccessfully, the Philadelphia City Council to ban vending machines and billboard advertisements in the city. They worked with the state of Pennsylvania Health Department in applying for an ASSIST grant, but the State of Pennsylvania was not funded. Because they did not get an ASSIST grant and because there were few major successes after the initial success of the Uptown Coalition, the Uptown Coalition started losing momentum. They did, however, receive grants from the State Health Department, and the Fox-Chase Cancer Center and Pennsylvania State Extension Cooperative. Jesse Brown also created a national group, the National Association for the Advancement of Positive Imagery (NAAPI), a national organization to assure that African Americans’s voices are being heard on local, national, and international tobacco issues [25].

### **Compliance Checks and Other Local Tobacco Control Efforts**

Another coalition concerned about tobacco issues that evolved after the Uptown incident is the Tobacco Free Education And Action Coalition for Health (TEACH). TEACH has been involved in convincing Southeastern Pennsylvania Transit Authority (SEPTA) to no longer accept tobacco advertising, protesting the Virginia Slims Tennis Tournament in Philadelphia, organizing events that promote non-smoking among youths, and coordinating compliance checks among local merchants. They also convinced the Philadelphia City Council to divest tobacco stocks from city investments.

TEACH does the compliance checks and then passes the data onto Licenses and Inspection which can issue citations. The significance of this arrangement is that the compliance checks are actually leading to citations, whereas in the past, compliance checks were only media events to bring attention to an issue. Because of the compliance checks, there has been a significant drop in non-compliance and sales of tobacco products to children. In Philadelphia, the tobacco sales rate to children declined from 85% in 1994 to 55% in 1997 [29]. In Bethlehem, the tobacco sales rates to children declined from 42% in 1993 to 8% in 1997 [30]. However, there have been no studies at this point to show whether youth smoking rates have dropped in Pennsylvania, although evidence from controlled studies in Massachusetts showed that youth access controls did not reduce smoking prevalence by youth [31].

## **STATE LEGISLATION**

## **The Clean Indoor Air Act of 1988**

After the cities of Pittsburgh, Erie, Allentown, and State College passed local clean indoor air ordinances in 1987 and 1988, the Pennsylvania state legislature passed the Clean Indoor Air Act of 1988. This legislation included a provision to preempt future local clean indoor air ordinances from being passed and overturned the ordinances in Erie, Allentown, and State College. The tobacco industry was very active in influencing this legislation during the last month of the 1987-88 legislative session.

After Pittsburgh and several other cities passed ordinances in 1987 and 1988, Representative Mike Dawida (D-Pittsburgh), an ally of the tobacco control forces in Pennsylvania, introduced a bill called Clean Indoor Air Act (HB 140). Representative Dawida had introduced similar legislation in the three previous sessions without success [32, 33], but it was the fact that several cities passed local ordinances that provided the momentum for Dawida's bill. Several other municipalities, such as Harrisburg and Philadelphia, were also considering clean indoor air ordinances [34]. Dawida's bill would have ended smoking in public and private workplaces with some exceptions such as bars, gambling casinos, and hotel facilities. Restaurants would have been required to provide no smoking sections. The American Cancer Society, American Heart Association, the Nonsmokers' Rights Committee of the American Lung Association, Pennsylvania Medical Society, State Health Department, and Blue Cross were members of a loosely based statewide coalition called The Pennsylvania Inter-Council on Tobacco and Health (a precursor to the Coalition for a Tobacco Free Pennsylvania) that supported the legislation. These representatives were mostly health educators that were focused on smoking cessation; public policy was rarely discussed [15].

The bill was first referred to the House Health and Welfare Committee. Previous clean indoor air legislation that was introduced by Dawida was always killed in this committee. Despite the support of over 100 legislators, Rep. Dawida was not confident that his proposed bill would be considered by the House Health and Welfare Committee [32, 33]. Rep. Dawida gambled by amending another bill (SB 26 - "The Fire and Panic Act") with the text of HB 140. In order for the amendment to pass, Rep. Dawida had to persuade House members that the amendment was germane to the "Fire and Panic Act" bill. Rep. Dawida convinced his colleagues that the amendment was germane because smoking was a major cause of fires [32, 33].

After passing both the House and the Senate, details of the legislation needed to be ironed out in a House-Senate Conference Committee. The Pennsylvania Restaurant Association was opposed to any bill that would have mandated smoking and non-smoking sections in restaurants [15]. During the conference committee, a preemption clause was included that would prevent local ordinances from enacting tougher ordinances. Senator John Peterson (R-Venago) was the Chair of the Conference Committee. According to his aide the intent of the inclusion of preemption was "to make smoking policies uniform statewide and acceptable to a broad range of special interest groups" [35].

Because the use of preemption by the tobacco industry was a fairly new tactic (prior to 1988, only New Jersey and Florida had preemptive clauses in their clean indoor air legislation [1]) and not understood by some of the health organizations, some health representatives did not oppose the inclusion of preemption [15]. Several supporters, however, began expressing reservations, such as the sponsor of the bill, Senator Dawida, Pittsburgh Council member Mark Pollack, the Southwestern Pennsylvania Coalition on Smoking or Health, Association for Nonsmoker's Rights of Pennsylvania [35] and the Washington D.C. based Action on Smoking and Health (ASH) [36]. Association for Nonsmokers Rights of Pennsylvania and the Nonsmokers rights' Committee attempted to lobby the conference committee but were shut out of the negotiations. `

Association for Nonsmokers Rights of Pennsylvania and the Nonsmokers' Rights Committee contacted members to make phone calls and write letters to Representatives and Senators [15, 37]. Because most of the phone calls and letters were from Pittsburgh and because of Rep. Dawida's persistence, the final bill was

a compromise that preempted all local ordinances with the exception of Pittsburgh.

Rep. Dawida accepted this compromise although Association for Non-Smokers' Rights of Pennsylvania (a precursor of Smoke Free Pennsylvania) and the Nonsmokers' Rights Committee still opposed the bill. The conference committee of three Senators and three Representatives unanimously approved the bill. Even though the American Cancer Society, American Heart Association, and American Lung Association and Department of Health were not happy with the bill, they supported the bill arguing that it was a step forward in providing more clean indoor air [15, 38]. The legislation was approved by the House (187-1) and Senate (48-0) and signed by the Governor in December 1990. Before Casey signed the bill into law, William Cornell, a Pennsylvania lobbyist for the Tobacco Institute, argued that the tobacco companies still opposed the bill because "it represents government interference with management decisions owners and proprietors of restaurants and other public facilities" [36].

Besides the preemption clause, the new law required restaurants with more than 75 seats (instead of all restaurants in the original bill) to provide a non-smoking section and required businesses to enact and post a smoking policy in their workplaces (instead of ending smoking completely as in the original bill). The measure ended smoking, except in designated areas, in stores, education and health facilities, auditoriums, arenas, and public meeting halls. The Department of Health may levy \$50 fines to violators. However, the Department of Health has not devoted the necessary resources to adequately enforce the law [39].

Although several tobacco control organizations opposed the legislation, once it was passed into law, tobacco control organizations encouraged businesses to enact smoking policies for their companies [15, 23, 39]. The Nonsmokers' Rights Committee of the American Lung Association and the Americans for Nonsmokers' Rights of Pennsylvania attempted to convince legislators in future legislative sessions to repeal preemption in the Clean Indoor Air Act and to strengthen it [15, 37]. However, the legislature never seriously reconsidered the issue. Since 1988, because the health organizations consented to preemption, there has been no progress on either state legislation or local ordinances relating to clean indoor air.

## **Product Liability**

Representative Jeffrey Coy (D-Franklin) introduced a product liability bill (HB 916) in 1989-1990 that would have limited manufacturers' liability for dangerous or defective products. One of the most controversial provisions was a 15-year statute of limitations that some opponents said would protect the tobacco industry [40]. According to Coy, the bill was introduced because "Pennsylvania had more product-liability litigation than any other state"[40]. He also claimed that he introduced the bill at the request of small businesses and manufacturers in his district [40]. During the 1989-1990 legislative session, the tobacco industry contributed \$1,900 to Representative Coy. This legislation was introduced two years after California passed a product liability law that provided the tobacco industry immunity from product liability lawsuits [7].\*

The Pennsylvania Task Force on Product Liability was a coalition that was heavily involved in tort reform. Phillip Morris, General Electric, and Merck pharmaceuticals were some of the founding members of the coalition [41]. The lobbying firm for the Pennsylvania Task Force on Product Liability was Steven Wodjack Associates. Steven Wodjack Associates also had lobbying contracts with Philip Morris, RJ Reynolds, American Brands, Lorillard and Brown and Williamson at the time [15]. The Pennsylvania Trial Lawyers Association, Consumers Education and Protective Association in Philadelphia, Lawyers for Consumer Rights, The Sierra Club, the AFL-CIO, National Organization for Women, Association of

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\* This exemption was repealed in 1997 by the California Legislature.



Nonsmoker's Rights (which later became Smokefree Pennsylvania), the Nonsmokers Rights Committee of the American Lung Association and the Pennsylvania Interagency Council on Smoking and Health opposed the tort reform proposals [15, 40, 41].

Proponents of the bill argued that the bill would not protect tobacco industries. Anti-smoking groups, with the assistance of Dick Daynard of Northeastern University Law School and Tobacco Products Liability Project, drafted an amendment that stated that tobacco companies would not be protected in this bill. However, most legislators declined to endorse the amendment. Senator Stewart Greenleaf, the chair of the Judiciary Committee, decided to hold a hearing on the bill devoted exclusively to the issue of tobacco. Daynard and several anti-smoking groups testified at the hearing. Once it became clear that tobacco companies would be protected in the bill, the legislation was defeated in the Senate.

### **Cigarette Tax Increases**

In 1991, facing a budget deficit, Governor Robert Casey (D) proposed raising the cigarette tax by 30 cents a pack. (It was 18 cents a pack in 1991.) Two cents of the tax increase was to be earmarked for indigent medical care. Even before the Casey's proposal was officially announced on February 6, 1991, Philip Morris sent out mailers to Pennsylvania smokers warning them about a cigarette tax hike [42]. The mailers were designed to activate lower and middle income cigarette consumers to protest the cigarette tax increase. Thomas Lauria, spokesperson for the Tobacco Institute, claimed that "Any tax increase is going to impact harder on lower income wage earners than yuppies or wealthier people" [42]. Once Governor Casey proposed the cigarette tax increase, a group was created called the Pennsylvania Tobacco Growers' Association. Members consisted mostly of Lancaster county farmers [15, 42]. The main argument that the Pennsylvania Tobacco Growers Association made was that they feared that the tax would put them out of business. (Most Tobacco in Pennsylvania is grown in Lancaster, York and Chester counties. Various tobacco distributors also opposed the tax increase. Smokefree Pennsylvania (formerly Association for Nonsmokers' Rights), the American Cancer Society, the American Lung Association, the American Heart Association, the Pennsylvania Medical Society, the Health Promotion Council of Southeastern Pennsylvania, the Pennsylvania Public Health Association, and Jesse Brown and Charyn Sutton of the Uptown Coalition supported the cigarette tax increase. The primary argument made by these groups was that the increased tax would decrease consumption of cigarettes, particularly among youth. The Uptown Coalition also urged the governor to use some of the collected tax for the purpose of helping people to stop smoking [42], but such a proposal was never incorporated.

Among elected officials, only Governor Casey actively pushed the cigarette tax increase. There were no legislators in either the House or the Senate that actively advocated for the tax increase. Senator Vince Fumo (D-Philadelphia) and Rep. Fred C. Noye (R-Perry) actively opposed a cigarette tax increase. The tobacco industry had contributed \$3,600 in 1989-90 and \$2,750 in 1991-1992 to Senator Fumo. Representative Noye, citing a study by the American Legislative Exchange Council (ALEC, a national, bipartisan association of state legislators), argued that a cigarette tax increase would lead Pennsylvanians to buy cigarettes in other states [43]. Casey retorted that Noye was Vice-Chairman of ALEC and that ALEC received considerable funding from the tobacco industry. Casey also said of Noye, "They also expose you as an unabashed apologist and mouthpiece for the tobacco lobby rather than a champion of the health and safety of your constituents and your fellow Pennsylvanians" [43].

The budget bill that included the cigarette tax was first considered by the Finance and appropriations committees in the House and Senate. Through direct and grassroots lobbying, the tobacco industry was able to reduce the proposed 30 cent tax increase to a 13 cent tax increase as part of the 1992 annual budget. Two cents per pack was dedicated for indigent health care for children.

### **Smokers' Rights**

In 1992, Rep. Mike Veon (D-Beaver) introduced a "smokers' rights" bill in the House. Veon had a labor union constituency and had promoted the bill as a workers' rights bill that would prohibit employers from discriminating against employees who used legal products during off hours. The Tobacco Industry Labor Management Committee, a coalition of labor unions and the tobacco industry, promoted the bill. Smokefree Pennsylvania formed a coalition with the Chamber of Commerce to oppose the bill.

The House of Representatives, controlled by the Democrats, passed the bill on a partisan vote. The Democrats supported the bill because it had the support of labor unions. However, the Senate never considered the bill. Rep. Veon introduced the bill again in 1993. While Veon did not receive tobacco industry campaign contributions during the 1991-1992 electoral cycle, he did receive \$900 from tobacco industry sources during the 1993-1994 electoral cycle. The bill passed the House again, but it was not considered by the Senate.

### **Youth Access Legislation in 1994**

In response to the Synar amendment, Senator Allyson Schwartz introduced a comprehensive youth access bill in 1994. Although the Synar amendment, passed by Congress in 1992 did not specifically require state legislation, it does require states to implement steps to reduce sales and distribution of tobacco products to children under the age of eighteen in order to continue receiving funding for anti-drug activities [1]. Schwartz's bill would have outlawed self service displays and vending machines, increased the license fee to \$250, increased the fine for sales of cigarettes to minors from \$25 to \$250-300, added license suspension for multiple violations, imposed penalties against the retailer instead of the clerk, and established undercover compliance checks. The bill was sent to the Senate Finance Committee because the bill would raise the cigarette license fee for retailers. Senator Mike Dawida (D-Pittsburgh), an anti-tobacco advocate, was the chair of the Senate Finance Committee. However, because of a special election that tipped the balance of power from Democrats to Republicans in the Senate, the bill was never voted out of committee. Senator Mike Dawida, who was in favor of the bill, lost his committee chairmanship. He was replaced by Melissa Hart (R-Pittsburgh), who took the bill off the committee calendar. The tobacco industry contributed \$700 to Senator Hart during the 1993-1994 electoral cycle.

Tobacco control advocates asked the chair to put the bill back on the committee calendar [15]. Melissa Hart responded that she wanted to consider some tax reform legislation, but then she would put the youth access legislation on the calendar again. The bill was put on the calendar again in June, 1994. Tobacco control organizations contacted their members urging them to contact their senators to vote for the bill [15]. However, a day before the scheduled vote, the bill was taken off the calendar again.

Two days later, Senator Mike Fisher (R-Pittsburgh), who was the Republican Policy Chair, introduced "The Youth Tobacco Prevention Bill." Fisher's bill would have preempted localities from passing their own minor's access to tobacco ordinances. The bill would have penalized clerks instead of retailers, did not tie licensure to the issue of sales to children, and provided no money for enforcement, and did not increase the cigarette license fee. The bill would have made the Attorney's General office the enforcing agency, but provided no money for staff. Children would have been penalized for possessing

tobacco and compliance checks by private organizations or other governmental entities (such as Health Departments) would have been outlawed. Vending machines would have been allowed as long as there was adult supervision. The tobacco industry contributed \$500 to Senator Fisher during the 1993-1994 electoral cycle, and \$2,150 during the 1991-1992 electoral cycle.

The industry favored bill did not make any progress until it was attached to an unrelated bill as an amendment during the final week of the 1994 session. When the media found out about how the bill was attached to the unrelated bill, several newspapers wrote editorials, condemning Mike Fisher and the Youth Tobacco Prevention bill. Because of the negative media attention, the Republicans decided to send the bill back to the Rules Committee, where the bill died. The net effect was that neither a pro-health nor pro-tobacco youth access bill passed in 1994.

### **Youth Access Legislation in 1996**

Senator Stewart Greenleaf announced on April 28, 1995, that he would introduce a new youth access bill, SB 1008. Since the Republicans now controlled the Senate, Senator Allison Schwartz, a cosponsor of SB 1008, allowed the bill to be introduced by Republican Greenleaf. As mentioned earlier, both Greenleaf and Schwartz are considered to be the strongest tobacco control advocates in the Pennsylvania state legislature. Philip Morris reacted to SB 1008, by contributing \$10,000 to 21 Pennsylvania legislators on the same day that Senators Greenleaf and Schwartz announced that they were introducing SB 1008. Eugene Knopf, a lobbyist employed by the Tobacco Institute, also contributed \$18,310 to Pennsylvania legislators, Governor Tom Ridge and the House and Senate Republican Campaign Committees between April 22, 1995 and June 5, 1995.

SB 1008 was not as strong as the bill introduced in 1993-1994. Unlike the 1993-94 bill, this bill would have allowed vending machines to remain. The cigarette retailer's would have been increased from \$25 to \$150 a year, and a cigarette vending machine license fee would increase from \$25 to \$50. These increased fees would have been used for enforcement and inspection activities, and training and education initiatives by the Department of Health. SB 1008 mandated that all retail sale tobacco products must be under the direct control of the cashier or retail seller until completion of the sale. The bill also clarified that tobacco products are prohibited to individuals under the age of 21 and that local governments were not preempted in passing ordinances or regulations to limit access of tobacco products to children.

The Coalition for Tobacco Free Pennsylvania, a coalition of 54 organizations and individuals, supported the bill. Coalition members include the American Cancer Society, American Heart Association, American Lung Association, Smokefree Pennsylvania, the Pennsylvania Medical Society, the Pennsylvania Society of Internal Medicine, the Pennsylvania Academy of Family Physicians, and various Pennsylvania medical centers and state legislators. Besides the tobacco industry, other groups that opposed the legislation were the Pennsylvania Amusement and Music Association, Pennsylvania Food Merchants Association, Convenience Store Council, National Federation of Independent Business, and Pennsylvania Retailer's Association. The bill was sent to the Senate Finance Committee again, where Senator Melissa Hart was still the chair. Senators Greenleaf and Schwartz, the two co-sponsors of the bill, were not on the Senate Finance Committee.

Senator Hart set up a negotiating process whereby supporters and opponents of the bill could attempt to negotiate a compromise. Her staff selected who would be included in the negotiations [15, 27]. People involved in the discussions included tobacco lobbyists, legislative staff, a representative from the American Heart Association of Southeastern Pennsylvania (Stephen Gambescia), and the American Lung Association (Kevin Stewart), and a representative from the Health Department and the Governor's office,

and the Executive Director of the Finance Committee (Guy Ciarrocci) [27]. Bill Godshall of Smokefree Pennsylvania was invited to the first meeting, but was not invited to future meetings [27].

Several changes, known as the Hart Amendment, were made to the bill during the negotiations. The minimum age of sale, which had been 21 years old in Pennsylvania, was lowered to 18 years old. The increase in license fees for retailers was eliminated. Preemption of local ordinances was also incorporated into the bill, although the extent of the level of preemption was a source of debate. Enforcement would have been through the state Agriculture Department instead of the Health Department. The Agriculture Department's historical mission had been to promote agricultural products, including tobacco. The Agriculture department had no experience in enforcing tobacco control regulations, but was considered a stronger department than the state health department. .

Health advocates were divided about the amendments to SB 1008. Those who supported the amended legislation argued that while the original bill was stronger, it had no chance of passing the legislature [17, 44] or being signed by Governor Tom Ridge [45]. Supporters of the amended legislation also argued that since there was very little local activity in the area of youth access, it was appropriate to pursue state legislation [17, 44, 45]. State legislation was also believed to be important because of the Synar Amendment. According to Guy Ciarrocci, the Senate Finance Committee Counsel, they thought that Pennsylvania could lose over \$20 million dollars a year, if it did not reduce the "non-compliance rate" to 20% over several years [46]. In addition, supporters of the changes argued that while there was some preemption in the bill, the entire bill was not preemptive [17, 44]. One area that was not preemptive, according to supporters of the Hart Amendment, was that localities could still fund routine or random stings on retailers [45]. Hart Amendment supporters also argued that current local ordinances regarding minor's access to tobacco would not be overturned, and that the bill would allow localities to pass youth access ordinances up until September 1, 1996 that would not be overturned. It was also argued that the Department of Agriculture would provide better enforcement than a weak Department of Health [45]. Other health advocates argued that too many compromises were made in the original bill and that the bill was totally preemptive [15, 27].

The Coalition for Tobacco Free Pennsylvania voted not to support the bill once these Finance Committee changes were made, particularly the inclusion of preemption of local ordinances. Even the two original sponsors of SB 1008 (Senators Greenleaf and Schwartz) could no longer support the revised bill and publicly opposed the changes [47]. Despite opposition from public health groups, five organized medicine groups did support the bill: the Pennsylvania Medical Society, the Academy of Family Physicians, the Pennsylvania Society of Internal Medicine, the Academy of Pediatrics and the Philadelphia County Medical Society [15].

The changes in the bill also produced division within the coalition. The organizational structure of the Coalition for a Tobacco Free Pennsylvania is that there are fifteen people on the Board of Directors and five people on the Executive Committee. The board is charged with the decision making and the responsibility of running the coalition. The executive committee is the president, the vice president, the secretary, the treasurer and an at large member. Their role is to take care of business between board meetings.

At the Board meeting in December 1995, board members had heard rumors that the bill may include preemption [15]. The board unanimously passed a resolution to oppose any legislation that was amended to include preemption. However, the three individuals involved in the process representing the coalition were also Executive Committee members. Because of the differences between board members and Executive

committee members, Bill Godshall of Smokefree Pennsylvania (also an Executive Committee member) made a motion to remove all Executive Committee members (including himself) and to hold new elections [27]. A new Executive Committee was elected at that board meeting.

The bill passed the Senate Finance committee in May, 1996, without any public hearings [47], but died in the Senate Appropriations Committee. Critics of Senator Hart's handling of SB 1008 learned in June, 1996 that the Senator had not reported all tobacco industry affiliated campaign contributions. Senator Hart had not reported five campaign contributions totaling \$1,500 raised during a June 1995 fundraiser. The five contributions were from FOOD PAC, which represents grocery store owners (\$500), Tobacco and Candy PAC (\$250), the Pennsylvania Amusement and Music Machine Manufactures Association PAC, (\$250), State PAC, a committee formed by Philip Morris Lobbyist William Greenlee (\$250), and Tobacco Institute Lobbyist Eugene Knopf (\$250) [48]. These contributions were made on June 26 and June 27, 1995. Since these contributions were made within two days of each other, critics of Senator Hart claimed that a coalition of tobacco manufactures, retailers, and distributors had formed a coalition to influence the outcome of SB 1008 [48]. Senator Hart claimed that the omissions were a clerical mistake and the reports would be amended. Earlier in 1996, Senator Hart had previously returned \$1,250 in contributions from the tobacco industry or their lobbyists, in anticipation of criticism of future committee work on SB 1008 [48].

## **PENNSYLVANIA'S LAWSUIT AGAINST THE TOBACCO INDUSTRY**

On April 23, 1997, Attorney General Mike Fisher (Republican) announced that he would file a lawsuit against the tobacco companies in order to recover health and medical costs the state has incurred on tobacco related illnesses over the last four decades. The civil action complaint, filed by the attorney general, lists several reasons for the lawsuit. First, the complaint cites the wrongful conduct and the conspiracy to conceal and misrepresent the addictive and harmful nature of tobacco [49]. Fisher cited the statements made by the Liggett Group that tobacco is addictive, that the tobacco companies have specifically marketed cigarettes to minors and that the tobacco companies, their trade associations, and their public relations agency have worked in combination with one another since 1954. Second, the complaint cited industry control and manipulation of nicotine. Besides denying the addictiveness of nicotine, the tobacco companies have also concealed their own research on nicotine, and have altered the levels of nicotine in cigarettes [49]. Third, the complaint cited that the tobacco companies were intentionally attracting children and African Americans to tobacco products. Finally, the complaint cited that the tobacco companies' conduct was "intentional, willful, and reckless. Pennsylvania is one out of 40 states to file a lawsuit against the tobacco industry.

## **CONCLUSION**

Pennsylvania was one of the first states to organize tobacco control coalitions in the United States. The first coalition was organized in 1980 and was called the Interagency Council on Tobacco and Health, later renamed the Coalition for a Tobacco Free Pennsylvania. However, the coalition has never been able to hire staff, because of a lack of funding. They have not been successful in receiving ASSIST or Smokeless States grants. One reason they have not been successful in receiving funding from outside sources is because the Pennsylvania Health Department has not had an organized tobacco control section until recently [17, 23]. Another reason is that the voluntary health agencies (American Heart Association, American Lung Association and the American Cancer Society) in Pennsylvania have a more complicated structure than most other states. Regional affiliates or divisions are more predominant than statewide organizations [17]. Because of the many affiliates, although individual members and staffs have worked together, the CEOs and the voluntary boards of these organizations have never met together to discuss tobacco control [17]. Hence, the top level members of the voluntary organizations have not placed a high priority on discussing tobacco

control issues or goals [17, 23].

The creation of the Uptown Coalition represented a significant broadening of the tobacco control community and represented the first time a specific tobacco brand was derailed. While the Uptown Coalition was an example of a unified coalition, Pennsylvania tobacco control advocates remain seriously divided over the issue of preemption (as illustrated by the fight over SB 1008). Tobacco control organizations and tobacco control coalitions, while successfully counteracting the tobacco industry since the passage of state preemption in 1988, have had little success in achieving their own goals, in part because the voluntary health agencies have not made a tobacco issues a priority [17].

## REFERENCES

1. Siegel, M., *et al.*, *Preemption in Tobacco Control: Review of an Emerging Public Health Problem*. JAMA, 1997. **278**(10): p. 858-862.
2. Monardi, F., A. O'Neill, and S.A. Glantz, *Tobacco Industry Political Activity and Tobacco Control Policymaking in Colorado: 1979-1995*, . 1996, Institute for Health Policy Studies, University of California San Francisco: San Francisco.
3. Monardi, F., *et al.*, *Shifting Allegiances: Tobacco Industry Political Expenditures in California, January 1995 - March 1996*, . 1996, UCSF Institute for Health Policy Studies: San Francisco, CA.
4. Monardi, F. and S. Glantz, *Tobacco Industry Political Activity and Tobacco Control Policymaking in Washington: 1983-1996*, . 1996, Institute for Health Policy Studies , University of California San Francisco: San Francisco.
5. Monardi, F.M. and S.A. Glantz, *Tobacco Industry Political Activity and Tobacco Control Policymaking in New Jersey: 1982-1995*, . 1997, Institute for Health Policy Studies , University of California San Francisco: San Francisco.
6. Aguinaga, S., *et al.*, *Undermining Popular Government: Tobacco Industry Political Expenditures in California, 1993-1994*, . 1995, Institute for Health Policy Studies, School of Medicine, University of California -San Francisco: San Francisco.
7. Balbach, E.D., *et al.*, *Holding Government Accountable: Tobacco Policy Making in California, 1995-1997*, . 1997, Institute for Health Policy Studies, University of California - San Francisco: San Francisco.
8. Monardi, F. and S. Glantz. *Tobacco Industry Campaign Contributions and Legislative Behavior in Several States*. in *Annual Meeting of the American Political Science Association*. 1996. San Francisco, CA.
9. Monardi, F. and S. Glantz. *Tobacco Industry Campaign Contributions and Legislative Behavior in Seven States*. in *Annau Meeting of the American Public Health Association*. 1996. New York, New York.
10. Bunch, W., *AG Hopeful Bought Condo With Tobacco Lobbyist*, in *Philadelphia Daily News*. 1996: Philadelphia. p. 6.
11. Baer, J., *Thick Smoke Covers Race*, in *Philadelphia Daily News*. 1996: Philadelphia. p. 7.
12. Pennsylvania, C.o., *Commonwealth of Pennsylvania Registered Lobbyists, Session of 1997*, . 1997, Secretary of the Commonwealth of Pennsylvania: Harrisburg, Pennsylvania.
13. Goldstein, A. and B. NS, *State tobacco lobbyists and organizations in the United States*. American Journal of Public Health, 1996. **86**(8): p. 1137-42.
14. Glantz, S. and M. Begay, *Tobacco industry campaign contributions are affecting tobacco control policymaking in California*. JAMA, 1994. **272**: p. 1176-1182.
15. Godshall, W., *Interview with Fred M. Monardi*, . 1997.
16. Motley, W., *Lower Merion Bans Cigarette Machines*, in *Philadelphia Inquirer*. 1991: Philadelphia. p. B01.
17. Gambescia, S., *Interview with Fred Monardi*, . 1997.
18. Kadaba, L., *A Bid to Keep Cigarettes from Minors*, in *Philadelphia Inquirer*. 1991: Philadelphia. p. B02.
19. Kauffman, K., *Judge Hears Debate on Cigarette Machines*, in *Philadelphia Inquirer*. 1991: Philadelphia. p. M16.
20. Kadaba, L., *Montco Bans Some Sales of Cigarettes*, in *Philadelphia Inquirer*. 1991: Philadelphia. p. A01.
21. Kadaba, L., *Montco code Would Target Smoking*, in *Philadelphia Inquirer*. 1991: Philadelphia. p. B02.
22. Samuels, B.E., *et al.*, *Philip Morris's Failed Experiment in Pittsburgh*. Journal of Health Politics, Policy and Law, 1992. **17**(2): p. 329-351.

23. Gambescia, S., W. Godshall, and R. Skarloff, *Pennsylvania's Contribution to Tobacco Control*. Philadelphia Medicine, 1995. **91**(January): p. 14-20.
24. Dubin, M., *Groups to Fight Cigarette Want to Block Test-Marketing*, in *Philadelphia Inquirer*. 1990: Philadelphia. p. B1.
25. Brown, J., *Interview with Fred Monardi*, . 1997.
26. Lewis, C., *Pushing a Killer on Blacks, Uptown Will Send You Downtown to the Cancer Ward. Blacks Should Just Say No.*, in *Philadelphia Inquirer*. 1990: Philadelphia. p. A9.
27. Barg, J., *Interview with Fred M. Monardi*, . 1997.
28. Kluger, R., *Ashes to Ashes: America's Hundred Year War, the Public Health, and the Unabashed Triumph of Philip Morris*. 1997, new York: Vintage Books.
29. Tobacco Free Education And Action Coalition for Health (TEACH), *1997 Evaluation Results of Philadelphia Buying Surveys*, . 1997, Tobacco Free Education And Action Coalition for Health (TEACH): Philadelphia.
30. Coalition for a Smoke-Free Valley, *1997 Bethlehem Merchant Compliance Check Report*, . 1997, Coalition for a Smoke-Free Valley: Bethlehem, PA.
31. Rigotti, N.A.D., Joseph R.; Chang, YuChiao; Tisdale, Thelma; Kemp, Becky; Singer, and D. E., *The effect of enforcing tobacco sales laws on adolescents' access to tobacco and smoking behavior*. New England Journal of Medicine, 1997. **337**(October 9): p. 1044-1052.
32. DeLonti, A., *History of the Pennsylvania Clean Indoor Air Act*, . 1988, American Lung Association of Northeast Pennsylvania: Scranton, PA.
33. Craig, G., *Synopsis of Pennsylvania's Clean Indoor Air Legislation*, . 1991, Administrative Assistant to Senator Michael Dawida: Harrisburg, PA.
34. Godshall, W., *Letter to Senator Roy C. Afflerbach*, . 1988.
35. Seebacher, N., *Dawida Says Lobbyists Diluting Smoking Bill*, in *Pittsburgh Press*. 1988: Pittsburgh. p. B5.
36. Wolf, D., *Casey Set to Sign Controversial Smoking Law*, in *The Pittsburgh Press*. 1988: Pittsburgh. p. 1.
37. DeLonti, A., *Electronic Mail to Fred Monardi*, . 1997.
38. DeLonti, A., *Interview with Fred Monardi*, . 1997.
39. Gambescia, S., *The Pennsylvania Clean Indoor Air Act: A Public Policy Perspective*. Philadelphia Medicine, 1989. **85**(December): p. 523-526.
40. Troy, T., *Coalition is Fighting Bill to Limit Product Liability*, in *Philadelphia Inquirer*. 1990: Philadelphia. p. B6.
41. Enda, J., *Battle Over Product Liability Brewing in Harrisburg*, in *Philadelphia Inquirer*. 1989: Philadelphia. p. B1.
42. Enda, J., *Tobacco Company's Fiery Response: A Campaign to Mobilize Smokers*, in *Philadelphia Inquirer*. 1991: Philadelphia. p. B4.
43. Zausner, R., *Casey is Unwilling to Be Butt of Criticism*, in *Philadelphia Inquirer*. 1991: Philadelphia. p. B1.
44. Sklaroff, R., *Letter to Stanton Glantz; re: Limited Local Preemption*, . 1996.
45. Sklaroff, R., *Letter to "Circulation;" re: SB-1008 and Limited Local Pre-emption.*, . 1996.
46. Ciarocchi, G., *Letter to Members of the Senate Finance Committee; RE: Amendment to SB 1008*, . 1996.
47. Fina, E., *Brad Bumstead, Not One Word of Public Testimony on Tobacco Bill.*, in *Gannett News Service*. 1996. p. S12.
48. Shelly, P., *Sen. Melissa Hart Failed to Report 5 PAC Donations*, in *Pittsburgh Post-Gazette*. 1996: Pittsburgh. p. B2.
49. Fisher, M., *Attorney General, Commonwealth of Pennsylvania*, . 1997: Harrisburg.