

SmokeLess States General Coding Reference

This codebook accompanies the SmokeLess States General Coded Datasets. These datasets contain all tobacco related legislative bills for the house and senate 2002 and 2003 sessions. The bullet points beneath the categories represent the key *tobacco-related* legislative areas that fall under our coding topics. These areas are not inclusive of all bills and may contain a bill that falls into one of these topic areas, but is not listed below.

ADVERTISING (ADV)

- Advertising the various uses of tobacco products by the media
- Licensing of premises for said advertising purposes
- Outdoor advertising
- Preemption and regulation of content (language) or format (font, type size, etc) of an ad.
- Promotion of tobacco as a product or smoking in general to help increase sales of the product.
- Regulates the type of image allowed in advertisements.
- Other advertising regulations

AGRICULTURE (AGR)

- Issues addressing tobacco subsidies
- Authorizes agricultural liens
- Regulates tobacco in its leaf and unprocessed state
- Regulates tobacco agricultural cooperatives
- Authorizes alternative uses for tobacco leaves (this may include funding research on this topic) any other regulation of tobacco as a function or product of agriculture.
- Authorizes compensating tobacco farmers for losses due to tobacco control activities.
- Other agriculture regulations

BUDGET (BUDG)

- Allocates or reallocates money from general state revenues for tobacco-related activities.
- Appropriates funds for tobacco-related activities
- Transfer of funds from MEDICAID, MSA, or PEC/TCP programs (NOTE: these bills will be coded for both the budget and other related category)
- Authorizes litigation expenses (increases and decreases)
- Other budget activities related to tobacco

CLEAN INDOOR AIR / ETS (SFA)

- Establishes a ban (partial or complete) against tobacco smoke
- Restrictions on smoking in public/private places.
- Provisions to strengthen an existing policy
- Provisions to weaken an existing policy

- Regulates preemption of a policy
- Other bills creating or modifying smoke free areas.

HEALTH INSURANCE (INS)

- Smoking cessation coverage
- Other insurance issues relating to tobacco smoke.

INVESTMENT/PUBLIC PENSIONS (INV)

- Regulations/resolutions regarding the divestment of existing tobacco stock
- Prohibitions on the purchase of tobacco stock.
- Other investment/public pension issues related to tobacco.

MARKETING (MKTG)

A rule of thumb to follow when coding for this category is keep in mind the four p's of marketing: price, promotion, placement, and product. Unless otherwise noted, ALL variations of these should be coded for marketing. Some common examples are listed below.

Regulates:

- Minimum purchase price
- Product packaging
- Product placement (includes prohibiting monopoly agreements for display space)
- Promotion of tobacco products, i.e., coupons, multi-pack discounts, buy-one-get one free, etc.)
- Product sampling
- Retail markup price (includes authorizing sale price that is less than the cost of selling the product)
- Price labeling
- Disclosure of product ingredients
- Use of fire safe or smoke free cigarettes
- Requires health warnings on the product.
- Other marketing related activities

MASTER SETTLEMENT AGREEMENT (MSA)

ANYTHING ALLOCATING MSA FUNDS SHOULD ALSO BE CODED AS BUDGET

- Disburses settlement funds for either tobacco related or unrelated activities
- Regulates MSA-funded programs
- Amendments to the terms of the settlement agreement
- Authorizes altering the structure of settlement fund, including municipal use of the funds, e.g., as security.

- Regulates implementation of MSA provisions, e.g., marketing restrictions, creation of escrow accounts for non-participating Tobacco Manufacturers (these bills should be coded for MSA and any provisions they are implementing, e.g. MSA and marketing)
- Reports estimating or allocation of future revenue (e.g. earmarked tobacco taxes) that will support the settlement fund

NOTE: MSA category is also relevant for use of funds in the States that settled individually with the Tobacco Companies (Florida, Minnesota, Mississippi and Texas)

MEDICAID (MED)

- Authorizes Medicaid patients coverage (funding and/or reimbursement) of tobacco cessation programs including: counseling, nicotine replacement therapy, and other pharmacotherapy products.
- Regulates reports regarding the fiscal impact of tobacco abuse and demand for Medicaid.
- Authorizes funding and/or reimbursement of training programs for Medicaid providers of cessation/prevention services.

NOTE: Bills related to general Medicaid services do NOT fall into this category (eg, transfer of MSA money to fund general Medicaid services)

MISCELLANEOUS (MISC)

Bills that are related to tobacco activities, but do not fit into any of the other defined categories should be coded as MISC. Some examples are bills that:

- Authorizes research related to diseases caused by tobacco use, or general research of tobacco that does not fall into any of the other coding categories.
- Authorizes activities or events focusing on tobacco and tobacco use
- Prohibits or authorize the public disclosure tobacco related research results
- Establishes a day to recognize a person or an organization that is committed to the prevention or reduction of tobacco.
- Authorizes performance measures regarding any of the categories listed herein. Example AZSB1001.

PREVENTION, EDUCATION, CESSATION, AND OTHER TOBACCO CONTROL PROGRAMS (PECTCP)

This is a very broad category that is intended to include all bills relating to efforts to prevent or stop smoking. Examples of bills that may be coded here may fall into the following 3 categories:

Prevention

- Bills related to statewide tobacco control programs, e.g., bills that authorize tobacco use prevention programs; training or education of providers of programs or services that will discourage initiation of tobacco use; programs related to the dangers of tobacco use; and anti-smoking advertising or the financing of such advertising.

Education

- Bills related to authorizing or financing education for the public (includes youth and their parents as well as other adults, patients, etc.) and the non-medical professional community about the hazards of tobacco, and creating boards or councils that have an educational purpose or advisory role (these boards will have only have authority to create and/or implement regulations regarding the environmental dangers of tobacco smoke or other similar topics, but will have no authority to implement programs or enforce regulation).

Cessation

- Bills related to regulating Nicotine Replacement Therapy and other pharmacotherapy products; increasing funding for tobacco cessation programs; authorizing funding for, or mandating training or treatment programs geared toward assisting smokers to quit; authorizing the training of the public or personnel regarding tobacco cessation programs are also included in this category; establishing a board to administer these programs or assigning the programs to a pre-existing board; and other programs that may include a cessation component, but are not solely a cessation (and/or prevention) program.

Noted Exceptions:

-Bills expressing support for programs, but not authorizing any action (these fall under MISC).

-Bills authorizing funding for Medicaid services related to tobacco cessation programs (these fall under MED).

-Bills authorizing tax exemption for smoking cessation products.

TOBACCO DISTRIBUTION (DIST)

Regulates:

- Search and seizure
- Criminalization (making the violation of tobacco regulation a criminal act)
- Zoning issues
- State distribution laws or importation of tobacco products (includes preemption clauses)
- Establishes a license or permit to sell tobacco products.

NOTE: Bills that regulate when taxes are to be paid and to whom do not fall under this category.

SMOKERS' RIGHTS (SMRTS)

- Authorizes the preemption of smoker's rights granted by state law and other concerns affecting a person's right to smoke or use tobacco products.

TAXATION (TAX)

Regulates:

- Excise taxes
- Retail taxes
- Fees

ADMINISTRATIVE VARIABLES:

Bill ID: Original identification applied during the legislative process.

Version Name: Identification variable including the original Bill ID and information detailing what version of the bill it is.

Substitution: Dummy created to indicate whether substitution took place. Substitution occurred when two separate bills joined together to form one bill during the legislative process. For example, if two bills regarding tax legislation were created in both the house and senate, they may be combined to pass through together. If the final bill was enacted through the house legislature, we would note that substitution occurred and the Bill ID from the house legislature will become the New Bill ID.

New Bill ID: Identification variable edited for the SmokeLess States project accounting for substituted bills.

Enacted: Dummy created to indicate whether a specific version of a bill is enacted.

Year: Legislative year that bill existed (note: legislative years may overlap calendar years).

State: State in which the bill passed through legislature.

Of Note: A bill can have more than one enacted version. This is due to the fact that a bill can be amended after being enacted and this subsequent amended version is also listed as enacted.