



*A Policy Research Partnership for
Healthier Youth Behavior*

Tracking Tobacco Legislation: SmokeLess
States Legislative Coding and Evaluation,
Overview, Methods, and Process

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I. SMOKELESS STATES EVALUATION PROJECT (SLS):

The Robert Wood Johnson Foundation (RWJF) funded SmokeLess States National Tobacco Control Policy Initiative, begun in 1993, provided funding for state-level coalitions to engage in media and policy advocacy to strengthen tobacco control legislation and regulation, with the ultimate goal of reducing the use of tobacco across states. Tracking the Media and Policy Impacts of State-Level Tobacco Control: SmokeLess States Evaluation Project (SLS), was funded in 2001 by RWJF to assess the impact of the SLS coalitions on media coverage of tobacco issues, tobacco control policy development and adoption, and overall strength of state tobacco control efforts.

The evaluation focused on several upstream outcomes and their interrelationships: news coverage of tobacco-related issues and the effect of media on policy; legislative activity on tobacco-related issues and the effect of policy advocacy efforts on legislative activity; and the strength of statewide tobacco control infrastructure. This document provides an overview of the methods and process used in the legislative components of the SLS Project.

II. INTRODUCTION:

SLS researchers identified tobacco legislation (tobacco-related bills and bill versions) introduced in the 2002 and 2003 state legislative sessions for all 50 states. This evaluation process also included bills from the 2001 and 2004 calendar years, since the beginning and end of legislative sessions vary by state and may overlap previous or future calendar years. Tobacco bills are documents representing a proposal to amend existing laws and/or create new laws that seek to regulate tobacco. As these tobacco bills were identified and reviewed, SLS researchers developed and validated 14 coding categories with well-defined criteria, and subsequently coded multiple groups of tobacco bill versions. Cohen's Kappa and percent agreement measures were used to determine inter-rater reliability and validate the coding process.

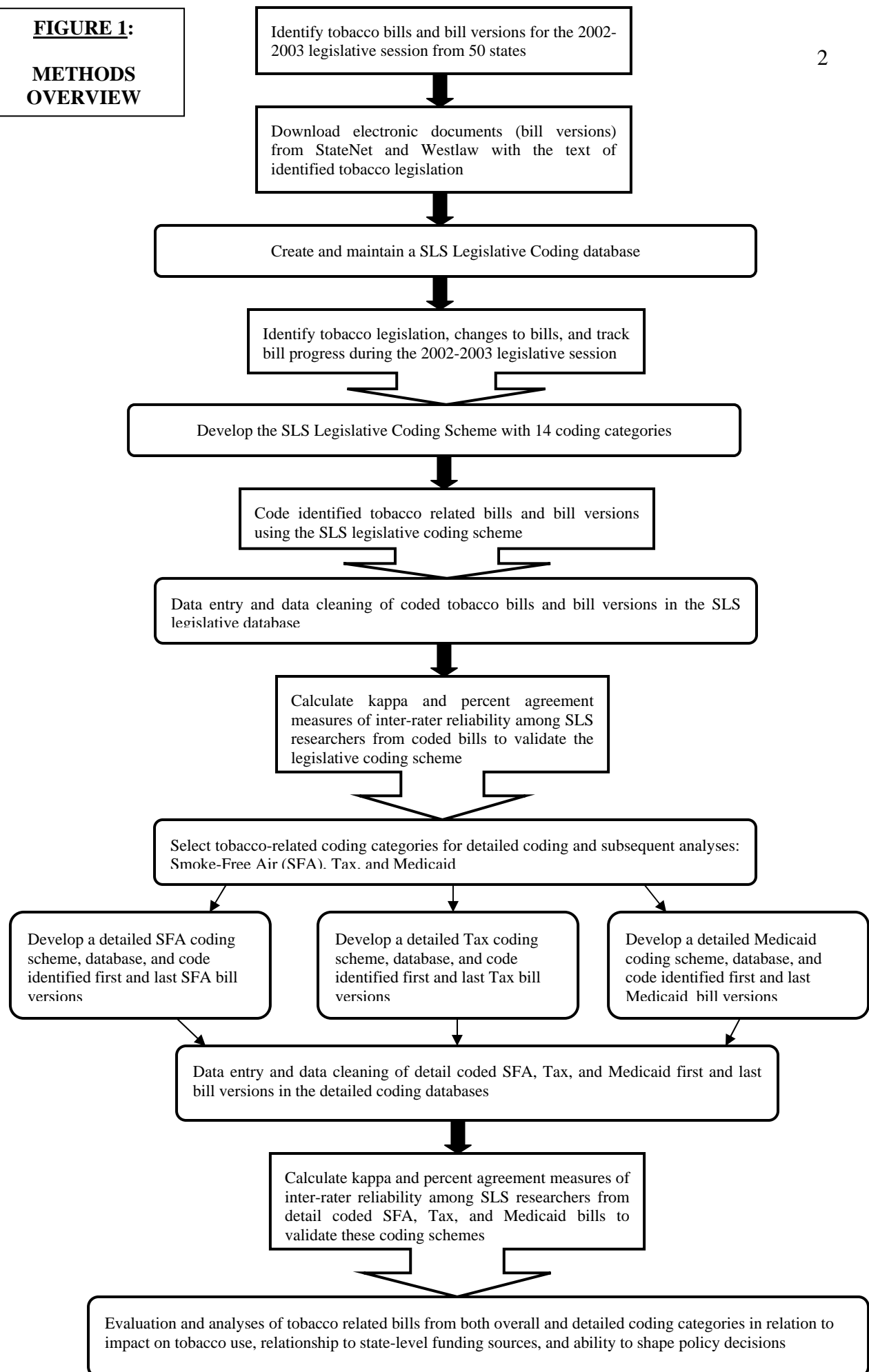
Several coding categories considered to be of interest to state-level coalitions, and particularly relevant to policy, were also identified to undergo a detailed coding process. There were three detailed coding categories identified: Smoke-free air; Medicaid; and Tax. All first and last tobacco bill versions in these categories were subjected to additional detailed coding. Multiple groups of bill versions were once again coded, and Cohen's Kappa and percent agreement measures were used to determine inter-rater reliability and validate the process.

III. METHODS OVERVIEW:

Evaluation of tobacco legislation was accomplished in a series of multiple steps, which are outlined in FIGURE I.

FIGURE 1:

**METHODS
OVERVIEW**



IV. THE SMOKELESS STATES LEGISLATIVE CODING DATABASE

Creating and maintaining a SLS Legislative Coding database which identified: each document (tobacco bill version) that was downloaded; each document that needed to be downloaded (as additional bill versions were identified); and changes in each tobacco bill version as it went through the legislative process – tracking the legislative process of a bill was part of this SLS database.

Identification of Tobacco-Related Bills

Identification and downloading of tobacco-related bills and bill versions occurred in several stages. The first stage involved the development of search terms used in web-based searches to identify each version of bills containing references to tobacco or tobacco-related policy in the 2002 to 2003 legislative session from 50 states. A keyword web search of the StateNet and Westlaw legislative databases used the following terms to identify any bill that made reference to tobacco:

- *'tobacco'*
- *'cigars'*
- *'cigarettes'*
- *'cigar'*
- *'smoking'*
- *'smok'*
- *'Master Settlement Agreement'*.

Once all bills had been identified, all bill versions containing keyword search terms for tobacco language were downloaded. Web-based legislative search vendors StateNet and Westlaw provided access to electronic documents containing the text of identified tobacco-related bills. User access was purchased and obtained for StateNet from 2002 through 2003, and for Westlaw from 2002 through 2006.

StateNet was the primary web-based legislative resource used to initially identify and download all electronic documents. Text documents containing all tobacco bills were identified by the end of 2003, and then tobacco-related bill versions were downloaded and verified through the end of 2004. Westlaw was the primary resource used for background information, such as case law summaries, legislative histories, existing statutes, and committee reports, which were collected through 2004. Westlaw was also used to download some tobacco-related bill versions identified later in this research process (from 2004 to 2006), and to collect additional background information on tobacco-related bill versions as appropriate and necessary. In some instances, state websites were also used to supplement collection of documents and background information related to the identified tobacco-related bill versions.

Creating the SLS Legislative Coding Database

During the downloading phase, all tobacco-related bill versions that StateNet and Westlaw identified referencing *'tobacco'*, *'cigars'*, *'cigarettes'*, *'cigar'*, *'smoking'*,

'*smok*', or '*Master Settlement Agreement*' were collected and placed into a database. The tobacco-related bill versions were subsequently downloaded from these web databases to Excel compatible '.cvs' files, and then imported into an Excel 'SLS Legislative Coding' database file. Initially, bill versions with tobacco were identified; however, all versions of a tobacco-related bill were subsequently identified and collected for coding, including those bills without tobacco language. There were a total of 4,754 tobacco-related bills identified, coded, and stored in the developed SLS legislative database throughout this process.

The Excel 'SLS Legislative Coding' database contains the following variables:

- State
- Stateid
- Tag search terms
- Client notes
- Sponsor
- Summary
- Status (updated throughout this process)
- Introduced date
- Date of last bill version
- Date of enactment (if applicable, i.e. the bill was enacted)

Background information was then collected on identified and downloaded tobacco-related bill versions in the SLS Legislative Coding database. StateNet and/or Westlaw were used to generate quarterly reports containing the legislative history of every tobacco-related bill identified and downloaded for state legislative sessions in 2002 and 2003. These quarterly documents had updated information regarding the legislative history of tobacco-related bill versions (i.e. changes that occurred as the bill passed through the legislative process). The time period at the end of the quarter provided the most complete information, since that is when most states had completed the legislative session, and most actions that were to be taken on a particular bill (version) had occurred. The following Westlaw databases were used to obtain additional information on bill versions and bill interpretation: case law, existing statutes, and committee reports. (<http://www.statenet.com/>; <http://west.thomson.com/Westlaw/>).

SLS Tracking of Tobacco-Related Bill Changes

A tracking variable, or status variable, was created to enable the tracking of each tobacco-related bill version by a unique ID; therefore, bill versions could be sorted and tracked through steps of the legislative process. Legislative quarterly updates were reviewed to identify and note changes in bill versions. Some bills became substituted bills as they went through the legislative process, and a list of substituted bills was maintained throughout the tracking process.

A tracking database was set up in Excel that would update the status variable throughout the tracking process for all tobacco-related bills. There is a status variable corresponding to each version, and there is an introduced and final version date. The status variable

provides information regarding the final action of a bill (i.e. if a bill was enacted); however, if the bill was not enacted, a search and review of the text in the bill's status field was done to determine the final action (status) of the last bill version obtained.

The Tracking database contains the variables that describe a bill's journey from the point of prefile or introduction through its final action. The variables contained in this database are:

- Version name
- First (introduced) version date
- Final version date
- Summary
- Status

SLS evaluation has tracked both the number of bills introduced and each version of the bill that represents a change to the language of the bill that was published and adopted in either State Net and/or Westlaw. The possible bill versions that can be included in the tracking database represent the beginning, middle, and end of a proposal for legislative change through a bill's history following its introduction.

V. THE SLS LEGISLATIVE CODING PROCESS

The SLS legislative coding process involved a team of five researchers who developed 14 coding categories that applied to the content of tobacco-related bills for the 2002-2003 legislative session.

These categories, as presented and described in Table 1 are as follows: Agriculture; Budget; Smoke-Free Air (SFA); Insurance; Marketing; Master Settlement Agreement; Medicaid; Prevention, Education, and Tobacco Control; Distribution; Tax; Youth Access Sales to Minors; Youth Access Possession, Use, and Purchase; Miscellaneous; and No Tobacco Language. Tobacco-related bill versions were downloaded from the appropriate database websites and subsequently coded into one or more of the 14 coding categories developed. The research team put together a list of coding rules, which were developed as a guide to follow in deciding how to categorize a particular bill version. Researchers initially developed 17 coding categories, which included: Investment; Smokers' Rights; and Tort; however, due to the small number of bills coded in each category they were combined with the Miscellaneous category and any bills were subsequently coded as Miscellaneous.

Each researcher received an Excel worksheet containing a list of the same bill versions to code. Tobacco-related bill versions were downloaded by research assistants one state at a time (starting with Alaska). Once the versions for all 50 states were downloaded and names were assigned and entered into the SLS Legislative database, these bills were imported into a SAS program to randomly select versions to be coded by researchers. The researchers coded each version into one or more of the 14 coding categories and all Excel worksheets with coding decisions were returned for review and data entry.

Table 1: General SLS Coding Categories and Description

| Code | Name | Description |
|-------------|--|--|
| AGR | Agriculture | An agricultural regulation, as well as compensating tobacco farmers for losses due to tobacco control activities. |
| BUDG | Budget | Budget activities related to tobacco, including allocation, transfers, earmarks, and appropriations. Excludes penalties/fees dealing with tobacco violations. |
| SFA | Smoke-Free Air | Complete/partial bans on tobacco smoke. Provisions to strengthen/weaken existing policy. |
| INS | Health Insurance | Smoking cessation coverage and allowing tobacco use to be a determining factor in setting health insurance premiums, among other issues related to tobacco smoke. |
| MKTG | Marketing | Price, promotion, placement, and product. |
| MSA | Master Settlement Agreement | Regulates, disburses, MSA funds. Amends terms of the MSA. |
| MED | Medicaid | Regulates/authorizes coverage of tobacco cessation programs offered by a public health care entity. |
| PECTCP | Prevention, Education, Cessation, and Other Tobacco Control Programs | Any bill relating to efforts to prevent or stop smoking, dealing with prevention, education, and tobacco cessation. |
| DIST | Tobacco Distribution | Regulates distribution of tobacco. Deals with laws on licensing, importation, and criminalization. |
| TAX | Taxation | Regulates, taxes, fees, stamps, etc. |
| YASM | Youth Access: Sales to Minors | Regulates sales to minors, including penalties for violating bill provisions. This code includes, but not limited to, clerk assisted sales, self-service displays, vending machines, product sampling, and minimum age requirements. |
| YAPUP | Youth Access: Possession, Use, and Purchase | Regulates possession, use, and purchase by a youth. |
| MISC | Miscellaneous | Regulates tobacco activities not defined by any of other codes. Also includes tobacco legislation related to investment, tort, and smokers' rights. |
| XNTOL | Exclude: No Tobacco Language | Bills that contain no mention on tobacco and are to be excluded from database. |

Measuring Coding Agreement:

Coding observations for each bill version were independently recorded into Excel worksheets for each assigned coding batch. Completed coding worksheets from the research team were imported into a SAS program that calculated Kappa scores and percent agreement measures. The Kappa and percent agreement scores measured the inter-rater reliability among researchers for each coding category and these measures were used to validate the SLS Legislative coding scheme, with both high overall inter-rater percent agreement (97.5%) and kappa (.83) scores across all coding categories. This program also generated a report indicating how each researcher coded each version, the total number of researchers that agreed on a particular category for each version, and the Kappa and percent agreement scores for each category (See Table 2). The research team met via phone conference following score calculation and distribution. These calls were used to resolve coding discrepancies and disagreement related to specific coded bill versions. Revised coding decisions were recorded on a new worksheet for future analyses, but kappa scores were not altered.

**Table 2: Smokeless State Coding Categories:
Measures of Inter-rater agreement***

| | Percent Agreement | Kappa |
|------------------------------------|-------------------|--------|
| Agriculture | 98.81 | 0.6710 |
| Budget | 93.38 | 0.8058 |
| Smoke-Free Air | 98.66 | 0.8777 |
| Insurance | 99.40 | 0.6710 |
| Marketing | 97.18 | 0.6240 |
| Master Settlement Agreement | 97.17 | 0.9167 |
| Medicaid | 99.80 | 0.8067 |
| Distribution | 94.04 | 0.5878 |
| Prev/Educ /Cess Programs | 96.45 | 0.7823 |
| Tax | 95.55 | 0.8719 |
| Youth Access PUP | 97.86 | 0.6299 |
| Youth Access Sales to Minors (STM) | 97.42 | 0.7471 |
| Miscellaneous | 91.45 | 0.6854 |
| Exclusion: No Tobacco Language | 96.31 | 0.9068 |
| <i>Overall</i> | 97.50 | 0.8267 |

*N=520;
There are five raters per subject.

VI. SLS LEGISLATIVE CODING RESULTS:

Results of analyses related to coded bills, bill versions, and coding categories are presented below by coding category, by state, and by enacted legislation.

Introduced and Enacted Tobacco-Related Bills Coded By Category

There were a total of 4,754 tobacco-related bills introduced and coded during the 2002-2003 Legislative session, with an average of 2.25 bill versions coded per introduced bill. The coding category with the highest number of tobacco-related bills was 'Tax' followed by 'Master Settlement Agreement', and 'Budget' (see Table 3). The categories with the fewest number of tobacco-related bills were 'Insurance', 'Medicaid', and 'Agriculture'.

There were a total of 1,213 tobacco-related bills enacted from bills that were introduced and coded during the 2002-2003 Legislative session. This represents 21.6% of overall introduced bills that were enacted. Enacted bills presented in the table below may also be coded for multiple categories (See Table 3). The coding categories with the highest percent of enacted tobacco-related bills were 'Budget' (24.6%) and 'Master Settlement Agreement' (24.6%), followed by 'Distribution' (23.8%) and 'Tax' (22.5%). 'Medicaid' was the category with the lowest percent of enacted tobacco-related bills (11.8%), followed by 'Marketing' (12.1%), 'Agriculture' (13.0%), and 'Smoke-Free Air' (14.0%).

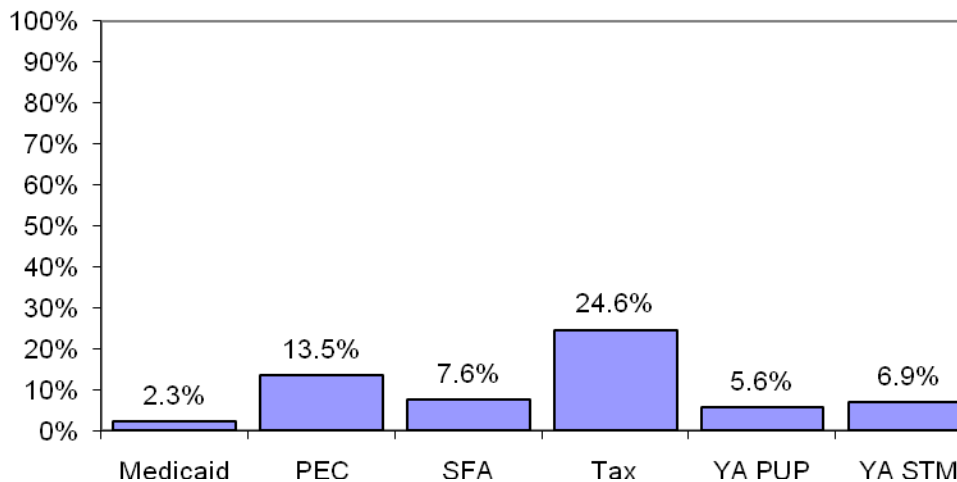
| Coding Category | # Introduced Bills | # Bills Enacted | % of Total Bills Enacted |
|----------------------------------|---------------------------|------------------------|---------------------------------|
| Agriculture | 115 | 15 | 13.0% |
| Budget | 1,194 | 294 | 24.6% |
| Distribution | 403 | 96 | 23.8% |
| Insurance | 62 | 13 | 21.0% |
| Medicaid | 127 | 15 | 11.8% |
| Marketing | 289 | 35 | 12.1% |
| Master Settlement Agreement | 1,328 | 326 | 24.6% |
| Prevention, Education, Cessation | 759 | 160 | 21.1% |
| Smoke-Free Air | 429 | 60 | 14.0% |
| Tax | 1,382 | 311 | 22.5% |
| Youth Access: Sales to Minors | 388 | 72 | 18.6% |
| Youth Access: PUP | 314 | 48 | 15.3% |

Bills Introduced as Tobacco Control Legislation by Coding Category

There were a total of 3,399 tobacco-related bills introduced and coded as tobacco control legislation across the following six categories in the 2002-2003 Legislative Session: Tax; Prevention, Education, and Cessation; Smoke-free Air; Youth Access Possession, Use, and Purchase; Youth Access Sales to Minors; and Medicaid (See Figure 2).

‘Tax’ was the tobacco control category with the greatest number of introduced bills and ‘Medicaid’ was the category with the fewest tobacco control bills introduced as legislation during 2002-2003.

FIGURE 2: Percent of Bills Introduced as Legislation by Tobacco Control Categories



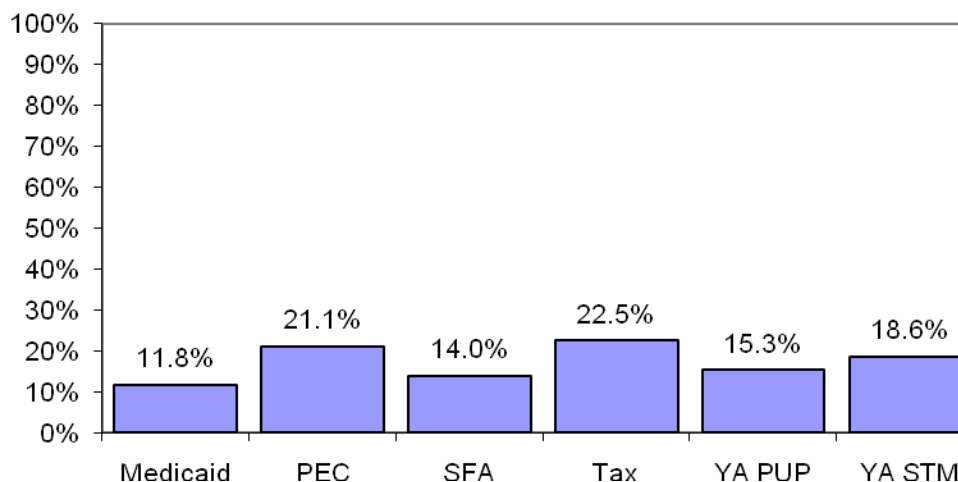
Bills Enacted as Tobacco Control Legislation by Coding Category

There were a total of 651 tobacco-related bills enacted and coded as tobacco control legislation across the following six categories in the 2002-2003 Legislative Session: Tax; Prevention, Education, and Cessation; Smoke-free Air; Youth Access Possession, Use, and Purchase; Youth Access Sales to Minors; and Medicaid (See Figure 3). This represents 11.6% of overall introduced bills that were enacted as tobacco control legislation.

‘Tax’ was the tobacco control category with the highest percentage of enacted tobacco control bills and ‘Medicaid’ was the category with the lowest percentage of enacted tobacco control bills during the 2002-2003 legislative session.

Slightly more than one-fifth of enacted tobacco control bills were ‘Prevention, Education, and Cessation’ bills, and 14.0% of enacted tobacco-related bills related to the ‘Smoke-Free Air’ category. Youth access bills accounted for less than one-fifth of all enacted tobacco-related bills in each of the ‘Possession, Use, and Purchase’ and ‘Sales to Minors’ categories.

FIGURE 3: Percent of Bills Enacted as Legislation by Tobacco Control Categories



Introduced and Enacted Tobacco-Related Bills Coded By State

The number of introduced and enacted tobacco-related bills vary by state. New York had the highest number of introduced tobacco-related bills in the 2002-2003 Legislative Session, with 270 introduced bills. This was followed by: Illinois (259 bills); Florida (224 bills); Hawaii (197 bills) and Pennsylvania (187 bills). Wyoming was the state with the fewest number of introduced tobacco-related bills in the 2002-2003 Legislative Session, with only 13 introduced bills. This was followed by the following states with the lowest numbers of introduced bills: New Hampshire (15 bills); North Dakota (22 bills); Wisconsin (27 bills); and Delaware (27 bills). (See Table 4)

The number and percent of enacted tobacco-related bills also vary by state. Colorado had the highest number of enacted tobacco-related bills in the 2002-2003 Legislative Session, with 55 bills. This was followed by the following states with the highest numbers of enacted bills: California (46 bills); Michigan (40 bills); Illinois (35 bills); and Kentucky (34 bills). Colorado had the highest percentage of enacted tobacco-related bills in the 2002-2003 Legislative Session (72.4%). This was followed by: Utah (53.5%); Idaho (46.3%); North Dakota (40.9%); Nebraska (39.6%); and Wyoming (38.5%). (See Table 4)

States with the fewest number of enacted tobacco-related bills in the 2002-2003 Legislative Session are: South Carolina (3 bills); New Hampshire (4 bills); Massachusetts (5 bills); South Dakota (5 bills); and Wyoming (5 bills). Massachusetts was the state with the lowest percentage of enacted tobacco-related bills in the 2002-2003 Legislative Session (5.0%). This was followed by: South Carolina (6.1%); Pennsylvania (7.5%); Mississippi (7.8%); and New Jersey (9.1%). (See Table 4)

| Table 4: Introduced and Enacted Tobacco-Related Bills Coded by State | | | | | | | | |
|---|-------------------------|----------------------|------------------------|--|--------------|-------------------------|----------------------|------------------------|
| State | Bills Introduced | Bills Enacted | Percent Enacted | | State | Bills Introduced | Bills Enacted | Percent Enacted |
| AK | 30 | 8 | 26.7% | | MT | 87 | 10 | 11.5% |
| AL | 107 | 26 | 24.3% | | NC | 76 | 13 | 17.1% |
| AR | 78 | 23 | 29.5% | | ND | 22 | 9 | 40.9% |
| AZ | 99 | 28 | 28.3% | | NE | 48 | 19 | 39.6% |
| CA | 169 | 46 | 27.2% | | NH | 15 | 4 | 26.7% |
| CO | 76 | 55 | 72.4% | | NJ | 110 | 10 | 9.1% |
| CT | 85 | 15 | 17.6% | | NM | 87 | 12 | 13.8% |
| DE | 27 | 7 | 25.9% | | NV | 42 | 10 | 23.8% |
| FL | 224 | 28 | 12.5% | | NY | 270 | 29 | 10.7% |
| GA | 65 | 16 | 24.6% | | OH | 51 | 12 | 23.5% |
| HI | 197 | 24 | 12.2% | | OK | 70 | 24 | 34.3% |
| IA | 99 | 21 | 21.2% | | OR | 115 | 33 | 28.7% |
| ID | 54 | 25 | 46.3% | | PA | 187 | 14 | 7.5% |
| IL | 259 | 35 | 13.5% | | RI | 108 | 18 | 16.7% |
| IN | 156 | 30 | 19.2% | | SC | 49 | 3 | 6.1% |
| KS | 77 | 10 | 13.0% | | SD | 29 | 5 | 17.2% |
| KY | 144 | 34 | 23.6% | | TN | 115 | 27 | 23.5% |
| LA | 60 | 21 | 35.0% | | TX | 83 | 14 | 16.9% |
| MA | 101 | 5 | 5.0% | | UT | 43 | 23 | 53.5% |
| MD | 95 | 25 | 26.3% | | VA | 58 | 16 | 27.6% |
| ME | 33 | 12 | 36.4% | | VT | 46 | 13 | 28.3% |
| MI | 133 | 40 | 30.1% | | WA | 133 | 30 | 22.6% |
| MN | 126 | 16 | 12.7% | | WI | 27 | 7 | 25.9% |
| MO | 103 | 20 | 19.4% | | WV | 94 | 15 | 16.0% |
| MS | 179 | 14 | 7.8% | | WY | 13 | 5 | 38.5% |

VII. SLS DETAILED CODING: SMOKE-FREE AIR, TAX, MEDICAID

Three of the 14 coding categories from tobacco-related bills introduced in the 2002-2003 legislative session were selected to undergo a process of more detailed coding based on importance and utility for tobacco-related policy and coalition groups: Smoke-Free Air, Tax, and Medicaid. All tobacco-related bills corresponding to each category were identified and selected through a SAS program. This program created a list of bill versions (first, last, and middle where appropriate) for each of the three categories, importing and sorting all bills by NEW BILLID and Version Date. The final data set with all bills to be coded for each category was distributed to three researchers who developed a detailed coding scheme for Smoke-Free Air, Tax, and Medicaid bills.

All bills were coded by category and two research team members coded sets of randomized bills to attain kappa and percent agreement measures, validating the coding schemes for Smoke-Free Air and Tax. Researchers also independently coded remaining randomized bills for the Smoke-Free Air and Tax categories. Since so few bills were available for Medicaid detailed coding, all Medicaid bills were coded by both researchers and coding results were compared to validate the Medicaid coding scheme. Conference calls were conducted with a third research team member to discuss any coding questions among all three detailed coding categories and resolve coding discrepancies.

SLS Smoke-Free Air Detailed Coding and Results

There were a total of 655 introduced tobacco-related Smoke-Free Air (SFA) bills identified to be coded by the detailed coding process. This SFA detailed coding scheme included the following related to identified Smoke-Free Air bills: legislative action; objective; location; strength of protection; enforcement; and penalties for violation (See Appendix B).

There were 400 introduced SFA bills coded that included some type of tobacco-related legislative action (61.1%). Less than half of all introduced SFA bills had enforcement provisions (41.5%) and approximately one-third (32.5%) included penalties for Smoke-Free Air violations. Of these SFA bills with specified legislative action, the most common objective or purpose was to ‘strengthen an existing SFA law’ (62.5%), and the least common objective or purpose was to ‘weaken an existing SFA law’ (2.3%). There were also 17 SFA bills introduced and coded to enact/strengthen SFA preemption and 33 SFA bills to repeal/weaken SFA preemption (See Table 5). Of the SFA bills enacted, 6.0% were to strengthen an existing SFA law.

Locations with the most introduced legislative action included restaurants (30.3%), public worksites (30.3%), and health facilities (29.3%); while, locations with the fewest number of introduced SFA bills included correctional facilities (4.5%), gaming facilities (6.8%), and stand alone bars or taverns (12.5%). The most common strength of protection for smoke-free air bills introduced across all coded locations was typically designated areas/separately ventilated areas, with the exception of public schools and correctional facilities where most bills introduced had a complete ban as strength of protection.

Health facilities (3.8%) had the highest number of introduced bills that were enacted among coded locations, followed by restaurants (3.3%), public worksites (3.3%), public schools (3.3%), and shopping malls/retail stores (3.3%), (See Table 6).

Kappa scores calculated to measure inter-rater agreement among SFA detailed coding legislative action and objective variables ranged from .96 to .97, indicating very high levels of agreement in support of the SFA detailed coding scheme developed.

Table 5: SFA Detailed Coding, Introduced Smoke-Free Air Bills with Legislative Action by Objective

| Objective or Purpose | # Bills | % of SFA Bills with Legislative Action (N = 400) | # Bills Enacted | % SFA Bills Enacted |
|---------------------------------|----------------|---|------------------------|----------------------------|
| Strengthen existing SFA law | 250 | 62.5% | 24 | 6.0% |
| Modify House/Senate resolution | 53 | 13.3% | 0 | 0.0% |
| Create new SFA law | 38 | 9.5% | 2 | 0.5% |
| Repeal/weaken SFA preemption | 33 | 8.3% | 2 | 0.5% |
| Enact/strengthen SFA preemption | 17 | 4.3% | 3 | 0.8% |
| Weaken existing SFA law | 9 | 2.3% | 2 | 0.5% |

Table 6: SFA Detailed Coding, Introduced Smoke-Free Air Bills with Legislative Action by Location and Strength of Protection

| Location of Proposed SFA Legislation by Strength of Protection | # Bills Introduced | % SFA Bills with Legislative Action (N = 400) | # Bills Enacted | % Bills Enacted |
|--|--------------------|---|-----------------|-----------------|
| Restaurant | 121 | 30.3% | 13 | 3.3% |
| Not specified | 8 | 2.0% | 2 | 0.5% |
| Designated area/ Separately ventilated | 98 | 24.5% | 9 | 2.3% |
| Complete ban | 15 | 3.8% | 2 | 0.5% |
| Public Worksites | 121 | 30.3% | 13 | 3.3% |
| Not specified | 5 | 1.3% | 0 | 0.0% |
| Designated area/ Separately ventilated | 70 | 17.5% | 9 | 2.3% |
| Complete ban | 46 | 11.5% | 4 | 1.0% |
| Health Facilities | 117 | 29.3% | 15 | 3.8% |
| Not specified | 2 | 0.5% | 0 | 0.0% |
| Designated area/ Separately ventilated | 84 | 21.0% | 12 | 3.0% |
| Complete ban | 21 | 5.3% | 3 | 0.8% |
| Public Schools | 103 | 25.8% | 13 | 3.3% |
| Not specified | 2 | 0.5% | 1 | 0.3% |
| Designated area/ Separately ventilated | 48 | 12.0% | 8 | 2.0% |
| Complete ban | 53 | 13.3% | 4 | 1.0% |
| Shopping Malls, Retail Stores | 99 | 24.8% | 13 | 3.3% |
| Not specified | 3 | 0.8% | 1 | 0.3% |
| Designated area/ Separately ventilated | 66 | 16.5% | 8 | 2.0% |
| Complete ban | 30 | 7.5% | 4 | 1.0% |
| Public Transit | 94 | 23.5% | 10 | 2.5% |
| Not specified | 1 | 0.2% | 0 | 0.0% |
| Designated area/ Separately ventilated | 52 | 13.0% | 5 | 1.3% |
| Complete ban | 41 | 10.3% | 5 | 1.3% |
| Private Worksites | 84 | 21.0% | 6 | 1.5% |
| Not specified | 4 | 1.0% | 0 | 0.0% |
| Designated area/ Separately ventilated | 64 | 16.0% | 5 | 1.3% |
| Complete ban | 16 | 4.0% | 1 | 0.3% |
| Private Schools | 75 | 18.8% | 9 | 2.3% |
| Not specified | 1 | 0.3% | 0 | 0.0% |
| Designated area/ Separately ventilated | 34 | 8.5% | 6 | 1.5% |
| Complete ban | 40 | 10.0% | 3 | 0.8% |
| Colleges/Universities | 64 | 16.0% | 8 | 2.0% |
| Not specified | 0 | 0.0% | 0 | 0.0% |
| Designated area/ Separately ventilated | 34 | 8.5% | 7 | 1.8% |
| Complete ban | 30 | 7.5% | 1 | 0.3% |
| Hotels | 61 | 16.0% | 7 | 1.8% |
| Not specified | 1 | 0.3% | 1 | 0.3% |
| Designated area/ Separately ventilated | 57 | 14.3% | 6 | 1.5% |
| Complete ban | 3 | 0.8% | 0 | 0.0% |
| Stand-Alone Bars or Taverns | 50 | 12.5% | 4 | 1.0% |
| Not specified | 5 | 1.3% | 1 | 0.3% |
| Designated area/ Separately ventilated | 33 | 8.3% | 3 | 0.8% |
| Complete ban | 12 | 3.0% | 0 | 0.0% |
| Gaming Facilities | 27 | 6.8% | 5 | 1.3% |
| Not specified | 6 | 1.5% | 3 | 0.8% |
| Designated area/ Separately ventilated | 14 | 3.5% | 1 | 0.3% |
| Complete ban | 7 | 1.8% | 1 | 0.3% |
| Correctional Facilities | 18 | 4.5% | 1 | 0.3% |
| Not specified | 0 | 0.0% | 0 | 0.0% |
| Designated area/ Separately ventilated | 4 | 1.0% | 0 | 0.0% |
| Complete ban | 14 | 3.5% | 1 | 0.3% |

SLS Tax Detailed Coding and Results

There were a total of 2,063 introduced tobacco-related Tax bills identified to be coded by the detailed coding process. This Tax detailed coding scheme included the following related to identified Tax bills: legislative action; objective (tax administration; change in tobacco tax; allocation of tobacco tax revenues); change in tobacco tax for cigarettes: original amount, proposed amount, amount of increase/decrease; change in tobacco tax for other tobacco products (not cigarettes): original amount, proposed amount, amount of increase/decrease; allocation of tobacco tax revenues for tobacco control purposes; allocation of tobacco tax revenue for other purposes (See Appendix C).

There were 1,398 introduced Tax bills coded that included some type of tobacco-related legislative action (67.8%), and it was possible that multiple legislative actions were coded per bill. Of these Tax bills with specified legislative action, the most common objective or purpose was 'tax administration' (68.2%), and the least common objective or purpose was 'change in tobacco tax (increase or decrease)' (30.0%). There were also 45.2% of Tax bills introduced and coded to allocate tax revenues (See Table 7). Only about one-fifth of all introduced bills for allocation of tax revenues were related to tobacco control (21.2%), meaning that 79.8% of all bills allocating tax revenues were doing so for purposes other than tobacco control. Among these tax bills, 12.6% were enacted related to tax administration, while only 7.1% were enacted related to allocation, and 3.0% were enacted related to a change in tobacco tax (See Table 7).

Among the bills coded as 'Change in Tax' there were mean values calculated for both the proposed amount of the increase/decrease and the actual net increase/decrease as legislated and calculated from the original tax value. These were calculated and reported for cigarettes and for other tobacco products. The mean proposed change in tax on cigarettes was \$.74, with a minimum proposed increase of one cent and a maximum proposed increase of \$3.00 per pack. The overall mean tax increase legislated was \$.45 per pack of cigarettes. The mean proposed change in tax on other tobacco products \$.29 per unit, with a minimum proposed increase of one cent per unit and a maximum proposed increase of \$1.45 per unit. The overall mean tax increase legislated on other tobacco products was \$.36 per unit of sale (See Table 8).

Kappa scores calculated to measure inter-rater agreement among Tax detailed coding legislative action and objective variables ranged from .87 to .96, indicating very high levels of agreement in support of the Tax detailed coding scheme developed.

Table 7: Tax Detailed Coding, Introduced Tax Bills with Legislative Action by Objective

| Objective or Purpose | # of Bills Introduced | % of Tax Bills with Legislative Action (N = 1,398) | # of Bills Enacted | % of Bills Enacted |
|---|-----------------------|--|--------------------|--------------------|
| Tax administration | 953 | 68.2% | 176 | 12.6% |
| Allocation of tobacco tax revenues | 632 | 45.2% | 99 | 7.1% |
| Change in tobacco tax (increase/decrease) | 419 | 30.0% | 42 | 3.0% |

Table 8: Tax Detailed Coding, Introduced Tax Bills with Changes in Tax, Mean Values of Proposed Amounts and Increase/Decrease in Tax for Cigarettes and Other Tobacco Products (N=419 total bills introduced with changes proposed in tax)

| Changes in Tax as Legislative Action | # Bills Introduced | Min | Max | Mean | ST Dev |
|--|--------------------|--------|--------|-------|--------|
| Changes in Tobacco Tax: Cigarettes Increase/Decrease Amount (\$) | 267 | -0.300 | 1.500 | 0.451 | 0.296 |
| Changes in Tobacco Tax: Cigarettes Increase/Decrease Amount (%) | 2 | 0.040 | 0.160 | 0.100 | 0.085 |
| Changes in Tobacco Tax: Cigarettes Original Amount (\$) | 228 | 0.020 | 1.510 | 0.390 | 0.337 |
| Changes in Tobacco Tax: Cigarettes Original Amount (%) | 1 | 0.080 | 0.080 | 0.080 | --- |
| Changes in Tobacco Tax: Cigarettes Proposed Amount (\$) | 325 | 0.010 | 3.000 | 0.739 | 0.513 |
| Changes in Tobacco Tax: Cigarettes Proposed Amount (%) | 10 | 0.009 | 0.680 | 0.232 | 0.205 |
| Changes in Tobacco Tax: Tobacco Products Original Amount (\$) | 3 | 0.025 | 0.580 | 0.285 | 0.279 |
| Changes in Tobacco Tax: Tobacco Products Original Amount (%) | 67 | 0.020 | 88.000 | 1.533 | 10.724 |
| Changes in Tobacco Tax: Tobacco Products Increase/Decrease Amount (\$) | 5 | 0.100 | 0.870 | 0.359 | 0.324 |
| Changes in Tobacco Tax: Tobacco Products Increase/Decrease Amount (%) | 74 | -0.180 | 1.000 | 0.210 | 0.224 |
| Changes in Tobacco Tax: Tobacco Products Proposed Amount (\$) | 23 | 0.010 | 1.450 | 0.291 | 0.377 |
| Changes in Tobacco Tax: Tobacco Products Proposed Amount (%) | 117 | 0.030 | 1.350 | 0.352 | 0.256 |

SLS Medicaid Detailed Coding and Results

There were a total of 121 introduced tobacco-related Medicaid bills identified to be coded by the detailed coding process. This Medicaid detailed coding scheme included the following related to identified Medicaid bills: legislative action; objective; services; maximum benefit; population; cost sharing; and funding source (See Appendix D).

There were 46 introduced Medicaid bills coded that included some type of tobacco-related legislative action (38.0%). Of these Medicaid bills with specified legislative action (N=46), the most common objective or purpose was to 'strengthen an existing Medicaid law' (95.7%), and the least common objective or purpose was to 'create a new Medicaid law' (4.3%). Two of the bills were enacted to 'strengthen an existing Medicaid law' (4.3%), while no bills were enacted to 'create a new Medicaid law' (See Table 9).

In terms of populations addressed by these Medicaid bills, pregnant women were the most common and were mentioned in 32 (69.6%) of the Medicaid bills that legislated action. Medicaid-eligible women of child-bearing age were also mentioned in a majority of Medicaid bills legislating action (67.4%). Other populations included in Medicaid legislation were: Medicaid-eligible children or adults; the categorically needy; the medically needy; uninsured individuals; and any smoker wanting cessation services. A small percentage of introduced Medicaid bills were enacted to address pregnant women (4.3%) and Medicaid-eligible women of child-bearing age (4.3%), while no bills addressing other populations were enacted (See Table 9).

Medicaid services most commonly covered through legislation were smoking cessation medications (80.4%) and smoking cessation programs or treatments (34.8%), with mention of other services such as: behavioral counseling, tobacco prevention education, and comprehensive tobacco cessation services. Two Medicaid bills (4.3%) were enacted related to smoking cessation medications and one bill (2.2%) was enacted related to smoking cessation programs or treatments (See Table 9).

Since there were such a small number of Medicaid bills identified for detailed coding, both researchers coded all 121 bills and discussed the coding of each bill to verify agreement and validate the Medicaid coding scheme. Therefore, Kappa scores were not calculated for the Medicaid detailed coding category.

Table 9: Medicaid Detailed Coding, Introduced Medicaid Bills with Legislative Action by Objective, Population, and Services

| Objective or Purpose | # of Bills Introduced | % Medicaid Bills with Legislative Action (N = 46) | # of Bills Enacted | % of Bills Enacted |
|--|------------------------------|--|---------------------------|---------------------------|
| Strengthen existing Medicaid law | 44 | 95.7% | 2 | 4.3% |
| Create new Medicaid law | 2 | 4.3% | 0 | 0 |
| Population | Number of Bills | % Medicaid Bills with Legislative Action (N = 46) | | |
| Pregnant women | 32 | 69.6% | 2 | 4.3% |
| Medicaid eligible women of child-bearing age | 31 | 67.4% | 2 | 4.3% |
| Medicaid eligible population (children/adults) | 5 | 10.9% | 0 | 0 |
| Categorically needy | 3 | 6.5% | 0 | 0 |
| Medically needy | 3 | 6.5% | 0 | 0 |
| Uninsured individuals | 2 | 4.3% | 0 | 0 |
| Any smoker wanting cessation services | 2 | 4.3% | 0 | 0 |
| Services | Number of Bills | % Medicaid Bills with Legislative Action (N = 46) | | |
| Smoking cessation medications | 37 | 80.4% | 2 | 4.3% |
| Smoking cessation programs or treatments | 16 | 34.8% | 1 | 2.2% |
| Behavioral counseling | 5 | 10.9% | 0 | 0 |
| Tobacco prevention education | 3 | 6.5% | 0 | 0 |
| Comprehensive tobacco cessation services | 3 | 6.5% | 0 | 0 |

LIMITATIONS: SLS CODING CHALLENGES

There were several challenges and limitations related to the SLS process of both overall and detailed coding for introduced tobacco-related bills in the 2002-2003 legislative session.

These resulted in limitations of the coding process and database designed to store and track tobacco-related legislation. Initial challenges were encountered with the identification of appropriate bills to code for introduced tobacco-related legislation in the 2002-2003 legislative session through State Net and Westlaw. This identification process resulted in some extraneous bills and bill versions that had the key word(s) or phrase(s), but did not use these terms in a tobacco-related legislation context for our coding purposes. Therefore, some bills were included in coding that should have been excluded and subsequently coded as 'Exclude, No Tobacco Language'. In addition, some first, last, or middle bill versions identified for coding did not include tobacco-related language, but were identified as corresponding versions and subsequently excluded into this category. A total of 1,562 bills (27.8%) were coded as 'Exclude, No Tobacco Language'.

In addition to bills excluded for no tobacco-related content, other identified and coded bills were put in a 'Miscellaneous' coding category since their subject matter did not legislate action and/or they did relate to tobacco activities, but did not fit into any of the other defined coding categories. Bills initially coded for tort, smokers' rights, and investment were also combined with the 'Miscellaneous' coding category due to extremely small numbers of coded bills. A total of 1,243 bills (22.2%) were coded as 'Miscellaneous'.

The substantial numbers of bills coded as 'Exclude, No Tobacco Language' and 'Miscellaneous' highlight the difficulty of initially and correctly identifying tobacco-related bills to code that represented legislative actions, which are the categories of interest to researchers and coalition members. This difficulty resulted in time and effort spent on bills that were not included in the final analyses for the legislative coding process.

Another challenge throughout the SLS identification and coding process was name changing in bills during the legislative process, which potentially affected tracking, selection, and matching of final bill versions. This resulted from changes in a bill version as it moves through the stages of introduction and deliberation in both the House and Senate. A bill may change version names (assigned by numbers) as it travels throughout this process and moves from the House to the Senate for deliberation and voting during a legislative session. This could also include the issue of a bill version introduced in both the House and Senate, and then combined into one version at some later point in time. These bill versions were checked, tracked, and re-coded with a NEWBILLID variable created to track and merge separate versions in the database with a new name to distinguish them as one bill in their final form. This process was time consuming and necessary to capture cases where a House and Senate version of the same bill were both introduced and then combined at some later point in time to one bill, which was

subsequently voted upon and possibly enacted. This process was developed to track legislation as accurately as possible and prevent double counting (i.e. count the House version as enacted and the Senate version as enacted when there was really only one enacted combined version).

Similar challenges in identification and tracking legislation occurred where bills containing tobacco language were renamed by substitution or issued as carryover bills to subsequent legislative sessions. Substitution could occur anytime in the tracking process, while carryover most commonly occurred in bills introduced later in the legislative session that would not complete the process in the 2002-2003 timeframe prior to adjournment. This also resulted in some tobacco-related bills from the 2001 calendar year being included in the 2002-2003 legislative session, which created potential challenges for initial identification.

VIII. SUMMARY

The SLS legislative evaluation process has presented coding results from tobacco-related bills introduced in the 2002-2003 legislative session. These results demonstrate the relevance of specific categories related to tobacco bills that have been introduced, and more importantly successfully enacted, throughout this legislative process. Additional detailed coding has been completed on three selected tobacco-related coding categories (Smoke-Free Air, Tax, and Medicaid) identified of particular relevance to legislative tracking interests and policy outcomes. Among bills coded and identified as tobacco control legislation, “Tax” bills were most commonly introduced and legislated, suggesting model bills to identify and track. This process demonstrates that tobacco-related legislation can be identified, tracked, and targeted to inform policy advocates and coalitions. Identifying successful and lacking legislation can also help to focus future efforts and resources among policy advocates, coalitions, and legislators.

APPENDIX A: SLS DATABASE CODING CATEGORIES AND RULES

The following 14 categories were developed to code identified bills and tobacco-related bills included in the SLS Tobacco Legislative Database. A description of general coding rules for each of the 14 coding categories is provided below:

AGRICULTURE

- 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

- Bills that authorize the transfer a specific amount of money from or to a tobacco related fund/ program/account.
- Allocates or reallocates money from general state revenues for tobacco-related activities.
- Allocates/earmarks money collected from cigarette excise tax and MSA funds/revenue for either tobacco-related or non-related activities.
- Appropriates funds for tobacco-related activities
- Transfer of funds from MEDICAID, MSA, Excise tax, 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
- If the bill authorizes the transfer of funds generated by fines or license fees to the general revenues or state treasury, then the bill does not fall into the BUDG category.

DISTRIBUTION

- Where tobacco products may or may not be sold/distributed.
- What/which types of tobacco products may or may not be sold/distributed.
- Process by which tax exempt cigarettes are distributed (includes who can sell tax exempt cigarettes, e.g., Indian tribes).
- Search and seizure
- Criminalization (making the violation of tobacco regulation a criminal act)
- Zoning issues
- Laws on importation of tobacco products (includes preemption clauses)
- Establishes a license or permit to sell tobacco products.
- Regulates distribution of tobacco products by nonparticipating manufactures.

- Black or grey market cigarettes.
- Bills that specifically regulates or implements the escrow provisions of the Master Settlement Agreement fall under DIST, MSA, and TAX.
- Bills that regulate when and how taxes are to be paid and to whom do not fall under this category.
- Bills that authorize revocation of a distributor's license as a penalty for the violation of tobacco tax stamp laws will be coded as TAX and not distribution.

INSURANCE

- Smoking cessation coverage by a private insurance
- Allowing tobacco use to be determining factor in setting health insurance premiums.
- Other insurance issues relating to tobacco smoke.

MARKETING :

- Tobacco pricing, promotion, placement, and product.
- 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 imposed by the state and not the federal government on the product.
- 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 marketing/advertising related activities
- Bills that regulate marketing practices, distribution or any other category that only target minors or that regulate practices relating to youth access/PUP of tobacco products will be coded as YASM or YAPUP.
- Bills that regulate, establish, or finance marketing initiatives or advertising that are designed to discourage smoking among youth or tobacco use by minors falls under the PECTCP and not MKTG.

MASTER SETTLEMENT AGREEMENT

- Anything coded as MSA should also be coded as “Budget”
- Disburses master settlement funds for any activity
- Regulates MSA-funded programs
- Regulates escrow accounts containing tobacco settlement payments
- Amendments to the terms of the settlement agreement
- Authorizes altering the structure of settlement fund, including municipal use of the funds and bonds.
- Regulates implementation of MSA provisions, such as 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. marketing, prevention education and cessation, etc.)
- Reports estimating or allocation of future revenue (e.g. earmarked tobacco taxes) that will support the settlement fund
- Bills that specifically regulates or implements the escrow provisions of the Master Settlement Agreement fall under DIST, MSA, and TAX.
- 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

- Bill regulates coverage of smoking cessation/prevention/education programs where the coverage is offered by a public health care entity and for a tobacco prevention program.
- 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.
- Bills related to general Medicaid services do NOT fall into this category (e.g., transfer of MSA money to fund general Medicaid services)

PREVENTION, EDUCATION, CESSATION (PEC)

- This category includes 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, Education, or Cessation.
- 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 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.
- Bills expressing support for programs, but not authorizing any action fall under MISC not PEC.
- Bills authorizing funding for public health insurance coverage of tobacco cessation programs fall under MED not PEC.
- Bills authorizing tax exemption for smoking cessation products are coded as tax not PEC.

SMOKE-FREE AIR (SFA)

- Establishes a ban (partial or complete) against tobacco smoke
- Restrictions on smoking in public/private places.
- Provisions to strengthen an existing SFA policy
- Provisions to weaken an existing SFA policy
- Regulates preemption of a SFA policy
- Efforts that lead to reductions in exposure to environmental hazards such as ETS/secondhand smoke.
- Other bills creating or modifying smoke free areas.

TAX

- Anything allocating or withholding excise tax funds should also be coded as budget.
- Excise taxes
- Retail taxes
- Fees
- Stamps
- Earmarking or withholding of tax revenues
- Penalties for violating tax regulations
- Any other features of tobacco taxation
- Appropriation or program funding is conditioned upon the passage of a bill authorizing an increase in tobacco taxes. The tobacco tax increase is usually enacted via future legislation.

- Regulates black or grey market cigarettes.
- Prohibits distributors, manufacturers, etc. from placing tax stamps on tobacco products produced by nonparticipating manufacturers or manufactures that are not signatories of the Master Settlement Agreement.
- Bills that specifically regulates or implements the escrow provisions of the Master Settlement Agreement fall under DIST, MSA, and TAX.
- Bills that impose or regulate existing taxes on smoking materials (ie \$.10 tax on rolling paper).
- Bills that authorize revocation of a distributor's license as a penalty for the violation of tobacco tax stamp laws will be coded ONLY as TAX.
- Proposed bills that impose a privilege tax on tobacco retailers and wholesalers do not fall under Tax.
- Bills that authorize the use of tobacco tax revenues as security do not fall under this Tax category.

YOUTH ACCESS SALES TO MINORS' (YASTM)

- Bills that propose to regulate the activities and entities in the business of selling **tobacco** products to **minors** and the accompanying penalties for violating bill's provisions.
- Bill's language specifically states that a goal of the regulation is to affect the ACCESS of **tobacco** products by **minors**, making them either more or less accessible.
- Sales to minors regulations
- Illegal to sell minors' signs
- Clerk assisted sales
- Self-service displays
- Minimum age requirements for tobacco purchases
- Proof of age requirements
- Product sampling regulations
- Vending machine regulations
- Other youth access regulations
- Bills that exempt minors from prosecution for participating in a compliance checks.
- Regulation of where minor would be tried for possession of tobacco.
- Bills that regulate marketing practices, distribution or any other category that only target minors or regulate practices relating to youth access/PUP of tobacco products will be coded as YASM or YAPUP.

YOUTH ACCESS POSSESSION, USE, and A PURCHASE (YAPUP)

This category covers all bills that propose to regulate the actions of **minors** who purchase, possess, and use **tobacco** products, their accompanying penalties, and the **disclosure** of juvenile's **tobacco** use to the court. These laws usually target the user (**minor**) of the product, whereas youth access laws target the seller of the product. It is important to keep this distinction in mind when coding. You also may come across instances where both categories apply.

Some common example of PUP laws include:

- Regulates purchase of **tobacco** by **minors**
- Penalties related to PUP laws, such as being referred to a **smoking cessation** or **tobacco prevention** program.
- Regulates possession of **tobacco** by **minors**
- Regulates use (**smoking**, chewing) of **tobacco** products by **minors**
- Bills that exempt **minors** from prosecution for participating in compliance checks may also fall here fall under PUP.
- **Disclosure** of juvenile's **tobacco** use to the court.

MISCELLANEOUS

- 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:
 - 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
 - Mandates a day to recognize persons, organizations, or programs related to tobacco control.
 - Prohibits or authorizes 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.
 - Excludes anything allocating funding for an activity—this would fall under budget.
 - Bills that list and/or describe the bills that will be considered in the upcoming session.
- Tobacco-related bills that include language related to investment, smokers' rights, or tort are also coded in the MISC category.

EXCLUDE: NO TOBACCO LANGUAGE

- This category is to be coded for bills that should be excluded from the database, i.e., those bills that contain no mention of **tobacco** or **tobacco** products.

APPENDIX B: SmokeLess States: Smoke Free Air Detailed Coding Scheme:

(Notes revised with coding 3/22/06)

We have developed coding categories to help define the smoke-free air detailed coding scheme. Each category is presented below and defined with some further level of detail. These categories will be used to code the ‘introduced’ and ‘final’ versions of SFA legislation.

1.) Legislative Action – there will be 3 coding categories and determines: if the bill is a SFA bill and has legislative action (coded YES); if the bill is a SFA bill, but has no legislative action - i.e. provides background information for the purpose of the legislation, outlines its importance; discusses reasons for enacting SFA legislation, specifies/funds research related to smoke-free air without providing direct legislation (i.e. research on the effects of passive smoking), updates or provides definitions for the proposed SFA legislation (defines type of tobacco covered such as cigarettes, cigars, smokeless tobacco, bidis, etc.), therefore it will not be coded further (coded NO – MISC); or if the bill is not really an SFA bill and will not be coded further (coded NO – NOT SFA).

- 1 = ‘YES’
- 2 = ‘NO - MISC’
- 3 = ‘NO – NOT SFA’

2.) Objective or Purpose of the SFA bill – this category will indicate and include an objective of the bill or stated purpose of the legislative action. Coding for this category can include whether the bill will:

- 1 = Create a new SFA law (providing legislative action)
- 2 = Strengthen an existing SFA law (amend existing law)
- 3 = Weaken an existing SFA law (amend existing law)
- 4 = Enact or strengthen SFA preemption – is this an objective or purpose of the bill, if the SFA law prohibits towns or local areas from enacting stronger legislation than existing state SFA laws.
- 5 = Repeal or weaken SFA preemption
- 6 = Modify or amend an existing law (strengthen or weaken SFA not specified)
- 7 = Unclear, further research needed
- 8 = Not applicable – (SFA bill not coded – either MISC or not SFA)
- 9 = To modify house/senate resolution

3A.) SFA Location – includes where smoking is allowed; where smoking is prohibited; where smoking is preempted; where preemption has been repealed (location may also address the scope of the coverage in terms of restrictions or a ban in all or part of a location). Examples of locations to be considered for coding include:

Code 1 = YES for each location and 8 = NO, NOT APPLICABLE

- a. Restaurants
- b. Bars (stand-alone bars and taverns)
- c. Private worksites
- d. Public worksites (government worksites)
- e. Places of employment, not specified
- f. Public schools
- g. Private schools
- h. Schools, not specified
- i. Colleges, Universities (including campuses and dormitories)
- j. Recreational facilities
- k. Cultural facilities
- l. Shopping malls, retail stores (including supermarkets)
- m. Health facilities
- n. Public transit (including school buses)
- o. Childcare centers
- p. Hotels
- q. Elevators
- r. Correctional facilities
- s. Other (code open-ended)
- t. Public places, not specified
- u. No locations specified (Certain bills may also provide a type of blanket indoor air protection coverage or may specify all indoor areas, without detailing specific locations).

3B.) Strength of protection – this category includes the strength of the SFA legislation for each location coded above – therefore there should be a strength of location coded to match for each SFA location coded. Note: coding for strength of legislation can also vary by detail among certain locations (please see coding schemes below).

BE SURE TO CODE PROTECTION CORRESPONDING TO EACH SFA LOCATION

The following locations follow the standard coding scheme outlined below: public worksites, private worksites, places of employment not specified, restaurants, bars, shopping malls, health facilities, public transit, hotels, colleges/universities, elevators, correctional facilities, other, public places not specified

NOTE: the coding scheme below should also be used for recreational facilities, cultural facilities, public schools, private schools, and child care facilities. When comparing these coding locations to the original state database coding – the additional coding categories should be collapsed to fit into these categories (i.e. public schools, private schools, and childcare centers should combine codes 3, 4, and 5 with bans to code ‘3’ below. Recreational and Cultural facilities should combine codes 1, 2, 3, and 4 with designated smoking areas to code ‘1’ below and

then code '2' (which was missing from their coding scheme in the state database will also be added to incorporate coding for separately ventilated areas).

- 0 = Not specified
- 1 = Designated smoking area – restrict smoking to designated areas or require separate ventilation with exemptions for locations of a certain size (e.g. restaurants with a seating capacity of less than 50)
- 2 = Separately ventilated areas – restrict smoking to separately ventilated areas or a ban with exemptions for certain locations where only a restriction applies
- 3 = A complete ban – ban at all times
- 4 = Delayed implementation of SFA provision
- 8 = Not applicable
- 9 = Strength of protection varies by location (just use when applicable and coding 'other' location)

4.) Enforcement rules or guidelines – this category includes whether there is any specification for enforcement or implementation of the law, which could include: who will enforce the law; how the law is to be enforced; provisions for resources related to enforcement, such as staff and/or money directed for enforcement (code 'YES' if the SFA law mentions one or more of these enforcement provisions or any other enforcement provision). [**Coded: YES/NO**]

- 1 = YES – if there is any specification for enforcement or implementation of the law (as described above)
- 2 = NO – if there is no specification for enforcement or implementation of the law (as described above)
- 8 = Not applicable – (SFA bill not coded – either MISC or not SFA)

5.) Penalties for violation – this category includes whether there is any penalty or fine for violation of the SFA law specified, which could include: type of penalty (i.e. fine, license suspension or revocation); amount of penalty; duration of penalty, etc. (code 'YES' if the SFA law mentions one or more of these penalty provisions or any other enforcement provision). [**Coded: YES/NO**]

- 1 = YES – if there is any penalty or fine for violation of the SFA law specified
- 2 = NO – if there is no penalty or fine for violation of the SFA law specified
- 8 = Not applicable – (SFA bill not coded – either MISC or not SFA)

(NOTE: Bills may not specify enforcement, but specify a penalty)

APPENDIX C: SmokeLess States: Tax Detailed Coding Scheme:

(Coding scheme and notes, 2/4/08)

We have developed coding categories to help define the TAX detailed coding scheme. Each category is presented below and defined with some further level of detail. These categories were used to code the ‘introduced’ and ‘final’ versions of TAX legislation.

3.) Legislative Action – there will be 3 coding categories and determines: if the bill is a TAX bill and has legislative action (coded YES); if the bill is a TAX bill, but has no legislative action - i.e. provides background information for the purpose of the legislation, outlines its importance; discusses reasons for enacting TAX legislation, specifies/funds research related to TAX without providing direct legislation, updates or provides definitions for the proposed TAX legislation (defines type of tobacco covered such as cigarettes, cigars, smokeless tobacco, bidis, etc.), therefore it will not be coded further (coded NO – MISC); or if the bill is not really a tobacco-related TAX bill and will not be coded further (coded NO – NOT TAX).

1 = ‘YES’

2 = ‘NO - MISC’

3 = ‘NO – NOT TOBACCO AND/OR TAX’

2.) Objective: Tax administration

1 = Yes, the objective or purpose of the TAX bill is TAX administration (providing legislative action related to tax stamps; affixing tax stamps; authorizing the collection of tax on tobacco sold; delinquent tax payments; tax liability; non-MSA or escrow tobacco tax issues)

8 = No or does not apply

3.) Objective: Changes in Tobacco Tax

1 = Yes, the objective or purpose of the TAX bill is to make changes in tobacco taxes (this can include increasing or decreasing the amount of tobacco or cigarette taxes)

8 = No or does not apply

3A.) Changes in Tobacco Tax: Cigarettes Original Amount: code the amount of the cigarette tax originally prior to the increase or decrease (code amount per pack).

8 = does not apply

3B.) Changes in Tobacco Tax: Cigarettes Proposed Amount: code the amount of the cigarette tax proposed after (as a result of) the increase or decrease (code amount per pack).

8 = does not apply

3C.) Changes in Tobacco Tax: Cigarettes Amount of Increase/Decrease: code the amount of the cigarette tax increase or decrease (code amount per pack).
8 = does not apply

3D.) Changes in Tobacco Tax: Tobacco Products Original Amount: code the amount of the tobacco product tax originally prior to the increase or decrease (amount typically applied as a percent to all tobacco products).
8 = does not apply

3E.) Changes in Tobacco Tax: Tobacco Products Proposed Amount: code the amount of the tobacco product tax proposed after (as a result of) the increase or decrease (amount typically applied as a percent to all tobacco products).
8 = does not apply

3F.) Changes in Tobacco Tax: Tobacco Products Amount of Increase/Decrease: code the amount of the tobacco product tax increase or decrease (amount typically applied as a percent to all tobacco products).
8 = does not apply

4.) Objective: Allocation of Tobacco Tax Revenues

1 = Yes, the objective or purpose of the TAX bill is to allocate tobacco tax revenues or to specify the use of revenues from tobacco-related tax monies
8 = No or does not apply

4A.) Allocation of tobacco tax revenue for TOBACCO CONTROL purposes:

1 = Yes, the tobacco tax revenue was allocated for tobacco control purposes (i.e. tobacco control programs, tobacco prevention, cessation, education)
2 = No, tobacco tax revenue was not allocated for tobacco control purposes
8 = does not apply

4B.) Allocation of tobacco tax revenue for OTHER purposes:

1 = Yes, the tobacco tax revenue was allocated for other purposes (i.e. state fund, general fund, health fund, environmental fund, etc.)
2 = No, tobacco tax revenue was not allocated for other purposes
8 = does not apply

APPENDIX D: SmokeLess States: Medicaid Detailed Coding Scheme:

(Revised Draft November 4, 2005)

Medicaid Bill

Bill regulates coverage of smoking cessation (including pharmaceuticals) / prevention / counseling / education programs where coverage is offered by a public healthcare entity.

There will be three coding categories. If the bill is a MED bill and has legislative action code 'YES.' If the bill is a MED bill but had no legislative action (i.e. provides background information, outlines importance, provides definitions) etc. and doesn't need additional coding, then code 'NO-MISC.' If the bill is not a MED bill and will not be coded, code 'NO-NOT MED.'

- 1 = 'YES'
- 2 = 'NO-MISC'
- 3 = 'NO-NOT MED'

Objective or Purpose of the Medicaid bill – this category will indicate and include an objective of the bill or stated purpose. Coding for this category can include whether the bill will:

- 1 = Creates a new Medicaid law (provides legislative action)
- 2 = Strengthens an existing Medicaid law (amends an existing law)
- 3 = Weakens an existing Medicaid law (amends an existing law). (i.e. bills that reduce the number of products that are covered, add or increase co-payments, restrict eligible population.)
- 4 = Creates a new law for non-Medicaid eligible individuals (Public Health Insurance)
- 5 = Unclear. Further Research is needed [Code: Yes/No]

Services: does the bill state whether a provided service will be covered.

Code 1 = 'YES' for each type of service and 8 = NO, NOT APPLICABLE to this particular bill.

- a. Tobacco Treatment
- b. Cessation Service
- c. Mental Health/Psychology Services/Cessation Counseling Services
- d. Individual Counseling
- e. Group Counseling
- f. Telephone Counseling
- g. Counseling services NOT SPECIFIED
- h. Pharmaceuticals Covered
- i. Gum
- j. Gum OTC
- k. Gum Prescription
- l. Patch

- m. Patch OTC
- n. Patch Prescription
- o. Inhaler
- p. Inhaler OTC
- q. Inhaler Prescription
- r. Nasal Spray
- s. Nasal Spray OTC
- t. Nasal Spray Prescription
- u. Lozenge
- v. Lozenge OTC
- w. Lozenge Prescription
- x. Pill
- y. Pill OTC
- z. Pill Prescription
- aa. Health Education/Promotion
- bb. Treatment NOT Specified

Maximum Benefit: Is there time frame that treatment is limited to.

Code 1 = YES

Code 2 = NO. NOT SPECIFIED.

Code 8 = NO. NOT APPLICABLE (MED bill not coded.)

- Is there a maximum benefit in dollars
- Is there a maximum benefit in time (i.e. 8 weeks of NRT)
- Is there a waiting period to qualify for additional coverage (i.e. Eight weeks of NRT are covered, however, individual must wait X amount of months to qualify again)

Population: do the services target a specific population

Code 1 = YES

Code 2 = NO

Code 3 = NOT SPECIFIED

Code 8 = NO. NOT APPLICABLE

- a. Adults
- b. Pregnant Women
- c. Non-Medicaid eligible women of child-bearing age

Cost Sharing: do the services require a cost sharing

Code 1 = YES

Code 2 = NO

Code 3 = NOT SPECIFIED

Code 8 = NO. NOT APPLICABLE

- a. Co-payment / Deductible

If a=1 (YES), then,

- b. SPECIFY Amount (open ended in \$).

Funding Source: does bill discuss who funds Medicaid services described.

Code 1 = YES

Code 2 = NO

Code 3 = NOT SPECIFIED

Code 8 = NO. NOT APPLICABLE

- a. State Government / General Revenues
- b. MSA
- c. Other [Specify]

APPENDIX E: State-Specific Summary Tables

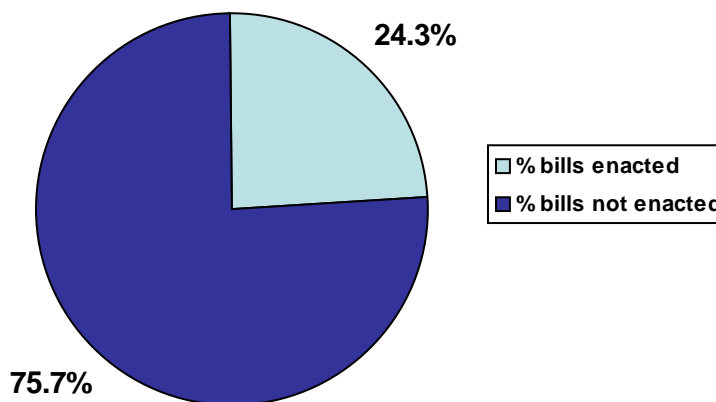
Smokeless States Legislative Coding by State

ALABAMA: Smokeless States Legislative Tobacco Coding, 2002-2003

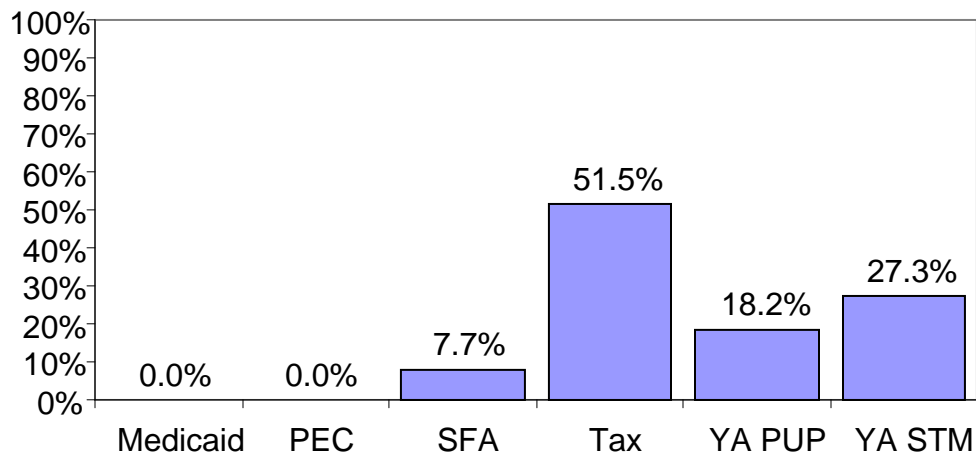
Total Number of Introduced Tobacco Bills: 107 bills

| SLS Coding Category | Number of AL Bills Coded | Percent of total AL bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 27 | 25.2% |
| Distribution | 11 | 10.3% |
| Insurance | 0 | .0%% |
| Medicaid | 0 | 0.0% |
| Marketing | 5 | 4.7% |
| Master Settlement Agreement (MSA) | 27 | 25.2% |
| Prevention, Education, Cessation Programs (PEC) | 3 | 2.8% |
| Smoke-Free Air (SFA) | 13 | 12.1% |
| Tax | 33 | 30.8% |
| Youth Access PUP Laws (YA PUP) | 11 | 10.3% |
| Youth Access Sales to Minors' Laws (YA STM) | 11 | 10.3% |
| Miscellaneous | 41 | 38.3% |

Total Number of Bills Enacted as Tobacco Legislation: 26 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

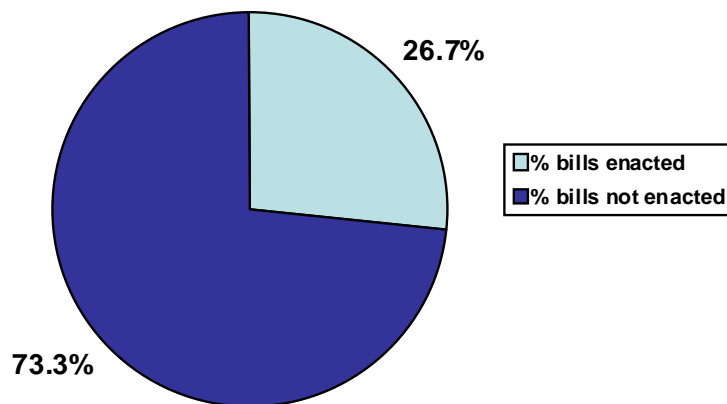


ALASKA: Smokeless States Legislative Tobacco Coding, 2002-2003

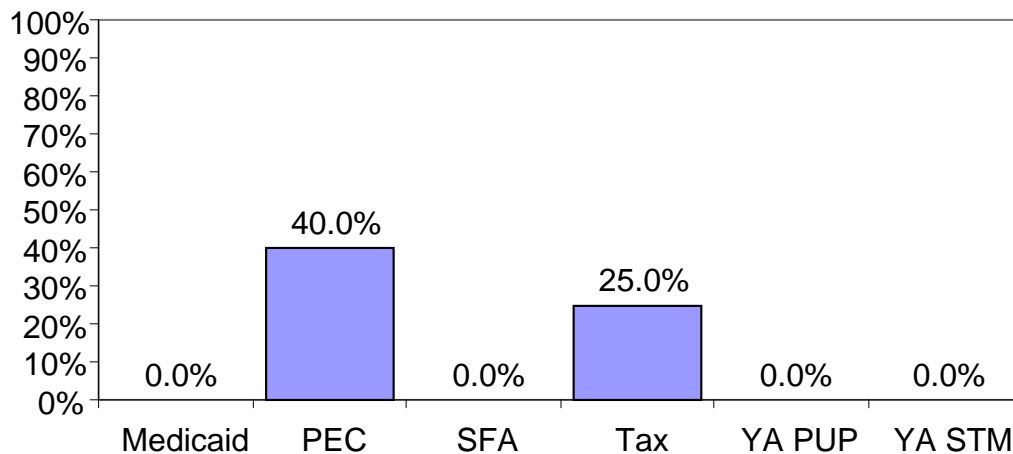
Total Number of Introduced Tobacco Bills: 30 bills

| SLS Coding Category | Number of AK Bills Coded | Percent of total AK bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 11 | 36.7% |
| Distribution | 11 | 36.7% |
| Insurance | 0 | 0.0% |
| Medicaid | 0 | 0.0% |
| Marketing | 5 | 16.7% |
| Master Settlement Agreement (MSA) | 14 | 46.7% |
| Prevention, Education, Cessation Programs (PEC) | 10 | 33.3% |
| Smoke-Free Air (SFA) | 0 | 0.0% |
| Tax | 8 | 26.7% |
| Youth Access PUP Laws (YA PUP) | 2 | 6.7% |
| Youth Access Sales to Minors' Laws (YA STM) | 2 | 6.7% |
| Miscellaneous | 8 | 26.7% |

Total Number of Bills Enacted as Tobacco Legislation: 8 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

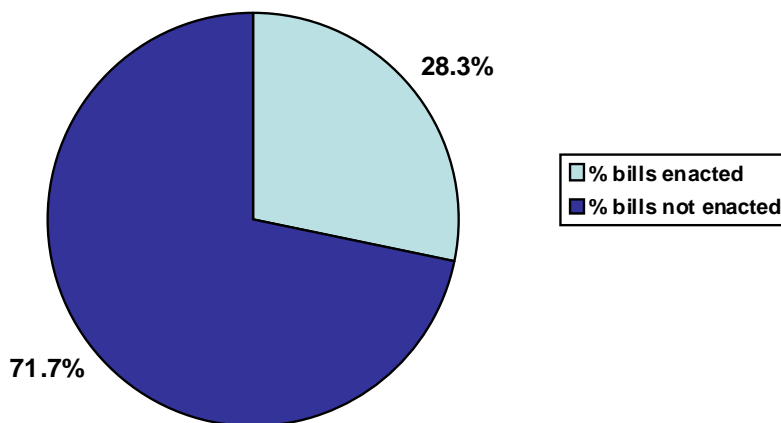


ARIZONA: Smokeless States Legislative Tobacco Coding, 2002-2003

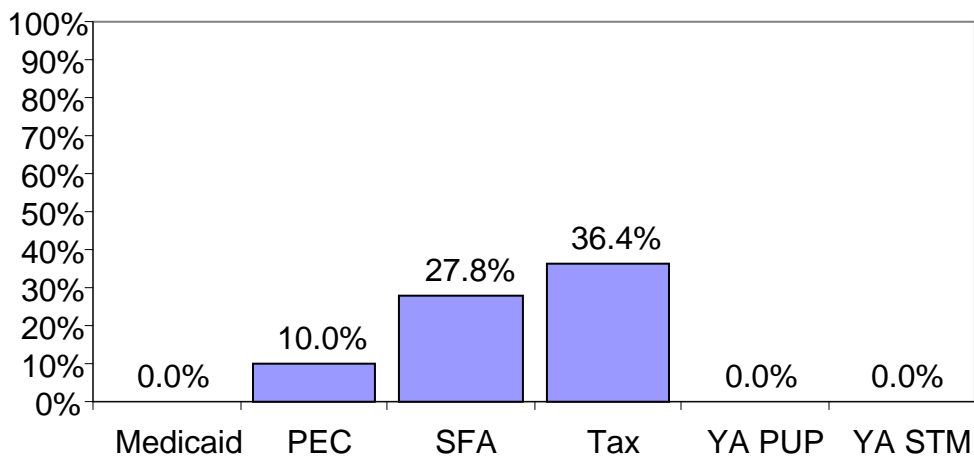
Total Number of Introduced Tobacco Bills: 99 bills

| SLS Coding Category | Number of AZ Bills Coded | Percent of total AZ bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 34 | 34.3% |
| Distribution | 8 | 8.1% |
| Insurance | 0 | 0.0% |
| Medicaid | 3 | 3.0% |
| Marketing | 9 | 9.1% |
| Master Settlement Agreement (MSA) | 28 | 28.3% |
| Prevention, Education, Cessation Programs (PEC) | 10 | 10.1% |
| Smoke-Free Air (SFA) | 18 | 18.2% |
| Tax | 44 | 44.4 % |
| Youth Access PUP Laws (YA PUP) | 1 | 1.0% |
| Youth Access Sales to Minors' Laws (YA STM) | 2 | 2.0% |
| Miscellaneous | 21 | 21.2% |

Total Number of Bills Enacted as Tobacco Legislation: 28 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

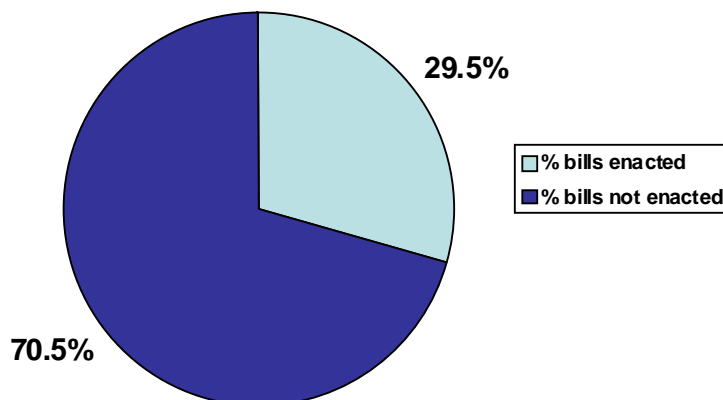


ARKANSAS: Smokeless States Legislative Tobacco Coding, 2002-2003

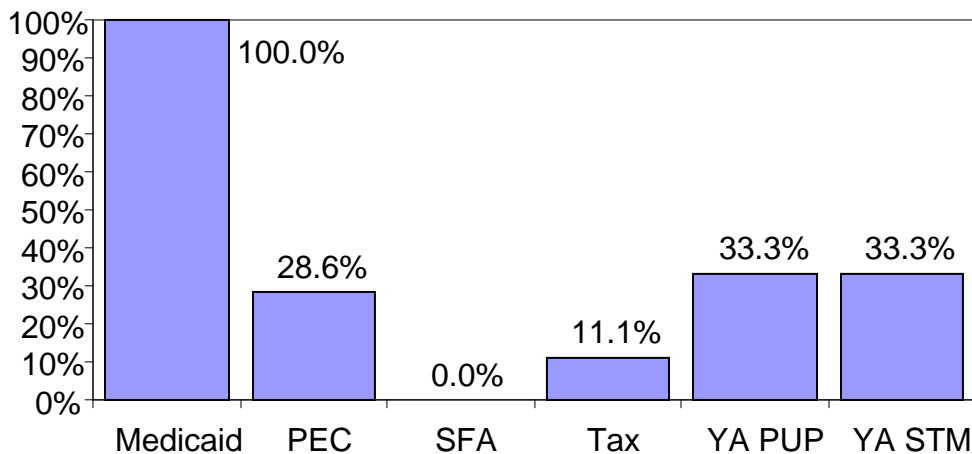
Total Number of Introduced Tobacco Bills: 78 bills

| SLS Coding Category | Number of AR Bills Coded | Percent of total AR bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 17 | 21.8% |
| Distribution | 8 | 10.3% |
| Insurance | 0 | 0.0% |
| Medicaid | 2 | 2.6% |
| Marketing | 5 | 6.4% |
| Master Settlement Agreement (MSA) | 15 | 19.2% |
| Prevention, Education, Cessation Programs (PEC) | 7 | 9.0% |
| Smoke-Free Air (SFA) | 5 | 6.4% |
| Tax | 36 | 46.2% |
| Youth Access PUP Laws (YA PUP) | 6 | 7.7% |
| Youth Access Sales to Minors' Laws (YA STM) | 6 | 7.7% |
| Miscellaneous | 11 | 14.1% |

Total Number of Bills Enacted as Tobacco Legislation: 23 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

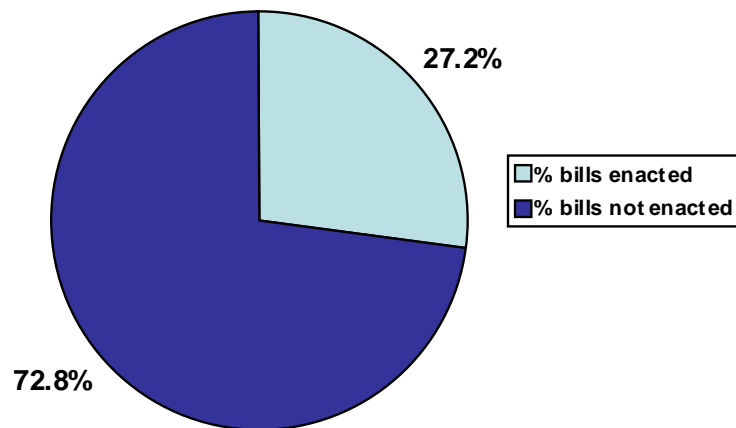


CALIFORNIA: Smokeless States Legislative Tobacco Coding, 2002-2003

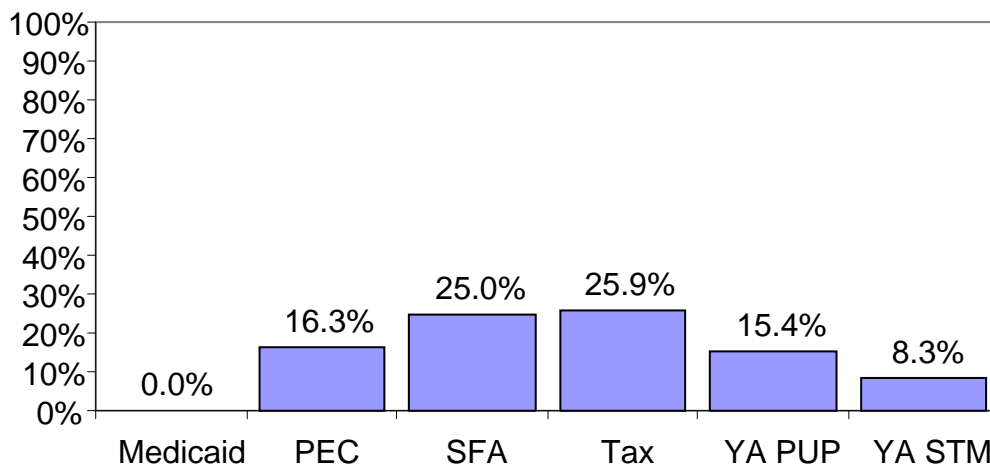
Total Number of Introduced Tobacco Bills: 169 bills

| SLS Coding Category | Number of CA Bills Coded | Percent of total CA bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 51 | 30.2% |
| Distribution | 16 | 9.5% |
| Insurance | 4 | 2.4% |
| Medicaid | 1 | 0.6% |
| Marketing | 17 | 10.1% |
| Master Settlement Agreement (MSA) | 38 | 22.5% |
| Prevention, Education, Cessation Programs (PEC) | 43 | 25.4% |
| Smoke-Free Air (SFA) | 16 | 9.5% |
| Tax | 58 | 34.3% |
| Youth Access PUP Laws (YA PUP) | 13 | 7.7% |
| Youth Access Sales to Minors' Laws (YA STM) | 24 | 14.2% |
| Miscellaneous | 57 | 33.7% |

Total Number of Bills Enacted as Tobacco Legislation: 46 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

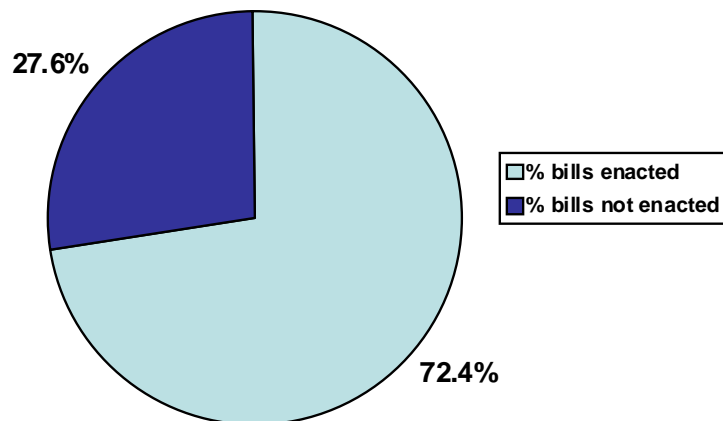


COLORADO: Smokeless States Legislative Tobacco Coding, 2002-2003

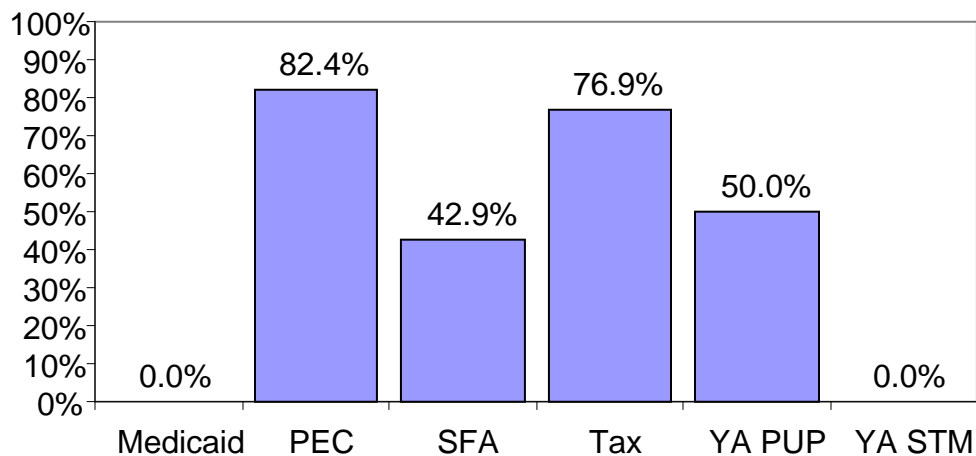
Total Number of Introduced Tobacco Bills: 76

| SLS Coding Category | Number of CO Bills Coded | Percent of total CO bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 50 | 65.8% |
| Distribution | 4 | 5.3% |
| Insurance | 4 | 5.3% |
| Medicaid | 2 | 2.6% |
| Marketing | 0 | 0.0% |
| Master Settlement Agreement (MSA) | 45 | 59.2% |
| Prevention, Education, Cessation Programs (PEC) | 17 | 22.4% |
| Smoke-Free Air (SFA) | 7 | 9.2% |
| Tax | 13 | 17.1% |
| Youth Access PUP Laws (YA PUP) | 2 | 2.6% |
| Youth Access Sales to Minors' Laws (YA STM) | 0 | 0.0% |
| Miscellaneous | 12 | 15.8% |

Total Number of Bills Enacted as Tobacco Legislation: 55 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

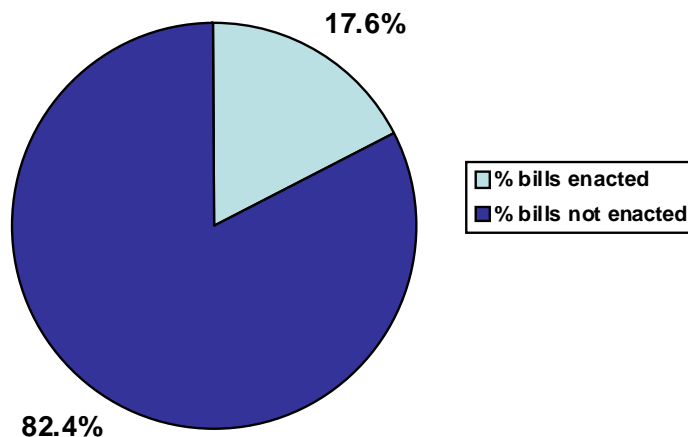


CONNECTICUT: Smokeless States Legislative Tobacco Coding, 2002-2003

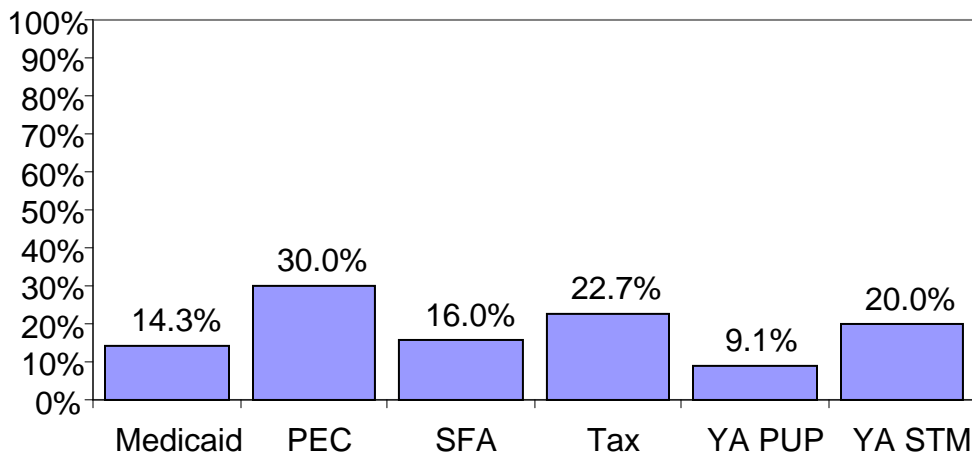
Total Number of Introduced Tobacco Bills: 85

| SLS Coding Category | Number of CT Bills Coded | Percent of total CT bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 1 | 1.2% |
| Budget | 23 | 27.1% |
| Distribution | 14 | 16.5% |
| Insurance | 2 | 2.4% |
| Medicaid | 7 | 8.2% |
| Marketing | 4 | 4.7% |
| Master Settlement Agreement (MSA) | 21 | 24.7% |
| Prevention, Education, Cessation Programs (PEC) | 20 | 23.5% |
| Smoke-Free Air (SFA) | 25 | 29.4% |
| Tax | 22 | 25.9% |
| Youth Access PUP Laws (YA PUP) | 11 | 12.9% |
| Youth Access Sales to Minors' Laws (YA STM) | 5 | 5.9% |
| Miscellaneous | 9 | 10.6% |

Total Number of Bills Enacted as Tobacco Legislation: 15 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

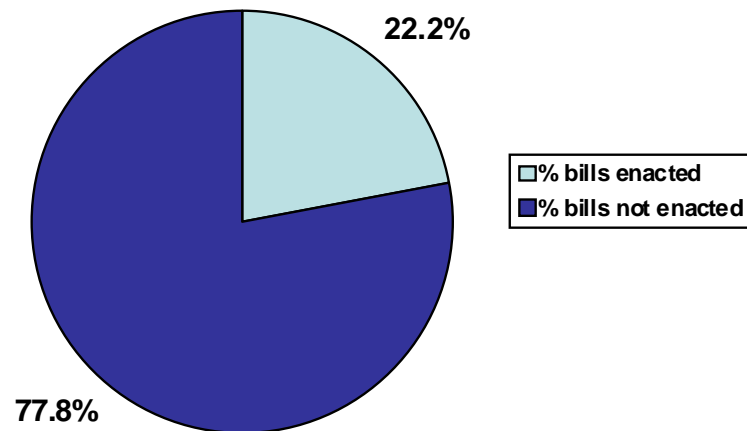


DELAWARE: Smokeless States Legislative Tobacco Coding, 2002-2003

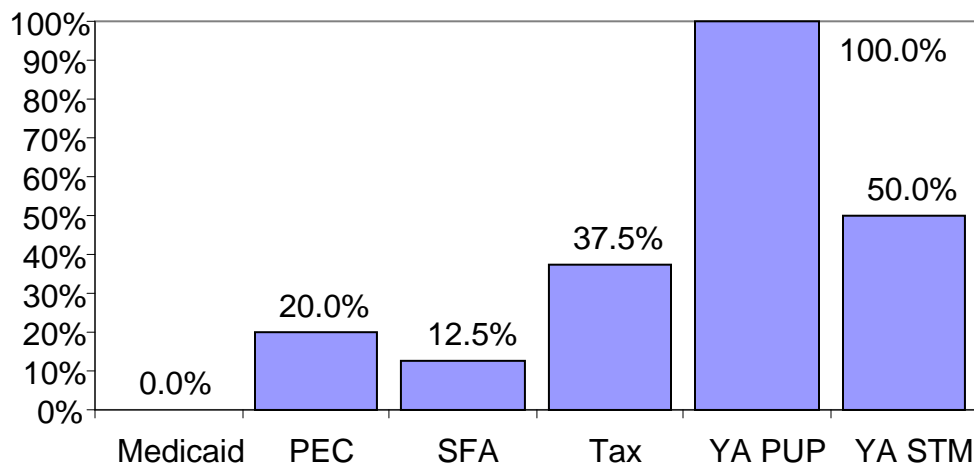
Total Number of Introduced Tobacco Bills: 27

| SLS Coding Category | Number of DE Bills Coded | Percent of total DE bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 4 | 14.8% |
| Distribution | 2 | 7.4% |
| Insurance | 1 | 3.7% |
| Medicaid | 0 | 0.0% |
| Marketing | 1 | 3.7% |
| Master Settlement Agreement (MSA) | 6 | 22.2% |
| Prevention, Education, Cessation Programs (PEC) | 5 | 18.5% |
| Smoke-Free Air (SFA) | 8 | 29.6% |
| Tax | 8 | 29.6% |
| Youth Access PUP Laws (YA PUP) | 2 | 7.4% |
| Youth Access Sales to Minors' Laws (YA STM) | 2 | 7.4% |
| Miscellaneous | 5 | 18.5% |

Total Number of Bills Enacted as Tobacco Legislation: 6 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

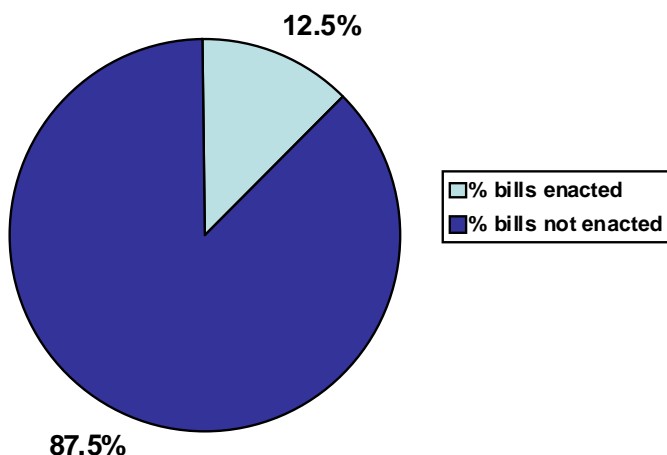


FLORIDA: Smokeless States Legislative Tobacco Coding, 2002-2003

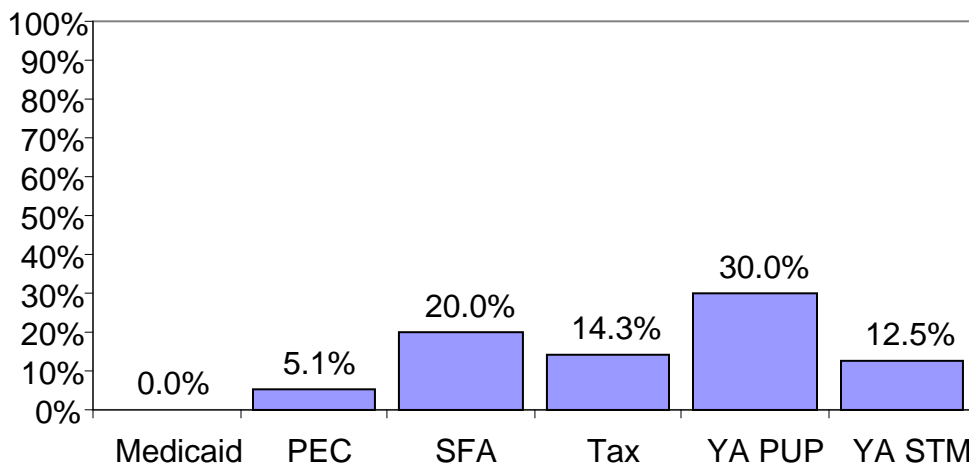
Total Number of Introduced Tobacco Bills: 224

| SLS Coding Category | Number of FL Bills Coded | Percent of total FL bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 9 | 4.0% |
| Budget | 56 | 25.0% |
| Distribution | 8 | 3.6% |
| Insurance | 13 | 5.8% |
| Medicaid | 1 | 0.4% |
| Marketing | 6 | 2.7% |
| Master Settlement Agreement (MSA) | 74 | 33.0% |
| Prevention, Education, Cessation Programs (PEC) | 39 | 17.4% |
| Smoke-Free Air (SFA) | 15 | 6.7% |
| Tax | 63 | 28.1% |
| Youth Access PUP Laws (YA PUP) | 10 | 4.5% |
| Youth Access Sales to Minors' Laws (YA STM) | 8 | 3.6% |
| Miscellaneous | 83 | 37.1% |

Total Number of Bills Enacted as Tobacco Legislation: 28 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

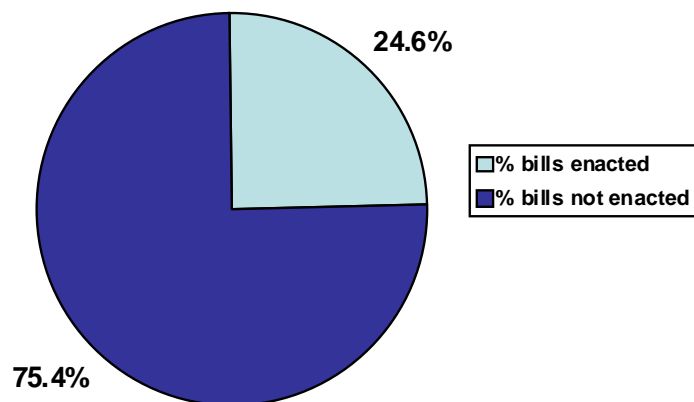


GEORGIA: Smokeless States Legislative Tobacco Coding, 2002-2003

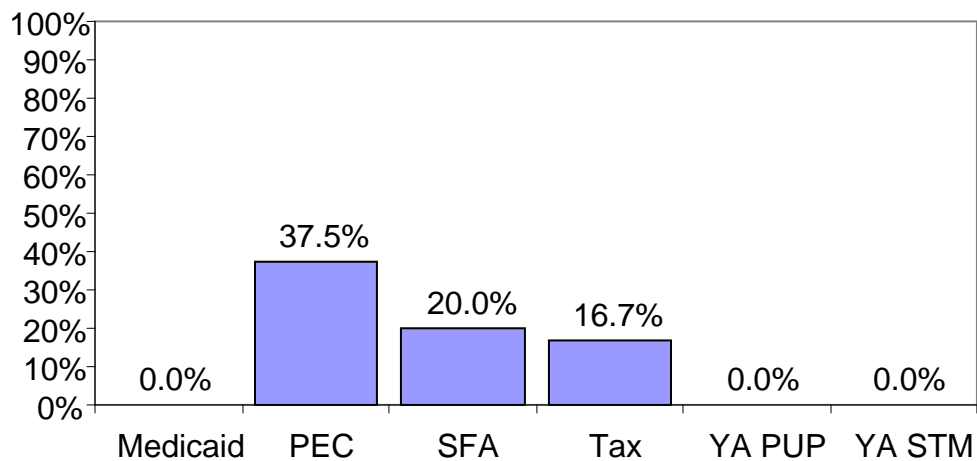
Total Number of Introduced Tobacco Bills: 65

| SLS Coding Category | Number of GA Bills Coded | Percent of total GA bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 4 | 6.2% |
| Budget | 10 | 15.4% |
| Distribution | 3 | 4.6% |
| Insurance | 0 | 0.0% |
| Medicaid | 0 | 0.0% |
| Marketing | 3 | 4.6% |
| Master Settlement Agreement (MSA) | 12 | 18.5% |
| Prevention, Education, Cessation Programs (PEC) | 8 | 12.3% |
| Smoke-Free Air (SFA) | 5 | 7.7% |
| Tax | 24 | 36.9% |
| Youth Access PUP Laws (YA PUP) | 3 | 4.6% |
| Youth Access Sales to Minors' Laws (YA STM) | 1 | 1.5% |
| Miscellaneous | 20 | 30.8% |

Total Number of Bills Enacted as Tobacco Legislation: 16 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

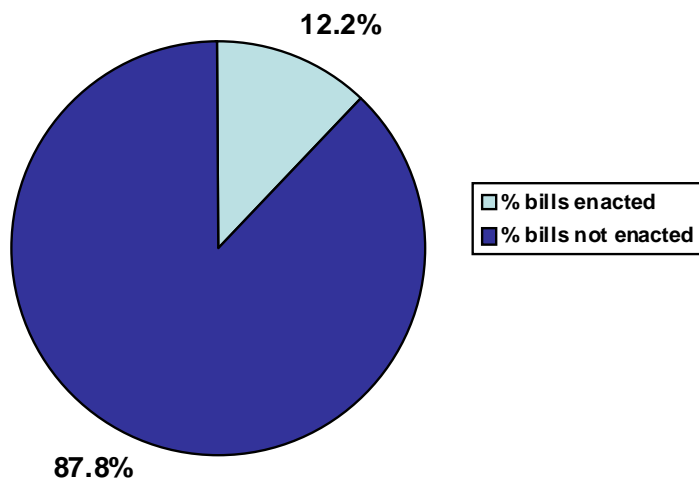


HAWAII: Smokeless States Legislative Tobacco Coding, 2002-2003

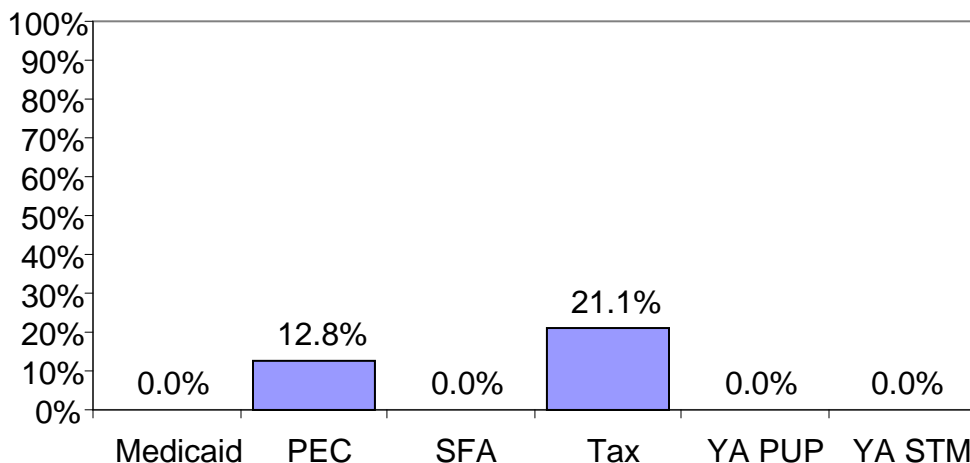
Total Number of Introduced Tobacco Bills: 197

| SLS Coding Category | Number of HI Bills Coded | Percent of total HI bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 1 | 0.5% |
| Budget | 49 | 24.9% |
| Distribution | 7 | 3.6% |
| Insurance | 0 | 0.0% |
| Medicaid | 2 | 1.0% |
| Marketing | 6 | 3.0% |
| Master Settlement Agreement (MSA) | 76 | 38.6% |
| Prevention, Education, Cessation Programs (PEC) | 39 | 19.8% |
| Smoke-Free Air (SFA) | 20 | 10.2% |
| Tax | 76 | 38.6% |
| Youth Access PUP Laws (YA PUP) | 13 | 6.6% |
| Youth Access Sales to Minors' Laws (YA STM) | 10 | 5.1% |
| Miscellaneous | 54 | 27.4% |

Total Number of Bills Enacted as Tobacco Legislation: 24 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

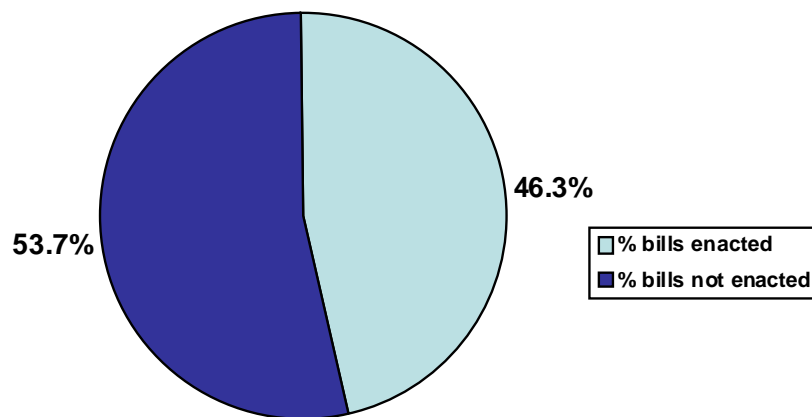


IDAHO: Smokeless States Legislative Tobacco Coding, 2002-2003

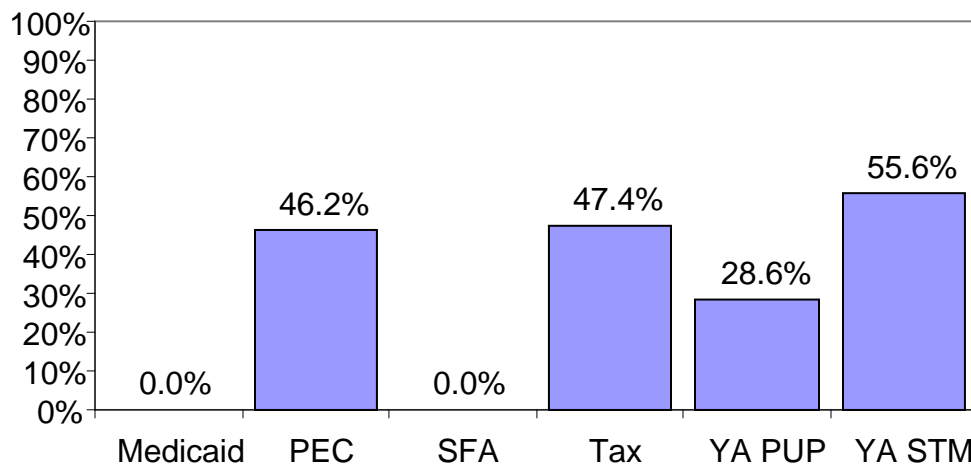
Total Number of Introduced Tobacco Bills: 54

| SLS Coding Category | Number of ID Bills Coded | Percent of total ID bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 1 | 1.9% |
| Budget | 26 | 48.1% |
| Distribution | 4 | 7.4% |
| Insurance | 1 | 1.9% |
| Medicaid | 0 | 0.0% |
| Marketing | 3 | 5.6% |
| Master Settlement Agreement (MSA) | 14 | 25.9% |
| Prevention, Education, Cessation Programs (PEC) | 13 | 24.1% |
| Smoke-Free Air (SFA) | 2 | 3.7% |
| Tax | 19 | 35.2% |
| Youth Access PUP Laws (YA PUP) | 7 | 13.0% |
| Youth Access Sales to Minors' Laws (YA STM) | 9 | 16.7% |
| Miscellaneous | 8 | 14.8% |

Total Number of Bills Enacted as Tobacco Legislation: 25 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

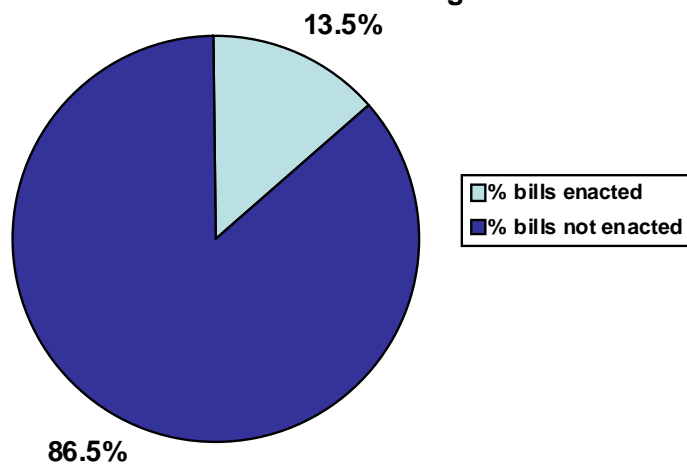


ILLINOIS: Smokeless States Legislative Tobacco Coding, 2002-2003

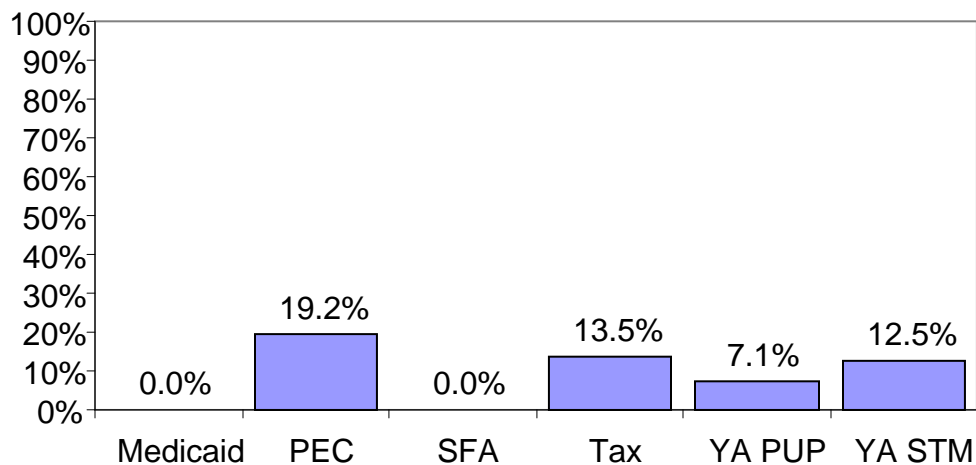
Total Number of Introduced Tobacco Bills: 259

| SLS Coding Category | Number of IL Bills Coded | Percent of total IL bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 1 | 0.4% |
| Budget | 85 | 32.8% |
| Distribution | 22 | 8.5% |
| Insurance | 7 | 2.7% |
| Medicaid | 4 | 1.5% |
| Marketing | 19 | 7.3% |
| Master Settlement Agreement (MSA) | 109 | 42.1% |
| Prevention, Education, Cessation Programs (PEC) | 26 | 10.0% |
| Smoke-Free Air (SFA) | 10 | 3.9% |
| Tax | 52 | 20.1% |
| Youth Access PUP Laws (YA PUP) | 14 | 5.4% |
| Youth Access Sales to Minors' Laws (YA STM) | 32 | 12.4% |
| Miscellaneous | 59 | 22.8% |

Total Number of Bills Enacted as Tobacco Legislation: 35 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

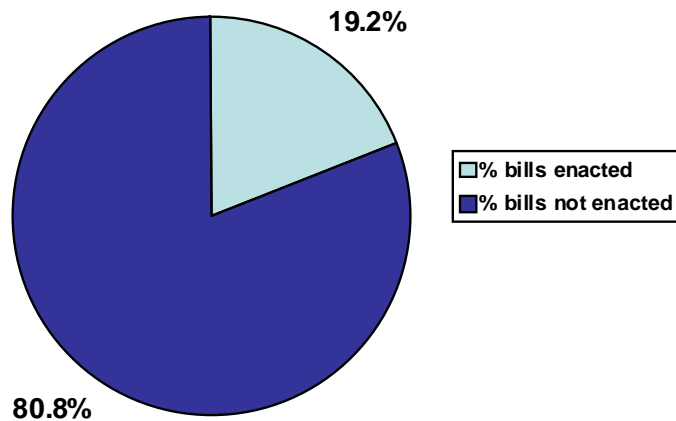


INDIANA: Smokeless States Legislative Tobacco Coding, 2002-2003

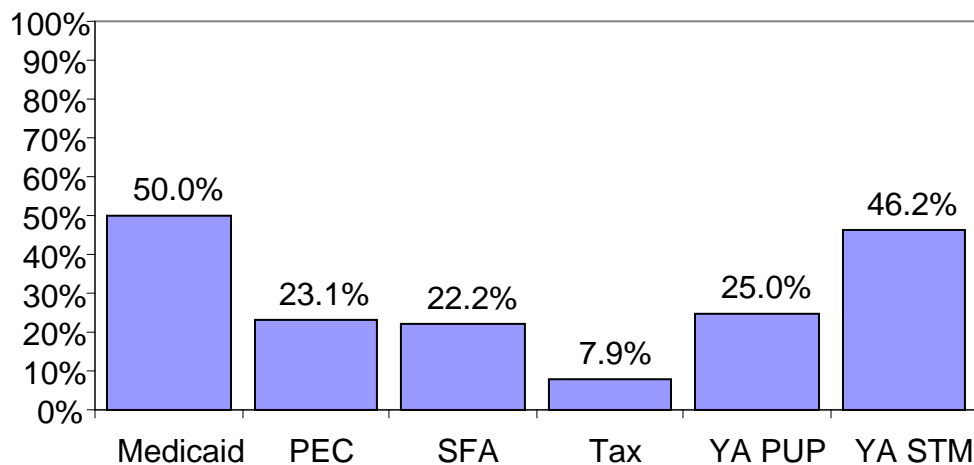
Total Number of Introduced Tobacco Bills: 156

| SLS Coding Category | Number of IN Bills Coded | Percent of total IN bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 7 | 4.5% |
| Budget | 29 | 18.6% |
| Distribution | 18 | 11.5% |
| Insurance | 1 | 0.6% |
| Medicaid | 2 | 1.3% |
| Marketing | 9 | 5.8% |
| Master Settlement Agreement (MSA) | 32 | 20.5% |
| Prevention, Education, Cessation Programs (PEC) | 13 | 8.3% |
| Smoke-Free Air (SFA) | 9 | 5.8% |
| Tax | 38 | 24.4% |
| Youth Access PUP Laws (YA PUP) | 8 | 5.1% |
| Youth Access Sales to Minors' Laws (YA STM) | 13 | 8.3% |
| Miscellaneous | 74 | 47.4% |

Total Number of Bills Enacted as Tobacco Legislation: 30 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

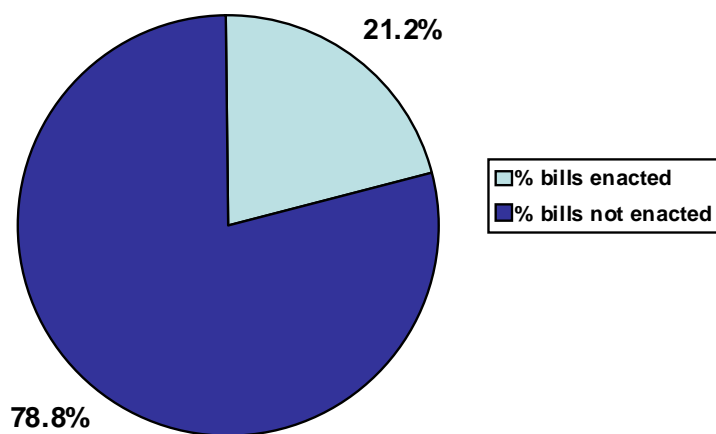


IOWA: Smokeless States Legislative Tobacco Coding, 2002-2003

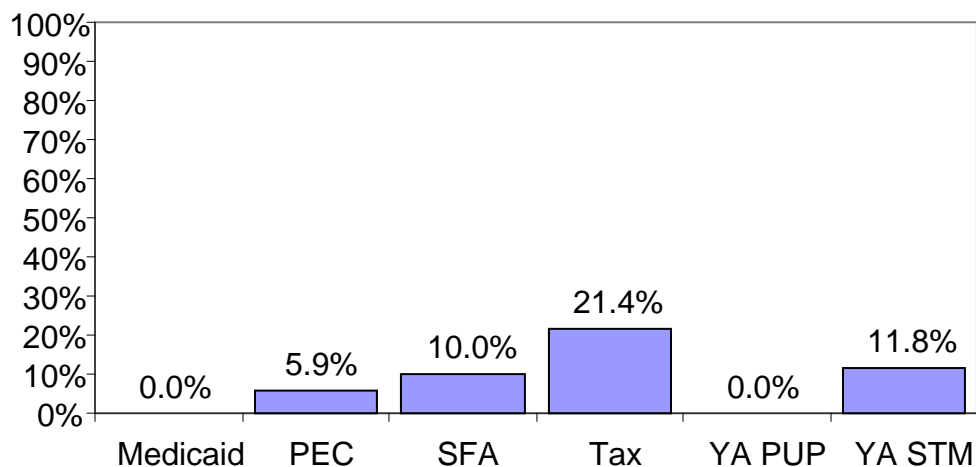
Total Number of Introduced Tobacco Bills: 99

| SLS Coding Category | Number of IA Bills Coded | Percent of total IA bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 45 | 45.5% |
| Distribution | 6 | 6.1% |
| Insurance | 1 | 1.0% |
| Medicaid | 1 | 1.0% |
| Marketing | 1 | 1.0% |
| Master Settlement Agreement (MSA) | 53 | 53.5% |
| Prevention, Education, Cessation Programs (PEC) | 17 | 17.2% |
| Smoke-Free Air (SFA) | 10 | 10.1% |
| Tax | 28 | 28.3% |
| Youth Access PUP Laws (YA PUP) | 1 | 1.0% |
| Youth Access Sales to Minors' Laws (YA STM) | 17 | 17.2% |
| Miscellaneous | 10 | 10.1% |

Total Number of Bills Enacted as Tobacco Legislation: 21 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

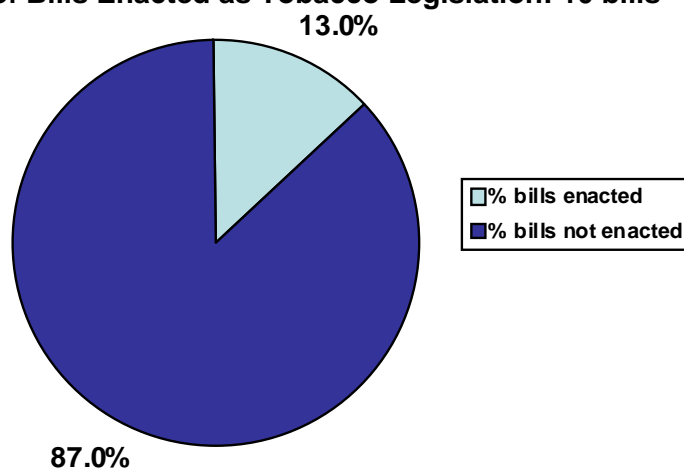


KANSAS: Smokeless States Legislative Tobacco Coding, 2002-2003

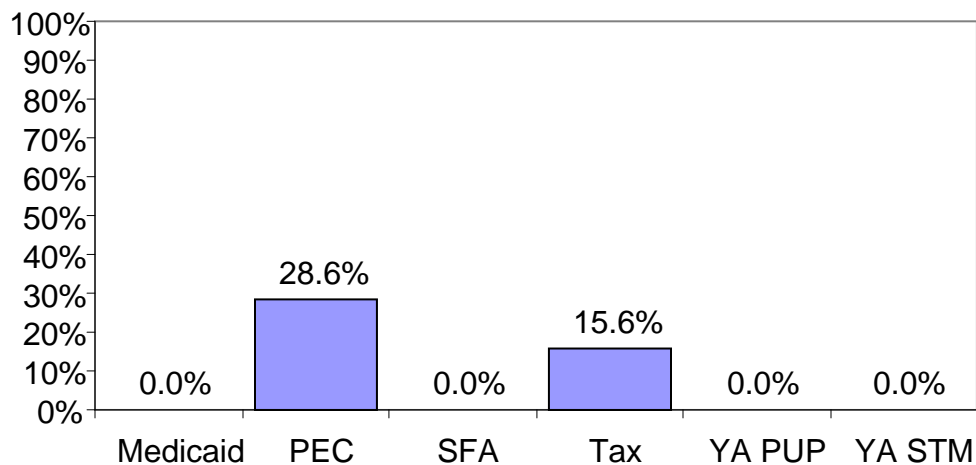
Total Number of Introduced Tobacco Bills: 77

| SLS Coding Category | Number of KS Bills Coded | Percent of total KS bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 8 | 10.4% |
| Distribution | 8 | 10.4% |
| Insurance | 0 | 0.0% |
| Medicaid | 0 | 0.0% |
| Marketing | 4 | 5.2% |
| Master Settlement Agreement (MSA) | 8 | 10.4% |
| Prevention, Education, Cessation Programs (PEC) | 7 | 9.1% |
| Smoke-Free Air (SFA) | 3 | 3.9% |
| Tax | 32 | 41.6% |
| Youth Access PUP Laws (YA PUP) | 3 | 3.9% |
| Youth Access Sales to Minors' Laws (YA STM) | 2 | 2.6% |
| Miscellaneous | 29 | 37.7% |

Total Number of Bills Enacted as Tobacco Legislation: 10 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

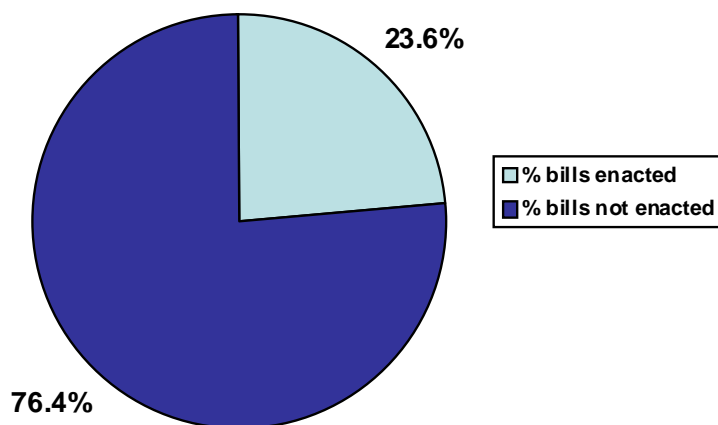


KENTUCKY: Smokeless States Legislative Tobacco Coding, 2002-2003

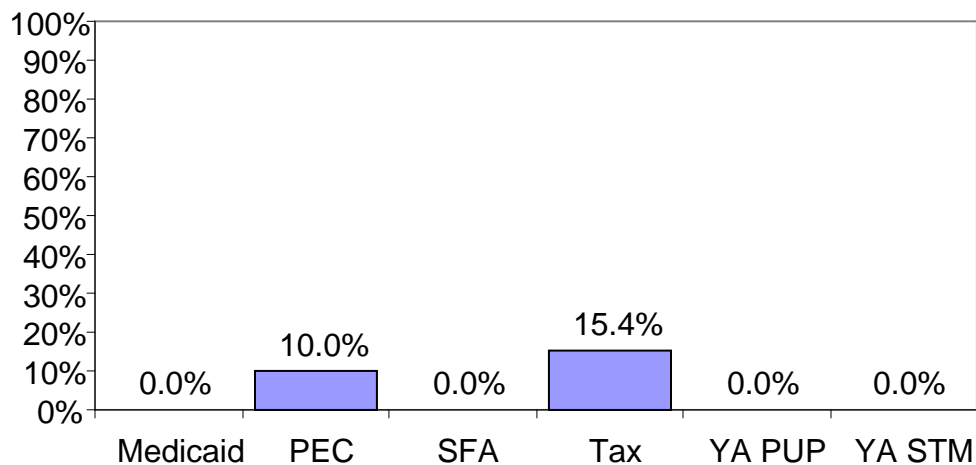
Total Number of Introduced Tobacco Bills: 144

| SLS Coding Category | Number of KY Bills Coded | Percent of total KY bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 48 | 33.3% |
| Budget | 20 | 13.9% |
| Distribution | 4 | 2.8% |
| Insurance | 1 | 0.7% |
| Medicaid | 1 | 0.7% |
| Marketing | 5 | 3.5% |
| Master Settlement Agreement (MSA) | 60 | 41.7% |
| Prevention, Education, Cessation Programs (PEC) | 10 | 6.9% |
| Smoke-Free Air (SFA) | 6 | 4.2% |
| Tax | 26 | 18.1% |
| Youth Access PUP Laws (YA PUP) | 6 | 4.2% |
| Youth Access Sales to Minors' Laws (YA STM) | 7 | 4.9% |
| Miscellaneous | 58 | 40.3% |

Total Number of Bills Enacted as Tobacco Legislation: 34 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

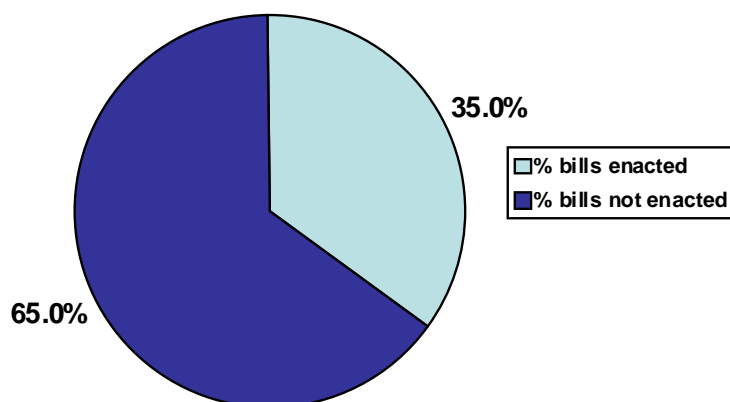


LOUISIANA: Smokeless States Legislative Tobacco Coding, 2002-2003

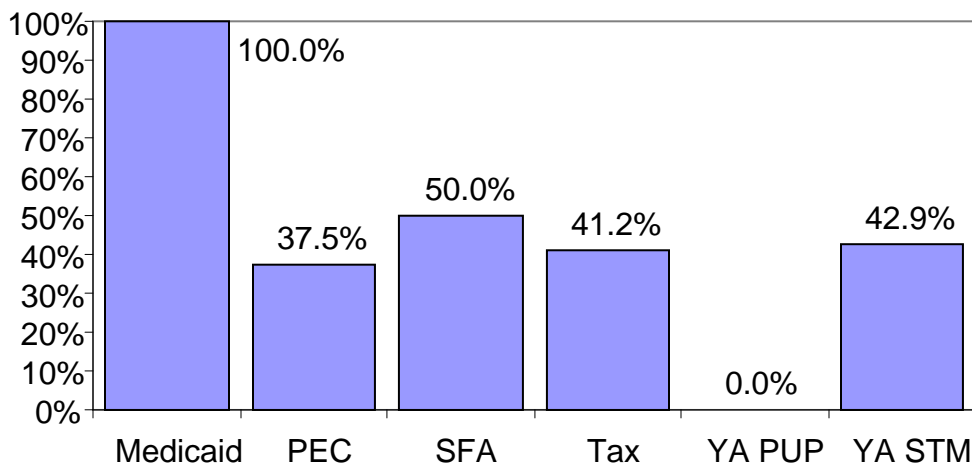
Total Number of Introduced Tobacco Bills: 60

| SLS Coding Category | Number of LA Bills Coded | Percent of total LA bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 12 | 20.0% |
| Distribution | 10 | 16.7% |
| Insurance | 1 | 1.7% |
| Medicaid | 1 | 1.7% |
| Marketing | 2 | 3.3% |
| Master Settlement Agreement (MSA) | 13 | 21.7% |
| Prevention, Education, Cessation Programs (PEC) | 8 | 13.3% |
| Smoke-Free Air (SFA) | 4 | 6.7% |
| Tax | 17 | 28.3% |
| Youth Access PUP Laws (YA PUP) | 4 | 6.7% |
| Youth Access Sales to Minors' Laws (YA STM) | 7 | 11.7% |
| Miscellaneous | 28 | 46.7% |

Total Number of Bills Enacted as Tobacco Legislation: 21 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

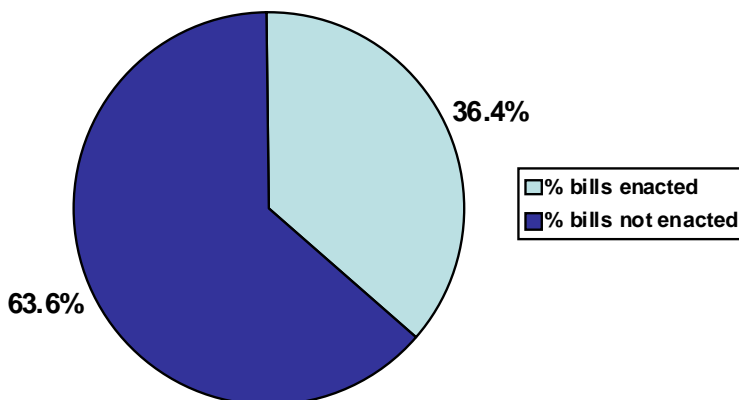


MAINE: Smokeless States Legislative Tobacco Coding, 2002-2003

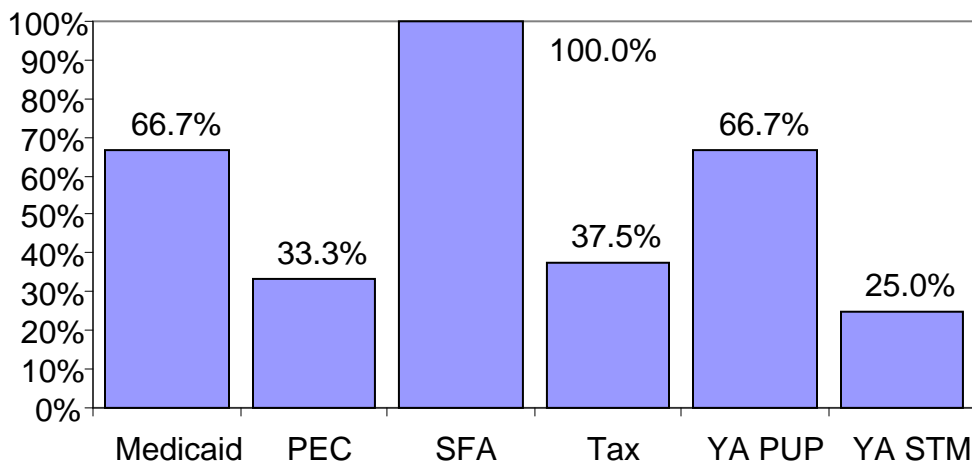
Total Number of Introduced Tobacco Bills: 33

| SLS Coding Category | Number of ME Bills Coded | Percent of total ME bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 8 | 24.2% |
| Distribution | 7 | 21.2% |
| Insurance | 0 | 0.0% |
| Medicaid | 3 | 9.1% |
| Marketing | 3 | 9.1% |
| Master Settlement Agreement (MSA) | 4 | 12.1% |
| Prevention, Education, Cessation Programs (PEC) | 3 | 9.1% |
| Smoke-Free Air (SFA) | 3 | 9.1% |
| Tax | 16 | 48.5% |
| Youth Access PUP Laws (YA PUP) | 3 | 9.1% |
| Youth Access Sales to Minors' Laws (YA STM) | 4 | 12.1% |
| Miscellaneous | 6 | 18.2% |

Total Number of Bills Enacted as Tobacco Legislation: 12 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

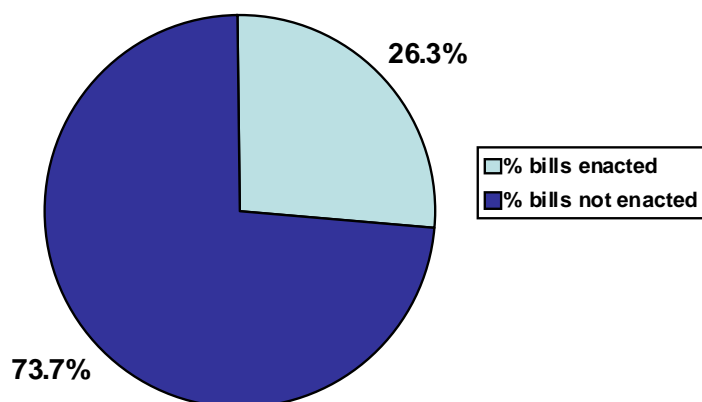


MARYLAND: Smokeless States Legislative Tobacco Coding, 2002-2003

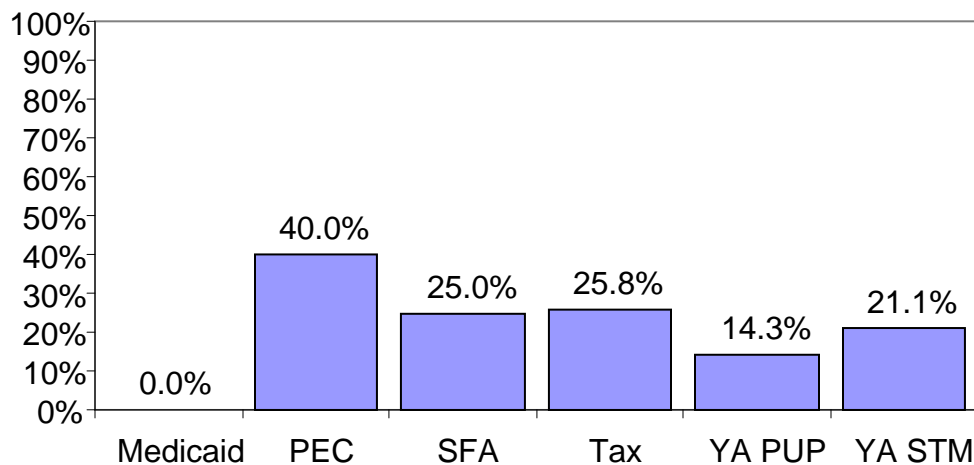
Total Number of Introduced Tobacco Bills: 95

| SLS Coding Category | Number of MD Bills Coded | Percent of total MD bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 9 | 9.5% |
| Budget | 14 | 14.7% |
| Distribution | 18 | 18.9% |
| Insurance | 0 | 0.0% |
| Medicaid | 3 | 3.2% |
| Marketing | 19 | 20.0% |
| Master Settlement Agreement (MSA) | 6 | 6.3% |
| Prevention, Education, Cessation Programs (PEC) | 15 | 15.8% |
| Smoke-Free Air (SFA) | 4 | 4.2% |
| Tax | 31 | 32.6% |
| Youth Access PUP Laws (YA PUP) | 14 | 14.7% |
| Youth Access Sales to Minors' Laws (YA STM) | 19 | 20.0% |
| Miscellaneous | 20 | 21.1% |

Total Number of Bills Enacted as Tobacco Legislation: 25 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

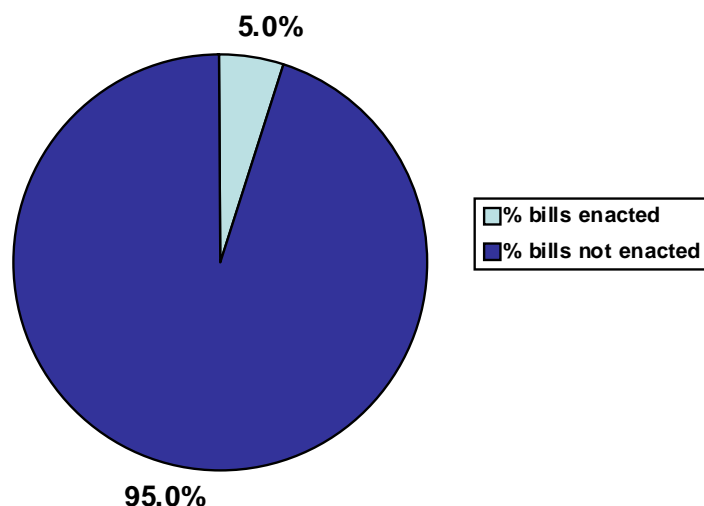


MASSACHUSETTS: Smokeless States Legislative Tobacco Coding, 2002-2003

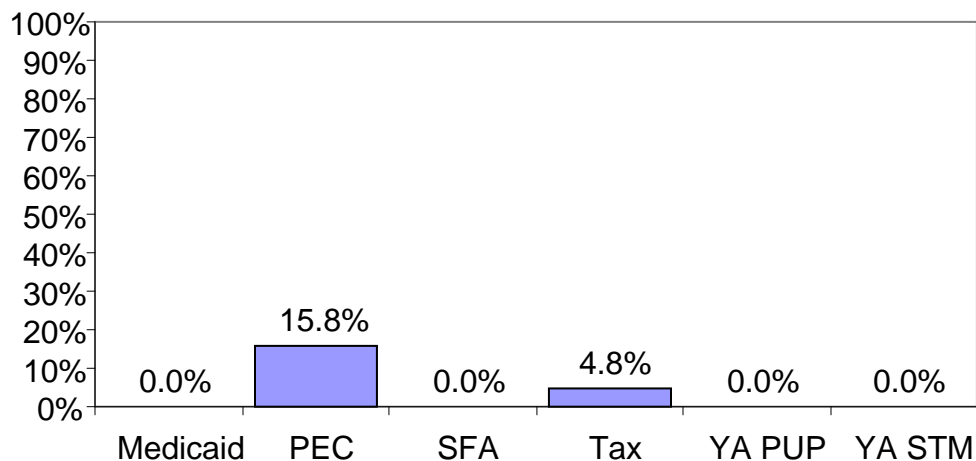
Total Number of Introduced Tobacco Bills: 101

| SLS Coding Category | Number of MA Bills Coded | Percent of total MA bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 2 | 2.0% |
| Budget | 21 | 20.8% |
| Distribution | 8 | 7.9% |
| Insurance | 4 | 4.0% |
| Medicaid | 5 | 1.0% |
| Marketing | 12 | 11.9% |
| Master Settlement Agreement (MSA) | 23 | 22.8% |
| Prevention, Education, Cessation Programs (PEC) | 19 | 18.8% |
| Smoke-Free Air (SFA) | 19 | 18.8% |
| Tax | 21 | 20.8% |
| Youth Access PUP Laws (YA PUP) | 7 | 6.9% |
| Youth Access Sales to Minors' Laws (YA STM) | 10 | 9.9% |
| Miscellaneous | 13 | 12.9% |

Total Number of Bills Enacted as Tobacco Legislation: 5 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

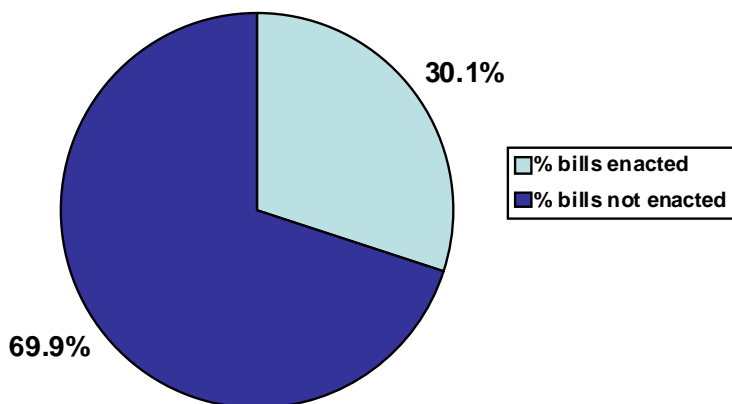


MICHIGAN: Smokeless States Legislative Tobacco Coding, 2002-2003

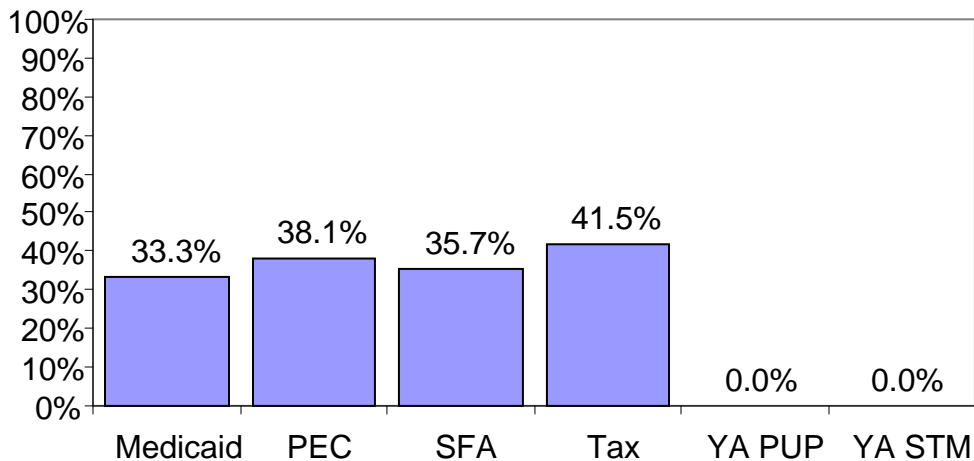
Total Number of Introduced Tobacco Bills: 133

| SLS Coding Category | Number of MI Bills Coded | Percent of total MI bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 44 | 33.1% |
| Distribution | 10 | 7.5% |
| Insurance | 0 | 0.0% |
| Medicaid | 3 | 2.3% |
| Marketing | 5 | 3.8% |
| Master Settlement Agreement (MSA) | 33 | 24.8% |
| Prevention, Education, Cessation Programs (PEC) | 21 | 15.8% |
| Smoke-Free Air (SFA) | 14 | 10.5% |
| Tax | 65 | 48.9% |
| Youth Access PUP Laws (YA PUP) | 5 | 3.8% |
| Youth Access Sales to Minors' Laws (YA STM) | 3 | 2.3% |
| Miscellaneous | 22 | 16.5% |

Total Number of Bills Enacted as Tobacco Legislation: 40 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

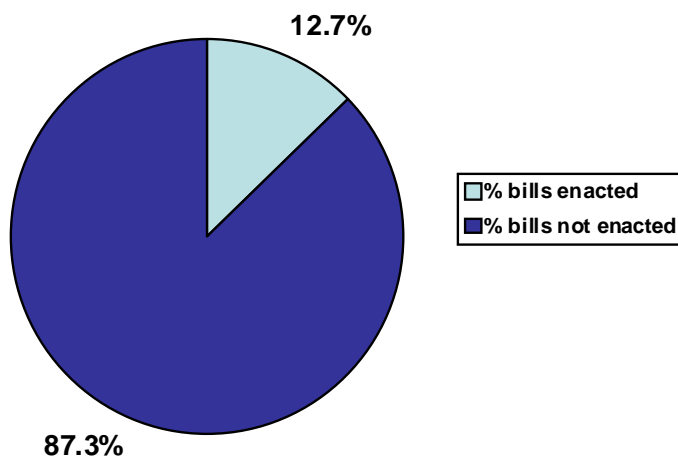


MINNESOTA: Smokeless States Legislative Tobacco Coding, 2002-2003

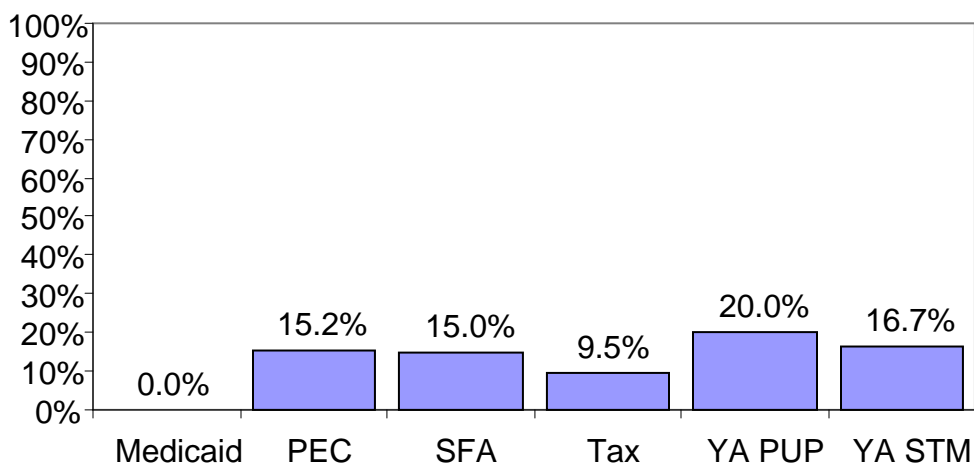
Total Number of Introduced Tobacco Bills: 126

| SLS Coding Category | Number of MN Bills Coded | Percent of total MN bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 34 | 27.0% |
| Distribution | 7 | 5.6% |
| Insurance | 2 | 1.6% |
| Medicaid | 0 | 1.0% |
| Marketing | 12 | 9.5% |
| Master Settlement Agreement (MSA) | 12 | 9.5% |
| Prevention, Education, Cessation Programs (PEC) | 33 | 26.2% |
| Smoke-Free Air (SFA) | 20 | 15.9% |
| Tax | 42 | 33.3% |
| Youth Access PUP Laws (YA PUP) | 10 | 7.9% |
| Youth Access Sales to Minors' Laws (YA STM) | 6 | 4.8% |
| Miscellaneous | 21 | 16.7% |

Total Number of Bills Enacted as Tobacco Legislation: 16 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

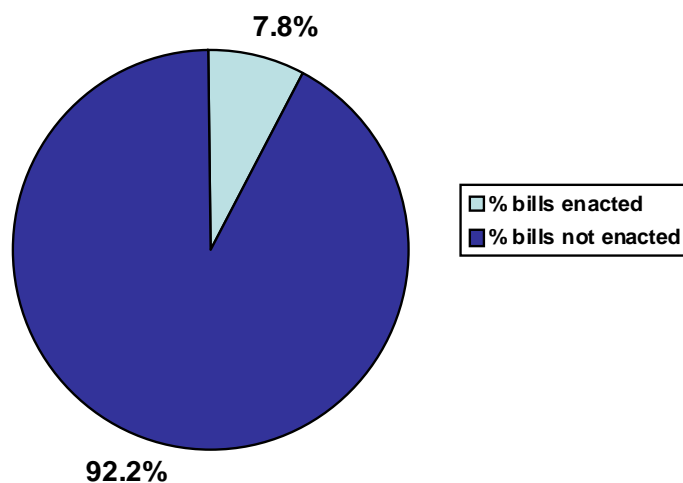


MISSISSIPPI: Smokeless States Legislative Tobacco Coding, 2002-2003

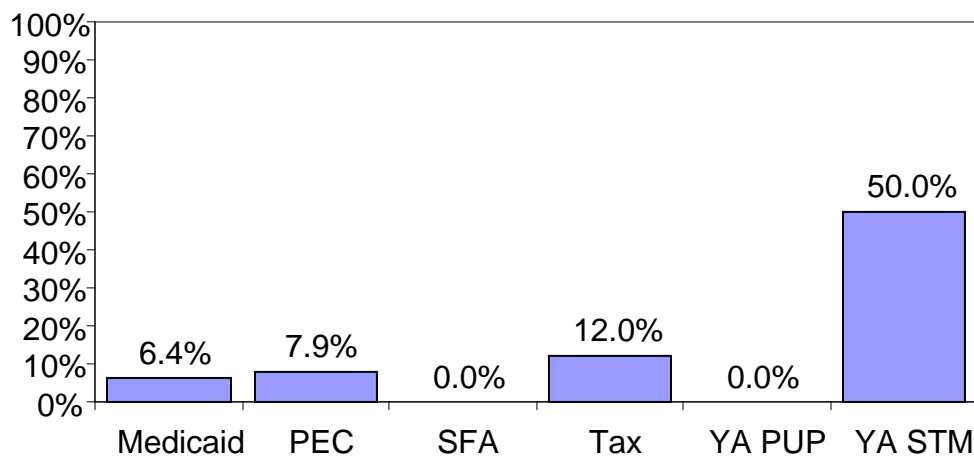
Total Number of Introduced Tobacco Bills: 179 bills

| SLS Coding Category | Number of MS Bills Coded | Percent of total MS bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 1 | 0.6% |
| Budget | 44 | 24.6% |
| Distribution | 8 | 4.5% |
| Insurance | 0 | 0.0% |
| Medicaid | 47 | 26.3% |
| Marketing | 3 | 1.7% |
| Master Settlement Agreement (MSA) | 44 | 24.6% |
| Prevention, Education, Cessation Programs (PEC) | 38 | 21.2% |
| Smoke-Free Air (SFA) | 5 | 2.8% |
| Tax | 25 | 14.0% |
| Youth Access PUP Laws (YA PUP) | 3 | 1.7% |
| Youth Access Sales to Minors' Laws (YA STM) | 4 | 2.2% |
| Miscellaneous | 45 | 25.1% |

Total Number of Bills Enacted as Tobacco Legislation: 14 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

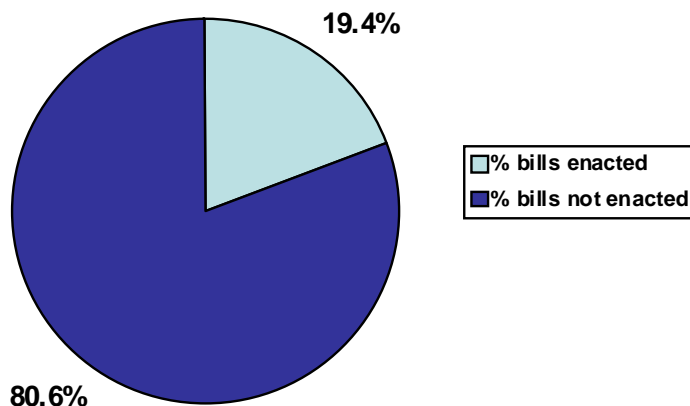


MISSOURI: Smokeless States Legislative Tobacco Coding, 2002-2003

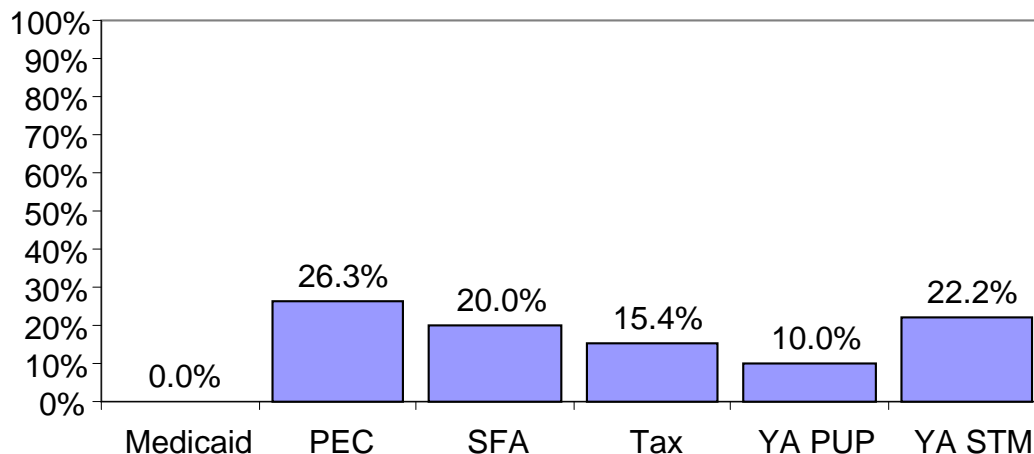
Total Number of Introduced Tobacco Bills: 103 bills

| SLS Coding Category | Number of MO Bills Coded | Percent of total MO bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 25 | 24.3% |
| Distribution | 4 | 3.9% |
| Insurance | 1 | 1.0% |
| Medicaid | 1 | 1.0% |
| Marketing | 4 | 3.9% |
| Master Settlement Agreement (MSA) | 21 | 20.4% |
| Prevention, Education, Cessation Programs (PEC) | 19 | 18.4% |
| Smoke-Free Air (SFA) | 5 | 4.9% |
| Tax | 26 | 25.2% |
| Youth Access PUP Laws (YA PUP) | 20 | 19.4% |
| Youth Access Sales to Minors' Laws (YA STM) | 9 | 8.7% |
| Miscellaneous | 26 | 25.2% |

Total Number of Bills Enacted as Tobacco Legislation: 20 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

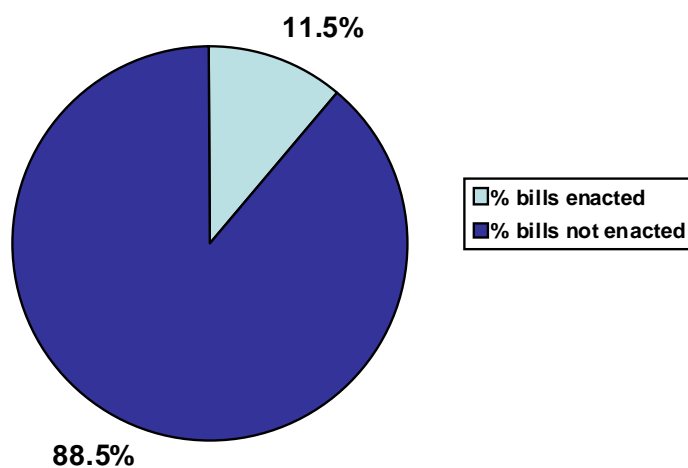


MONTANA: Smokeless States Legislative Tobacco Coding, 2002-2003

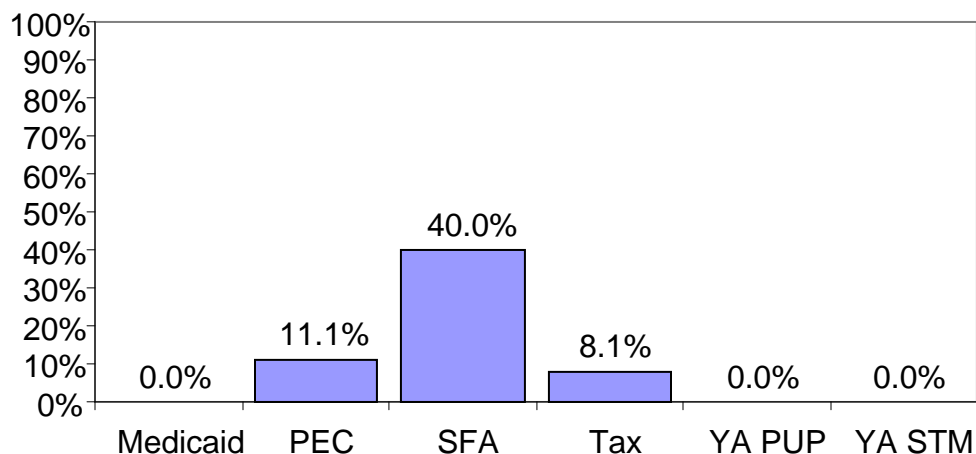
Total Number of Introduced Tobacco Bills: 87 bills

| SLS Coding Category | Number of MT Bills Coded | Percent of total MT bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 32 | 36.8% |
| Distribution | 12 | 13.8% |
| Insurance | 0 | 0.0% |
| Medicaid | 3 | 3.4% |
| Marketing | 2 | 2.3% |
| Master Settlement Agreement (MSA) | 25 | 28.7% |
| Prevention, Education, Cessation Programs (PEC) | 18 | 20.7% |
| Smoke-Free Air (SFA) | 5 | 5.7% |
| Tax | 37 | 42.5% |
| Youth Access PUP Laws (YA PUP) | 3 | 3.4% |
| Youth Access Sales to Minors' Laws (YA STM) | 2 | 2.3% |
| Miscellaneous | 24 | 27.6% |

Total Number of Bills Enacted as Tobacco Legislation: 10 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

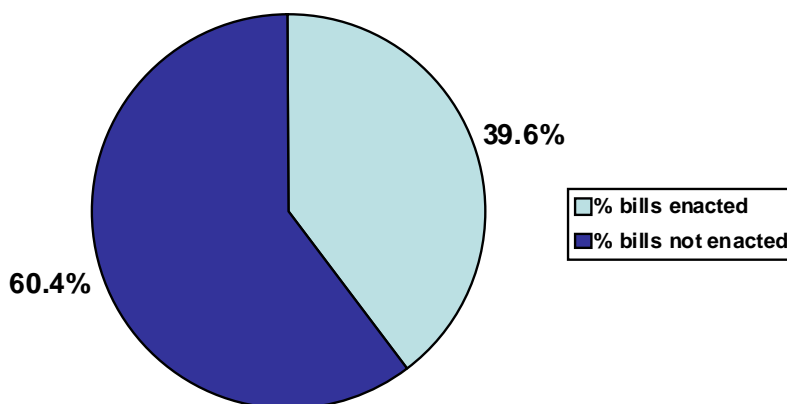


NEBRASKA: Smokeless States Legislative Tobacco Coding, 2002-2003

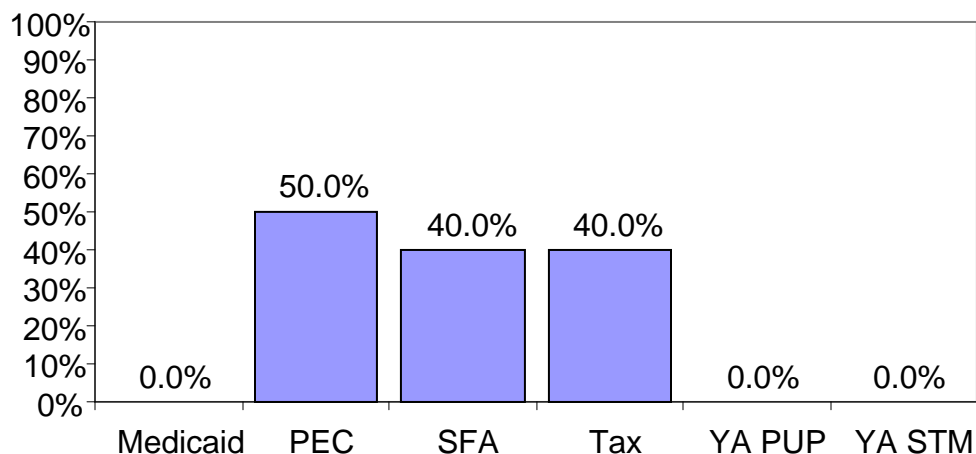
Total Number of Introduced Tobacco Bills: 48 bills

| SLS Coding Category | Number of NE Bills Coded | Percent of total NE bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 6 | 12.5% |
| Distribution | 2 | 4.2% |
| Insurance | 0 | 0.0% |
| Medicaid | 0 | 0.0% |
| Marketing | 2 | 4.2% |
| Master Settlement Agreement (MSA) | 9 | 18.8% |
| Prevention, Education, Cessation Programs (PEC) | 10 | 20.8% |
| Smoke-Free Air (SFA) | 5 | 10.4% |
| Tax | 20 | 41.7% |
| Youth Access PUP Laws (YA PUP) | 0 | 0.0% |
| Youth Access Sales to Minors' Laws (YA STM) | 5 | 10.4% |
| Miscellaneous | 9 | 18.8% |

Total Number of Bills Enacted as Tobacco Legislation: 19 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

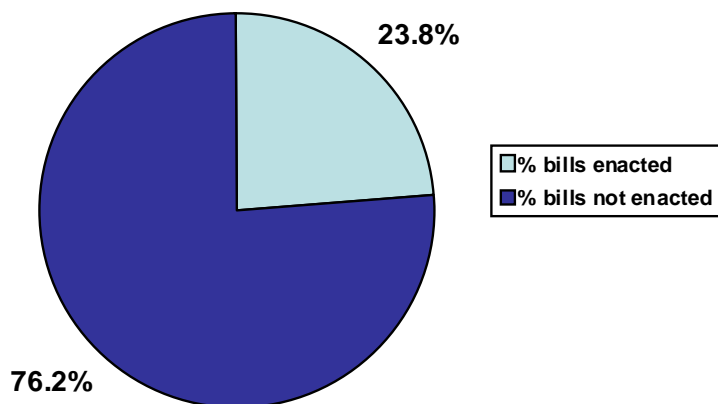


NEVADA: Smokeless States Legislative Tobacco Coding, 2002-2003

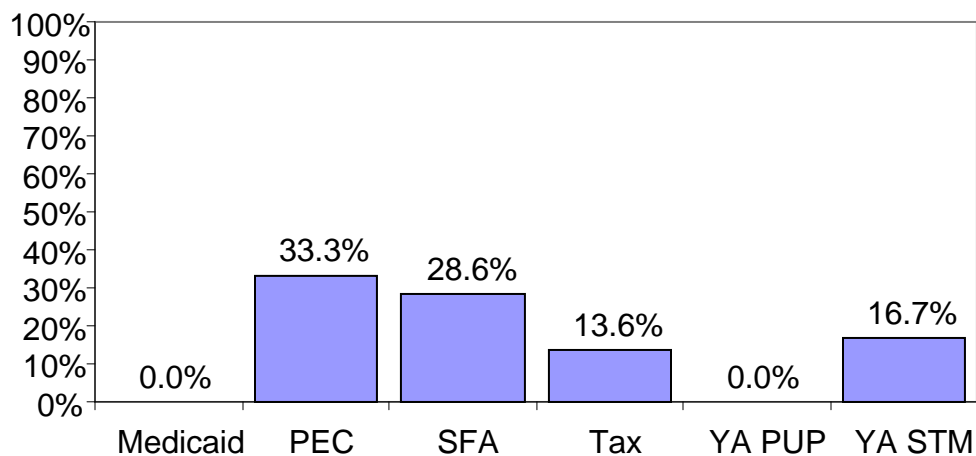
Total Number of Introduced Tobacco Bills: 42 bills

| SLS Coding Category | Number of NV Bills Coded | Percent of total NV bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 7 | 16.7% |
| Distribution | 4 | 9.5% |
| Insurance | 1 | 2.4% |
| Medicaid | 0 | 0.0% |
| Marketing | 3 | 7.1% |
| Master Settlement Agreement (MSA) | 7 | 16.7% |
| Prevention, Education, Cessation Programs (PEC) | 6 | 14.3% |
| Smoke-Free Air (SFA) | 7 | 16.7% |
| Tax | 22 | 52.4% |
| Youth Access PUP Laws (YA PUP) | 3 | 7.1% |
| Youth Access Sales to Minors' Laws (YA STM) | 6 | 14.3% |
| Miscellaneous | 4 | 9.5% |

Total Number of Bills Enacted as Tobacco Legislation: 10 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

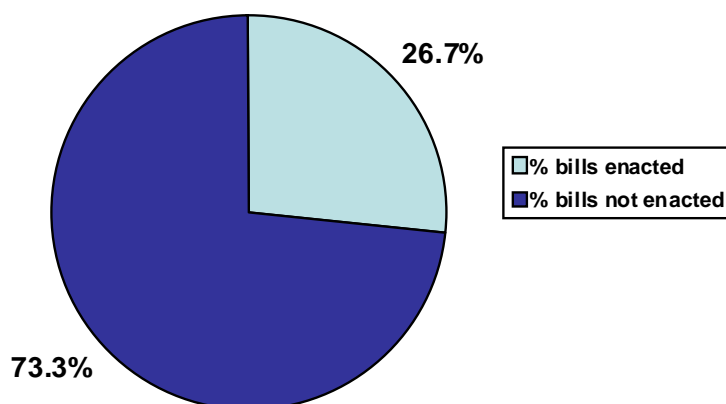


NEW HAMPSHIRE: Smokeless States Legislative Tobacco Coding, 2002-2003

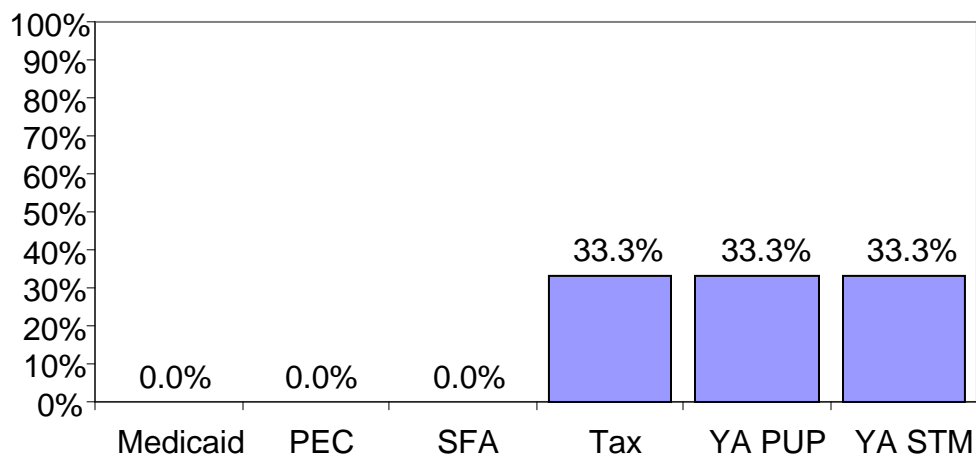
Total Number of Introduced Tobacco Bills: 15 bills

| SLS Coding Category | Number of NH Bills Coded | Percent of total NH bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 3 | 20.0% |
| Distribution | 3 | 20.0% |
| Insurance | 1 | 6.7% |
| Medicaid | 0 | 0.0% |
| Marketing | 1 | 6.7% |
| Master Settlement Agreement (MSA) | 6 | 40.0% |
| Prevention, Education, Cessation Programs (PEC) | 3 | 20.0% |
| Smoke-Free Air (SFA) | 1 | 6.7% |
| Tax | 6 | 40.0% |
| Youth Access PUP Laws (YA PUP) | 3 | 20.0% |
| Youth Access Sales to Minors' Laws (YA STM) | 3 | 20.0% |
| Miscellaneous | 2 | 13.3% |

Total Number of Bills Enacted as Tobacco Legislation: 4 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

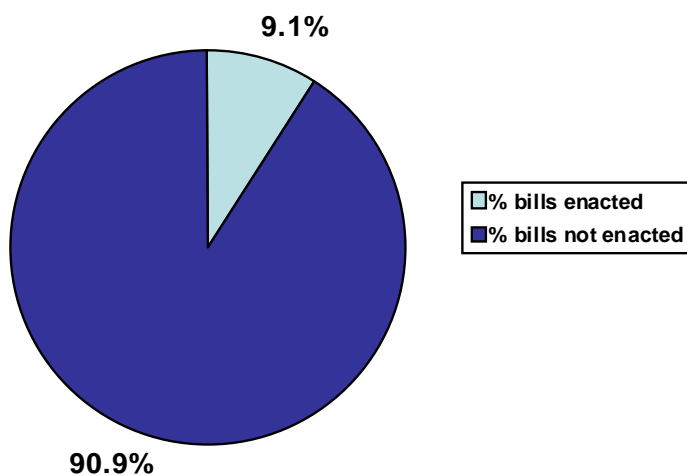


NEW JERSEY: Smokeless States Legislative Tobacco Coding, 2002-2003

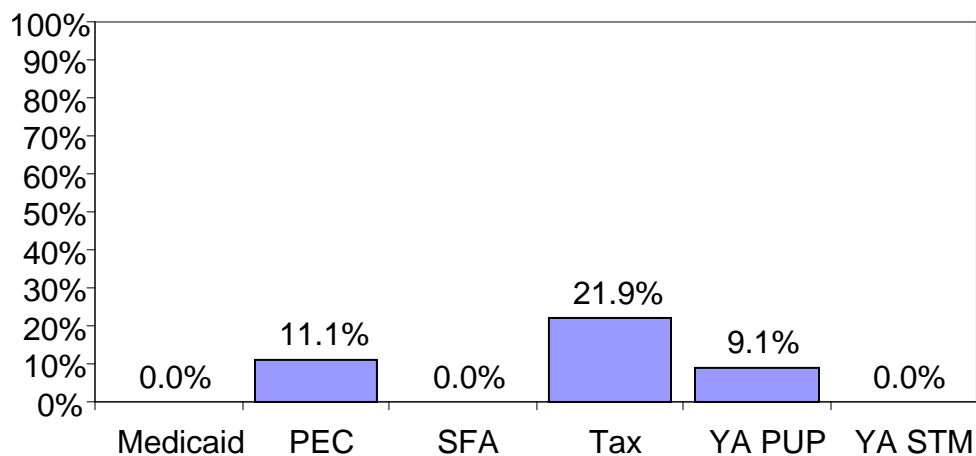
Total Number of Introduced Tobacco Bills: 110 bills

| SLS Coding Category | Number of NJ Bills Coded | Percent of total NJ bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 37 | 33.6% |
| Distribution | 6 | 5.5% |
| Insurance | 0 | 0.0% |
| Medicaid | 1 | 0.9% |
| Marketing | 10 | 9.1% |
| Master Settlement Agreement (MSA) | 29 | 26.4% |
| Prevention, Education, Cessation Programs (PEC) | 18 | 16.4% |
| Smoke-Free Air (SFA) | 11 | 10.0% |
| Tax | 32 | 29.1% |
| Youth Access PUP Laws (YA PUP) | 11 | 10.0% |
| Youth Access Sales to Minors' Laws (YA STM) | 12 | 10.9% |
| Miscellaneous | 17 | 15.5% |

Total Number of Bills Enacted as Tobacco Legislation: 10 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

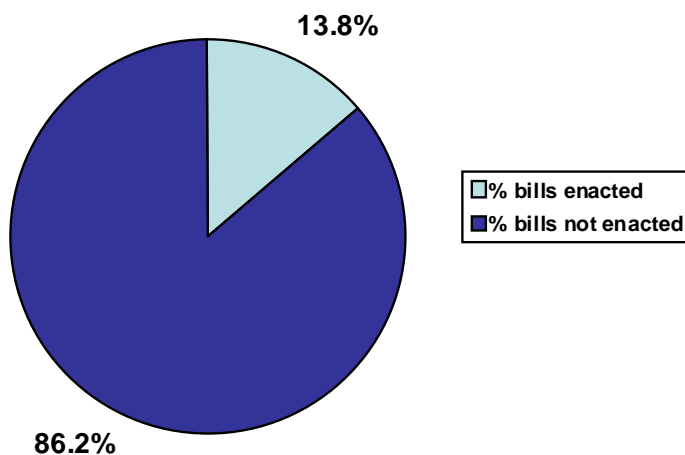


NEW MEXICO: Smokeless States Legislative Tobacco Coding, 2002-2003

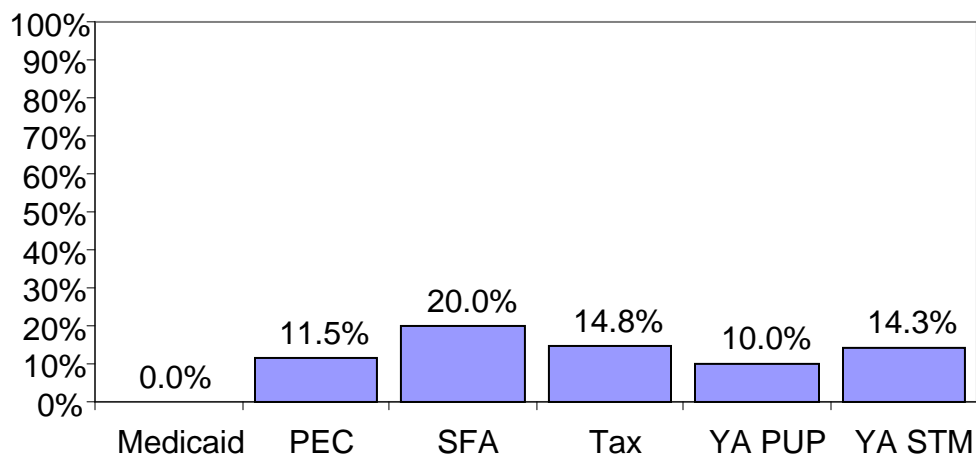
Total Number of Introduced Tobacco Bills: 87 bills

| SLS Coding Category | Number of NM Bills Coded | Percent of total NM bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 42 | 48.3% |
| Distribution | 7 | 8.0% |
| Insurance | 0 | 0.0% |
| Medicaid | 0 | 0.0% |
| Marketing | 2 | 2.3% |
| Master Settlement Agreement (MSA) | 52 | 59.8% |
| Prevention, Education, Cessation Programs (PEC) | 26 | 29.9% |
| Smoke-Free Air (SFA) | 5 | 5.7% |
| Tax | 27 | 31.0% |
| Youth Access PUP Laws (YA PUP) | 10 | 11.5% |
| Youth Access Sales to Minors' Laws (YA STM) | 7 | 8.0% |
| Miscellaneous | 6 | 6.9% |

Total Number of Bills Enacted as Tobacco Legislation: 12 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

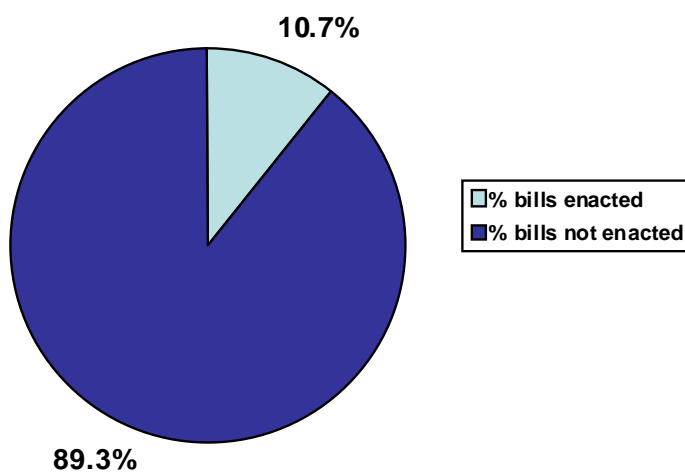


NEW YORK: Smokeless States Legislative Tobacco Coding, 2002-2003

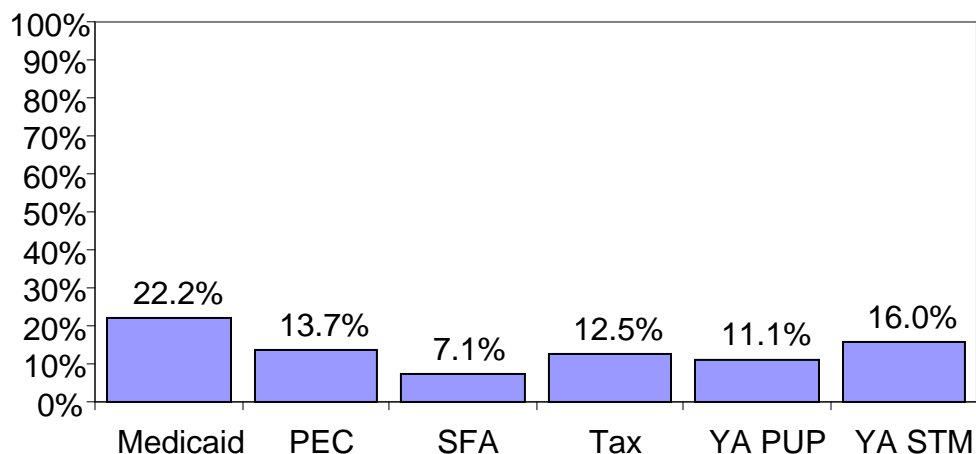
Total Number of Introduced Tobacco Bills: 270 bills

| SLS Coding Category | Number of NY Bills Coded | Percent of total NY bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 43 | 15.9% |
| Distribution | 14 | 5.2% |
| Insurance | 4 | 1.5% |
| Medicaid | 9 | 3.3% |
| Marketing | 35 | 13.0% |
| Master Settlement Agreement (MSA) | 45 | 16.7% |
| Prevention, Education, Cessation Programs (PEC) | 51 | 18.9% |
| Smoke-Free Air (SFA) | 42 | 15.6% |
| Tax | 56 | 20.7% |
| Youth Access PUP Laws (YA PUP) | 9 | 3.3% |
| Youth Access Sales to Minors' Laws (YA STM) | 25 | 9.3% |
| Miscellaneous | 65 | 24.1% |

Total Number of Bills Enacted as Tobacco Legislation: 29 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

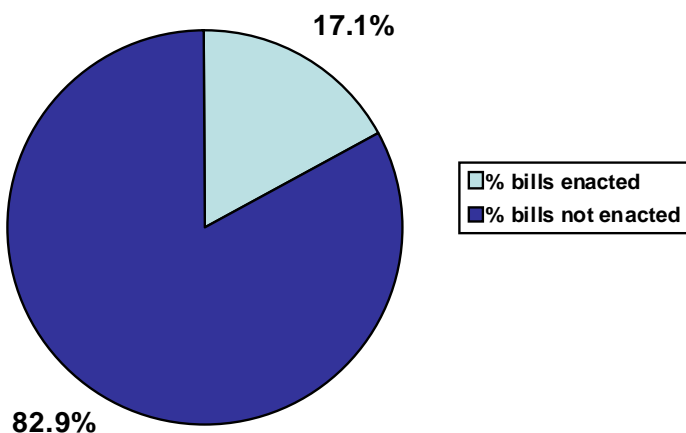


NORTH CAROLINA: Smokeless States Legislative Tobacco Coding, 2002-2003

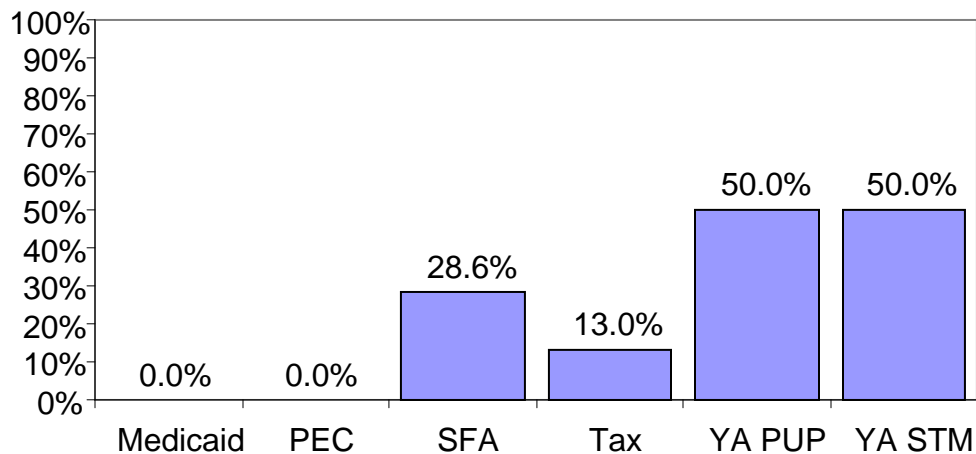
Total Number of Introduced Tobacco Bills: 76 bills

| SLS Coding Category | Number of NC Bills Coded | Percent of total NC bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 11 | 14.5% |
| Budget | 11 | 14.5% |
| Distribution | 1 | 1.3% |
| Insurance | 0 | 0.0% |
| Medicaid | 0 | 0.0% |
| Marketing | 3 | 3.9% |
| Master Settlement Agreement (MSA) | 22 | 28.9% |
| Prevention, Education, Cessation Programs (PEC) | 1 | 1.3% |
| Smoke-Free Air (SFA) | 7 | 9.2% |
| Tax | 23 | 30.3% |
| Youth Access PUP Laws (YA PUP) | 2 | 2.6% |
| Youth Access Sales to Minors' Laws (YA STM) | 2 | 2.6% |
| Miscellaneous | 23 | 30.3% |

Total Number of Bills Enacted as Tobacco Legislation: 13 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

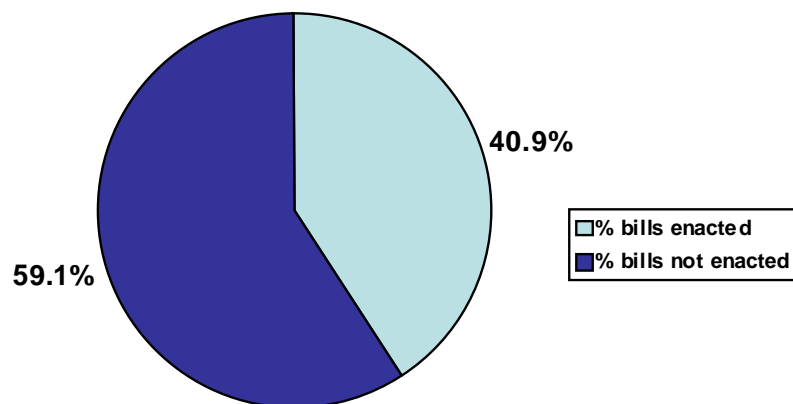


NORTH DAKOTA: Smokeless States Legislative Tobacco Coding, 2002-2003

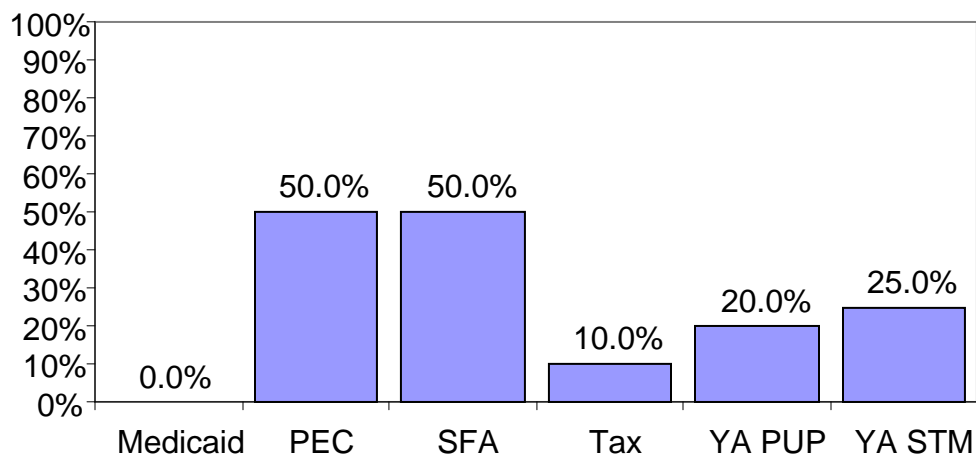
Total Number of Introduced Tobacco Bills: 22 bills

| SLS Coding Category | Number of ND Bills Coded | Percent of total ND bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 5 | 22.7% |
| Distribution | 4 | 18.2% |
| Insurance | 0 | 0.0% |
| Medicaid | 1 | 4.6% |
| Marketing | 1 | 4.6% |
| Master Settlement Agreement (MSA) | 4 | 18.2% |
| Prevention, Education, Cessation Programs (PEC) | 4 | 18.2% |
| Smoke-Free Air (SFA) | 2 | 9.1% |
| Tax | 10 | 45.5% |
| Youth Access PUP Laws (YA PUP) | 5 | 22.7% |
| Youth Access Sales to Minors' Laws (YA STM) | 4 | 18.2% |
| Miscellaneous | 3 | 13.6% |

Total Number of Bills Enacted as Tobacco Legislation: 9 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

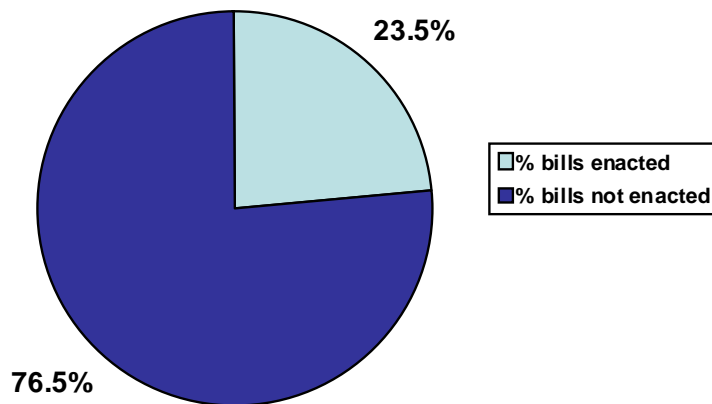


OHIO: Smokeless States Legislative Tobacco Coding, 2002-2003

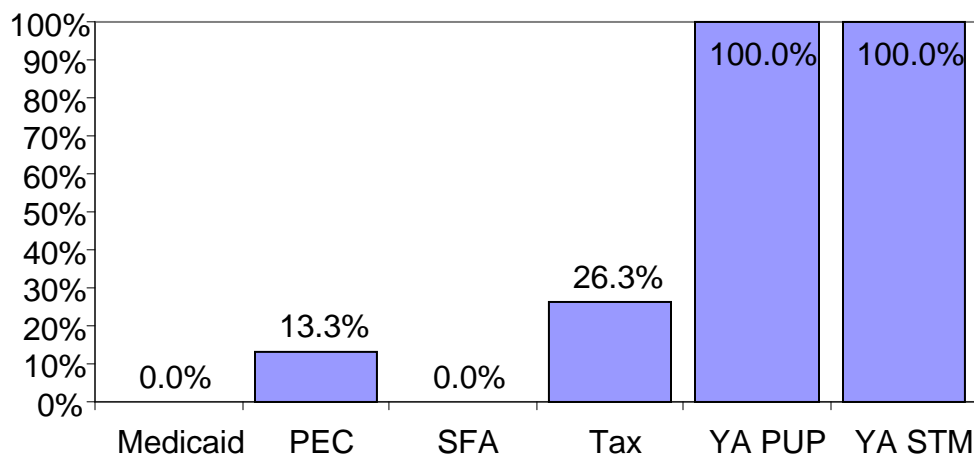
Total Number of Introduced Tobacco Bills: 51 bills

| SLS Coding Category | Number of OH Bills Coded | Percent of total OH bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 2 | 3.9% |
| Budget | 8 | 15.7% |
| Distribution | 7 | 13.7% |
| Insurance | 0 | 0.0% |
| Medicaid | 0 | 0.0% |
| Marketing | 1 | 2.0% |
| Master Settlement Agreement (MSA) | 6 | 11.8% |
| Prevention, Education, Cessation Programs (PEC) | 15 | 29.4% |
| Smoke-Free Air (SFA) | 2 | 3.9% |
| Tax | 19 | 37.3% |
| Youth Access PUP Laws (YA PUP) | 1 | 2.0% |
| Youth Access Sales to Minors' Laws (YA STM) | 1 | 2.0% |
| Miscellaneous | 21 | 41.2% |

Total Number of Bills Enacted as Tobacco Legislation: 12 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

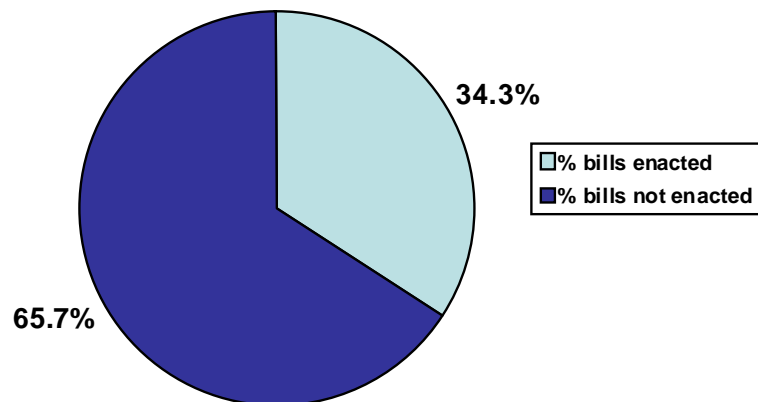


OKLAHOMA: Smokeless States Legislative Tobacco Coding, 2002-2003

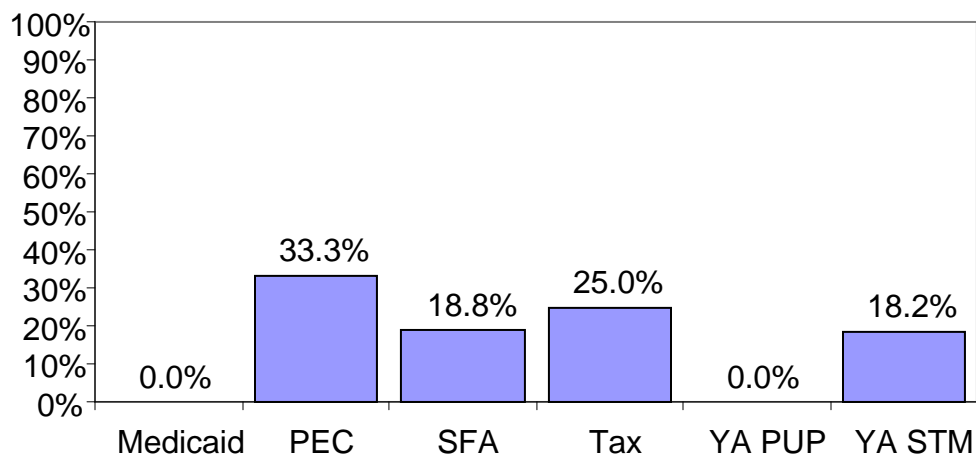
Total Number of Introduced Tobacco Bills: 70 bills

| SLS Coding Category | Number of OK Bills Coded | Percent of total OK bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 2 | 2.9% |
| Budget | 15 | 21.4% |
| Distribution | 8 | 11.4% |
| Insurance | 0 | 0.0% |
| Medicaid | 2 | 2.9% |
| Marketing | 6 | 8.6% |
| Master Settlement Agreement (MSA) | 21 | 30.0% |
| Prevention, Education, Cessation Programs (PEC) | 6 | 8.6% |
| Smoke-Free Air (SFA) | 16 | 22.9% |
| Tax | 8 | 11.4% |
| Youth Access PUP Laws (YA PUP) | 10 | 14.3% |
| Youth Access Sales to Minors' Laws (YA STM) | 11 | 15.7% |
| Miscellaneous | 21 | 30.0% |

Total Number of Bills Enacted as Tobacco Legislation: 24 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

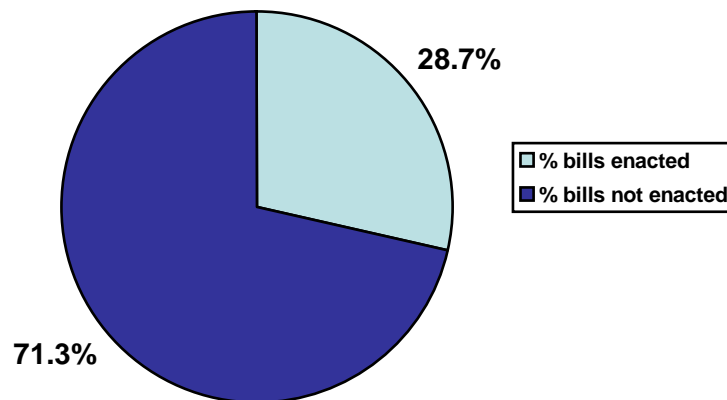


OREGON: Smokeless States Legislative Tobacco Coding, 2002-2003

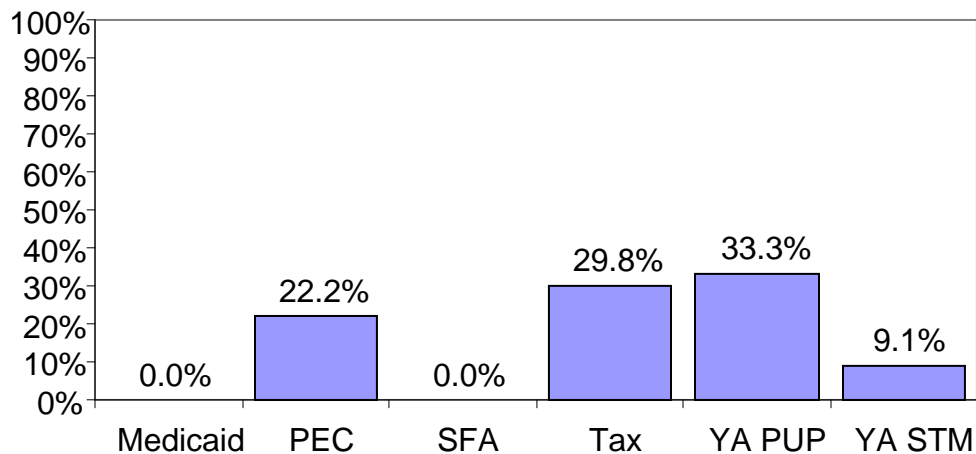
Total Number of Introduced Tobacco Bills: 115 bills

| SLS Coding Category | Number of OR Bills Coded | Percent of total OR bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 24 | 20.9% |
| Distribution | 9 | 7.8% |
| Insurance | 5 | 4.3% |
| Medicaid | 2 | 1.7% |
| Marketing | 3 | 2.6% |
| Master Settlement Agreement (MSA) | 32 | 27.8% |
| Prevention, Education, Cessation Programs (PEC) | 9 | 7.8% |
| Smoke-Free Air (SFA) | 8 | 7.0% |
| Tax | 47 | 40.9% |
| Youth Access PUP Laws (YA PUP) | 6 | 5.2% |
| Youth Access Sales to Minors' Laws (YA STM) | 11 | 9.6% |
| Miscellaneous | 33 | 28.7% |

Total Number of Bills Enacted as Tobacco Legislation: 33 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

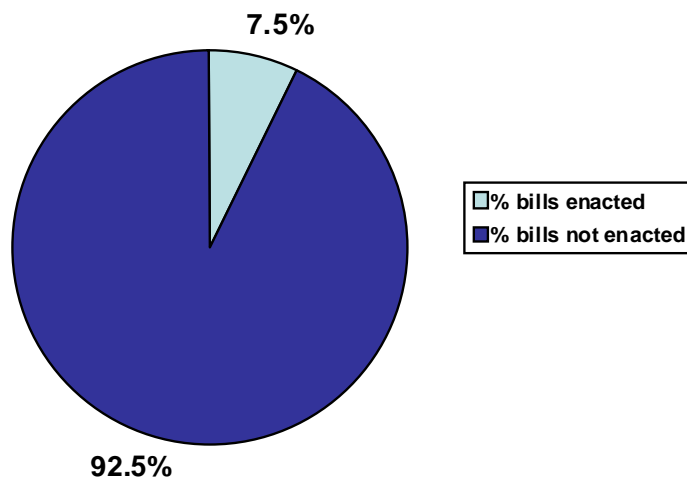


PENNSYLVANIA: Smokeless States Legislative Tobacco Coding, 2002-2003

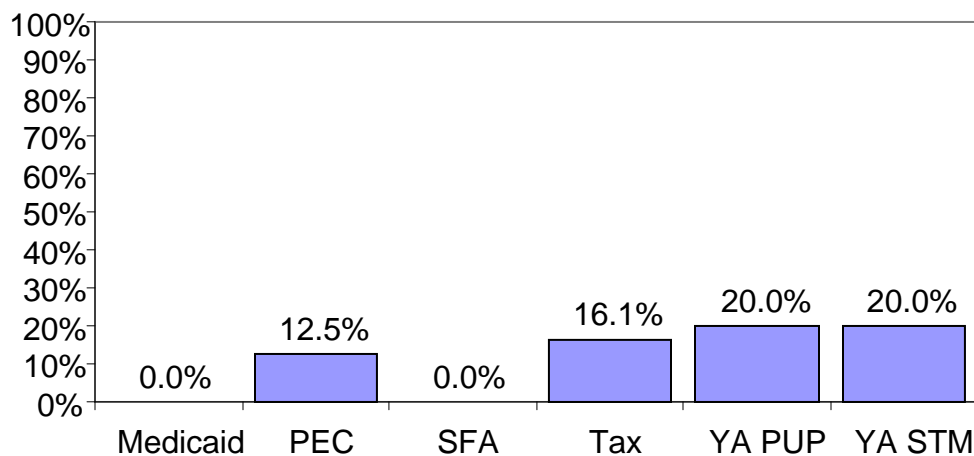
Total Number of Introduced Tobacco Bills: 187 bills

| SLS Coding Category | Number of PA Bills Coded | Percent of total PA bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 67 | 35.8% |
| Distribution | 9 | 4.8% |
| Insurance | 0 | 0.0% |
| Medicaid | 0 | 0.0% |
| Marketing | 4 | 2.1% |
| Master Settlement Agreement (MSA) | 85 | 45.5% |
| Prevention, Education, Cessation Programs (PEC) | 24 | 12.8% |
| Smoke-Free Air (SFA) | 11 | 5.9% |
| Tax | 31 | 16.6% |
| Youth Access PUP Laws (YA PUP) | 10 | 5.3% |
| Youth Access Sales to Minors' Laws (YA STM) | 5 | 2.7% |
| Miscellaneous | 54 | 28.9% |

Total Number of Bills Enacted as Tobacco Legislation: 14 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

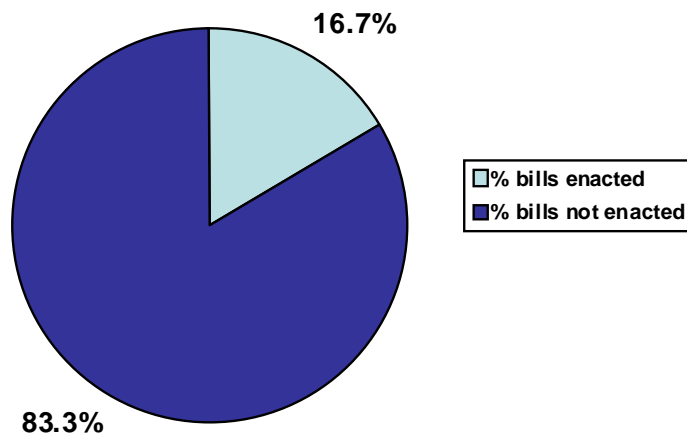


RHODE ISLAND: Smokeless States Legislative Tobacco Coding, 2002-2003

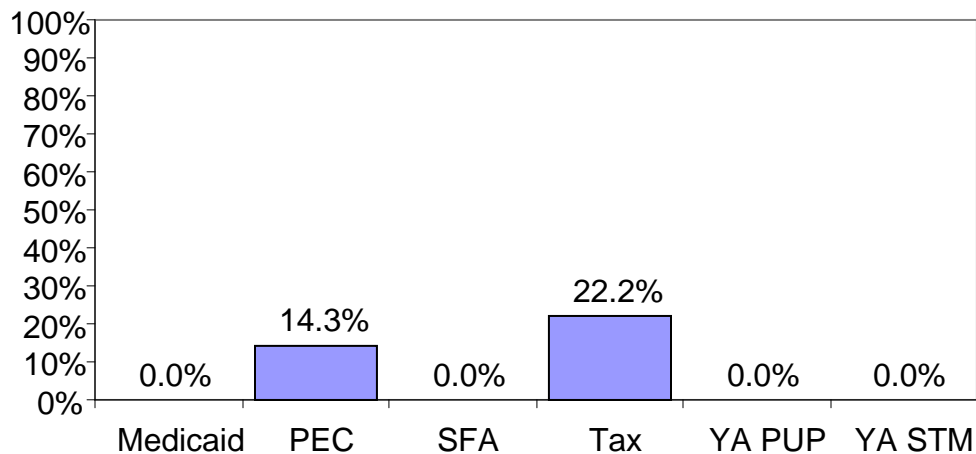
Total Number of Introduced Tobacco Bills: 108 bills

| SLS Coding Category | Number of RI Bills Coded | Percent of total RI bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 9 | 8.3% |
| Distribution | 14 | 13.0% |
| Insurance | 0 | 0.0% |
| Medicaid | 5 | 4.6% |
| Marketing | 13 | 12.0% |
| Master Settlement Agreement (MSA) | 10 | 9.3% |
| Prevention, Education, Cessation Programs (PEC) | 7 | 6.5% |
| Smoke-Free Air (SFA) | 12 | 11.1% |
| Tax | 18 | 16.7% |
| Youth Access PUP Laws (YA PUP) | 4 | 3.7% |
| Youth Access Sales to Minors' Laws (YA STM) | 19 | 17.6% |
| Miscellaneous | 31 | 28.7% |

Total Number of Bills Enacted as Tobacco Legislation: 18 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

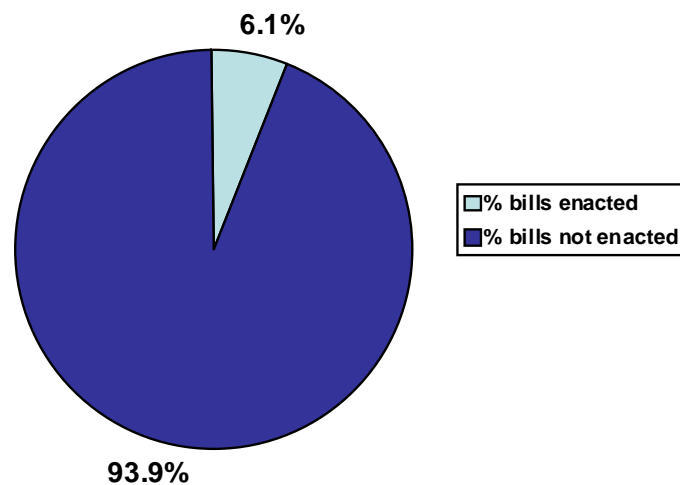


SOUTH CAROLINA: Smokeless States Legislative Tobacco Coding, 2002-2003

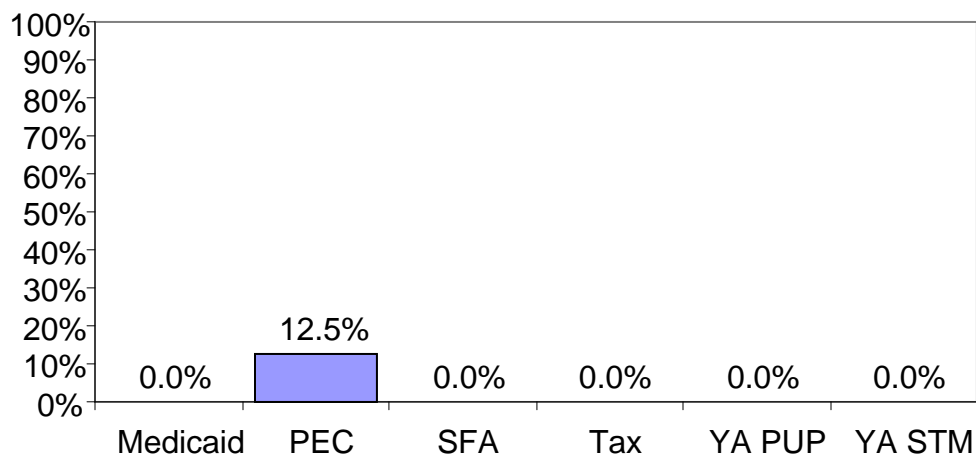
Total Number of Introduced Tobacco Bills: 49 bills

| SLS Coding Category | Number of SC Bills Coded | Percent of total SC bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 3 | 6.1% |
| Budget | 14 | 28.6% |
| Distribution | 4 | 8.2% |
| Insurance | 0 | 0.0% |
| Medicaid | 0 | 0.0% |
| Marketing | 1 | 2.0% |
| Master Settlement Agreement (MSA) | 11 | 22.4% |
| Prevention, Education, Cessation Programs (PEC) | 8 | 16.3% |
| Smoke-Free Air (SFA) | 0 | 0.0% |
| Tax | 17 | 34.7% |
| Youth Access PUP Laws (YA PUP) | 2 | 4.1% |
| Youth Access Sales to Minors' Laws (YA STM) | 5 | 10.2% |
| Miscellaneous | 18 | 36.7% |

Total Number of Bills Enacted as Tobacco Legislation: 3 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

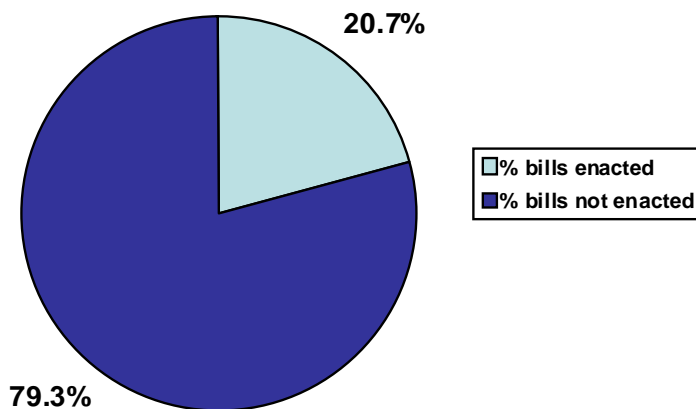


SOUTH DAKOTA: Smokeless States Legislative Tobacco Coding, 2002-2003

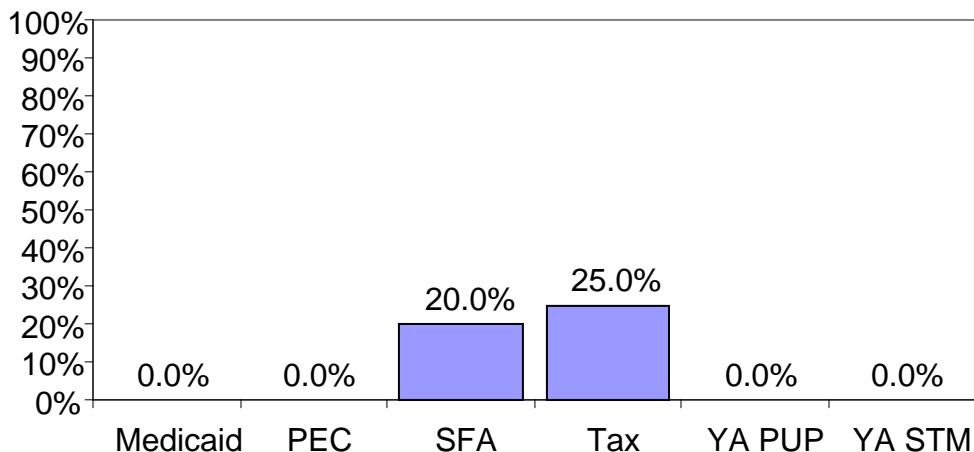
Total Number of Introduced Tobacco Bills: 29 bills

| SLS Coding Category | Number of SD Bills Coded | Percent of total SD bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 1 | 3.5% |
| Budget | 4 | 13.8% |
| Distribution | 4 | 13.8% |
| Insurance | 1 | 3.4% |
| Medicaid | 0 | 0.0% |
| Marketing | 5 | 17.2% |
| Master Settlement Agreement (MSA) | 4 | 13.8% |
| Prevention, Education, Cessation Programs (PEC) | 4 | 13.8% |
| Smoke-Free Air (SFA) | 5 | 17.2% |
| Tax | 12 | 41.4% |
| Youth Access PUP Laws (YA PUP) | 1 | 3.4% |
| Youth Access Sales to Minors' Laws (YA STM) | 2 | 6.9% |
| Miscellaneous | 8 | 27.6% |

Total Number of Bills Enacted as Tobacco Legislation: 6 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

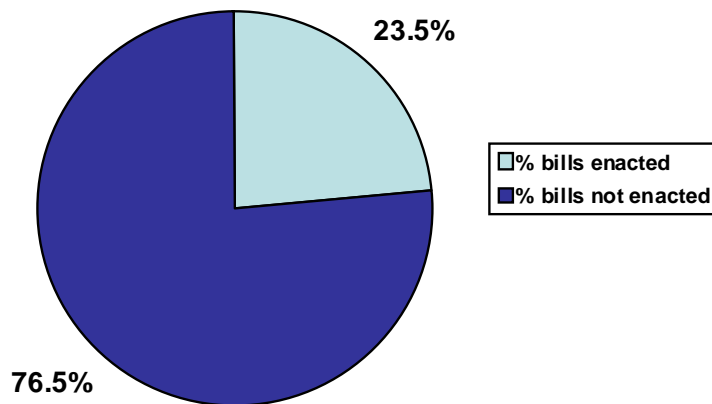


TENNESSEE: Smokeless States Legislative Tobacco Coding, 2002-2003

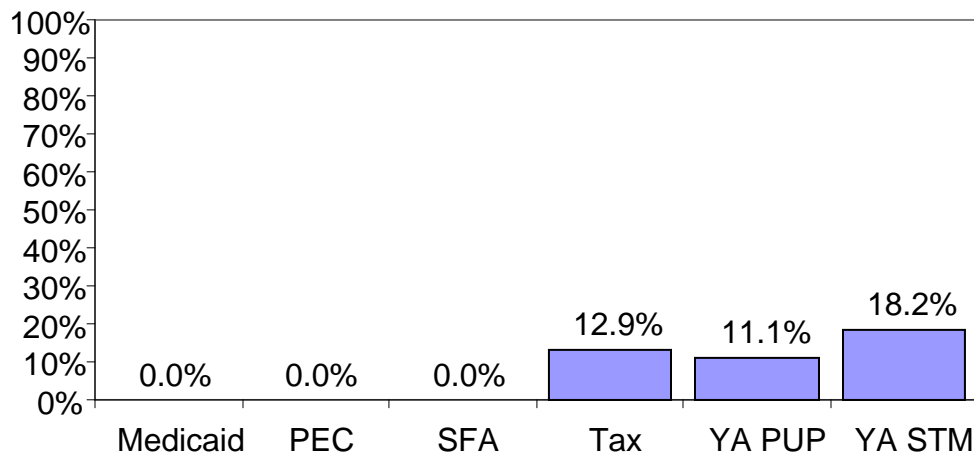
Total Number of Introduced Tobacco Bills: 115 bills

| SLS Coding Category | Number of TN Bills Coded | Percent of total TN bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 7 | 6.1% |
| Budget | 16 | 13.9% |
| Distribution | 8 | 7.0% |
| Insurance | 0 | 0.0% |
| Medicaid | 0 | 0.0% |
| Marketing | 4 | 3.5% |
| Master Settlement Agreement (MSA) | 25 | 21.7% |
| Prevention, Education, Cessation Programs (PEC) | 0 | 0.0% |
| Smoke-Free Air (SFA) | 4 | 3.5% |
| Tax | 31 | 27.0% |
| Youth Access PUP Laws (YA PUP) | 9 | 7.8% |
| Youth Access Sales to Minors' Laws (YA STM) | 11 | 9.6% |
| Miscellaneous | 46 | 40.0% |

Total Number of Bills Enacted as Tobacco Legislation: 27 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

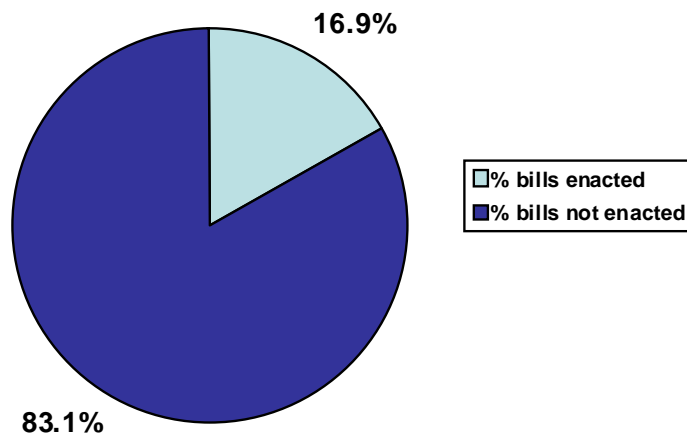


TEXAS: Smokeless States Legislative Tobacco Coding, 2002-2003

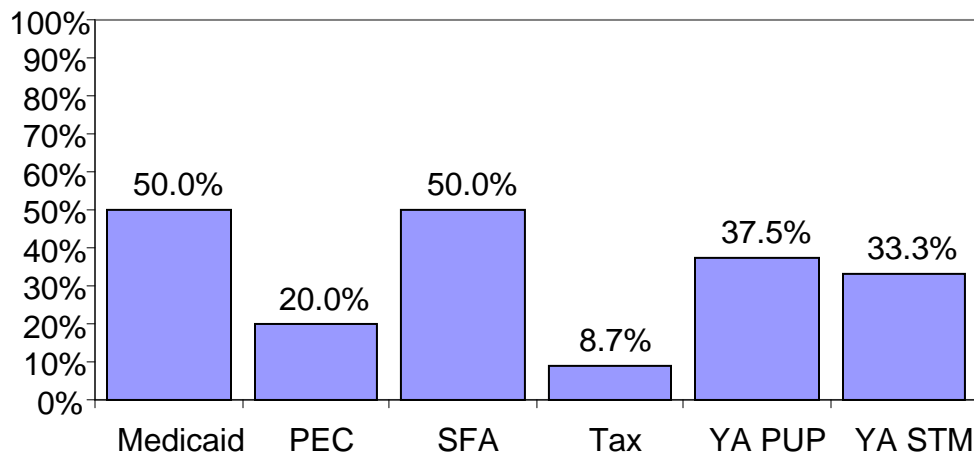
Total Number of Introduced Tobacco Bills: 83 bills

| SLS Coding Category | Number of TX Bills Coded | Percent of total TX bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 9 | 10.8% |
| Distribution | 7 | 8.4% |
| Insurance | 3 | 3.6% |
| Medicaid | 2 | 2.4% |
| Marketing | 4 | 4.8% |
| Master Settlement Agreement (MSA) | 9 | 10.8% |
| Prevention, Education, Cessation Programs (PEC) | 10 | 12.0% |
| Smoke-Free Air (SFA) | 2 | 2.4% |
| Tax | 23 | 27.7% |
| Youth Access PUP Laws (YA PUP) | 8 | 9.6% |
| Youth Access Sales to Minors' Laws (YA STM) | 6 | 7.2% |
| Miscellaneous | 41 | 49.4% |

Total Number of Bills Enacted as Tobacco Legislation: 14 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

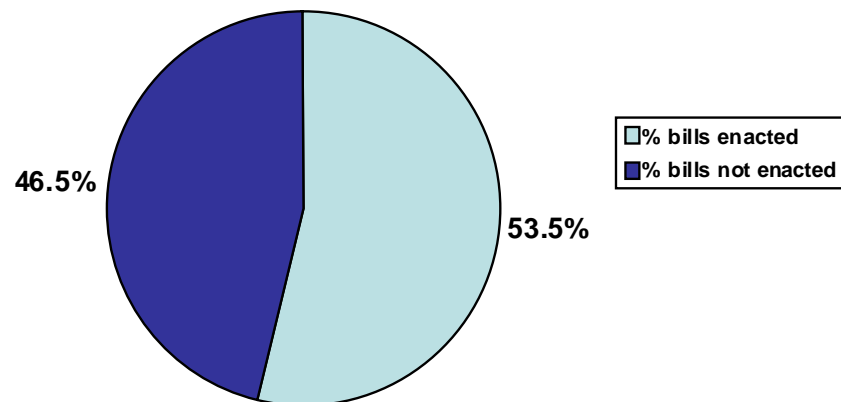


UTAH: Smokeless States Legislative Tobacco Coding, 2002-2003

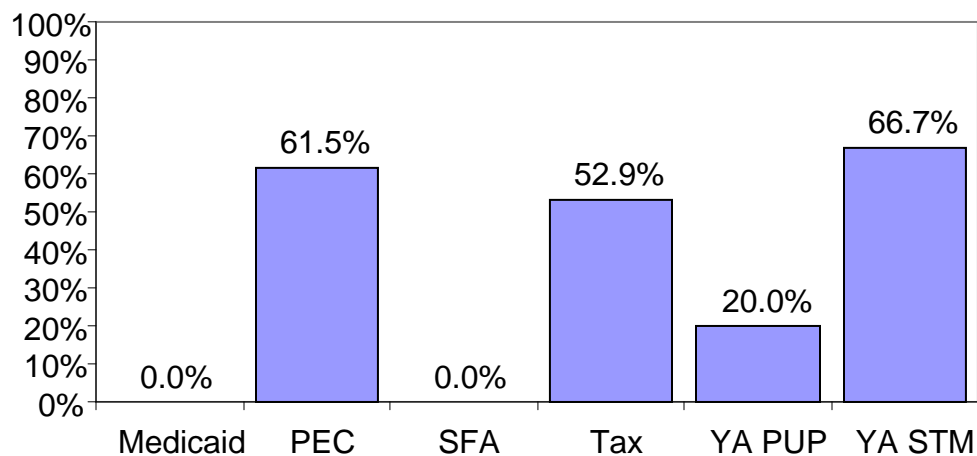
Total Number of Introduced Tobacco Bills: 43 bills

| SLS Coding Category | Number of UT Bills Coded | Percent of total UT bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 12 | 27.9% |
| Distribution | 8 | 18.6% |
| Insurance | 0 | 0.0% |
| Medicaid | 1 | 2.3% |
| Marketing | 3 | 7.0% |
| Master Settlement Agreement (MSA) | 18 | 41.9% |
| Prevention, Education, Cessation Programs (PEC) | 13 | 30.2% |
| Smoke-Free Air (SFA) | 2 | 4.7% |
| Tax | 17 | 39.5% |
| Youth Access PUP Laws (YA PUP) | 5 | 11.6% |
| Youth Access Sales to Minors' Laws (YA STM) | 3 | 7.0% |
| Miscellaneous | 6 | 14.0% |

Total Number of Bills Enacted as Tobacco Legislation: 23 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

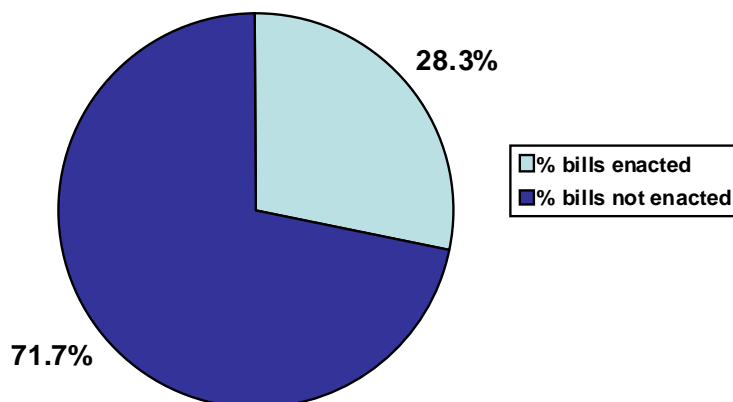


VERMONT: Smokeless States Legislative Tobacco Coding, 2002-2003

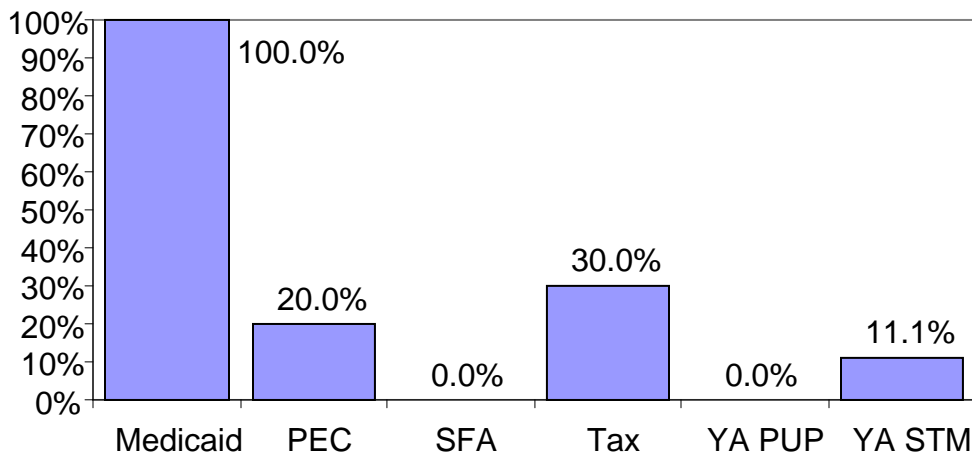
Total Number of Introduced Tobacco Bills: 46 bills

| SLS Coding Category | Number of VT Bills Coded | Percent of total VT bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 11 | 23.9% |
| Distribution | 5 | 10.9% |
| Insurance | 0 | 0.0% |
| Medicaid | 1 | 2.2% |
| Marketing | 5 | 10.9% |
| Master Settlement Agreement (MSA) | 9 | 19.6% |
| Prevention, Education, Cessation Programs (PEC) | 10 | 21.7% |
| Smoke-Free Air (SFA) | 3 | 6.5% |
| Tax | 10 | 21.7% |
| Youth Access PUP Laws (YA PUP) | 7 | 15.2% |
| Youth Access Sales to Minors' Laws (YA STM) | 9 | 19.6% |
| Miscellaneous | 8 | 17.4% |

Total Number of Bills Enacted as Tobacco Legislation: 13 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

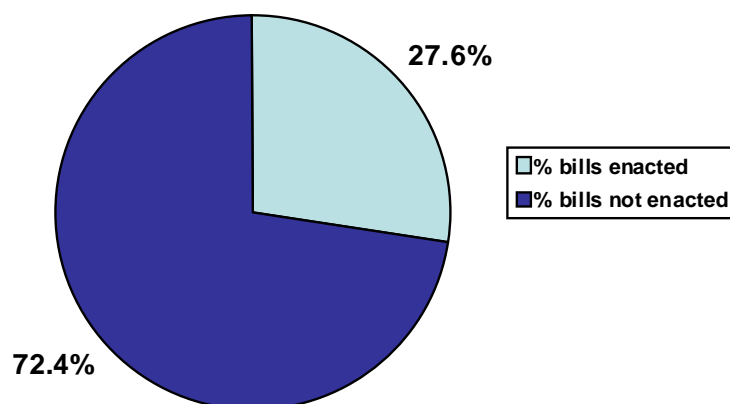


VIRGINIA: Smokeless States Legislative Tobacco Coding, 2002-2003

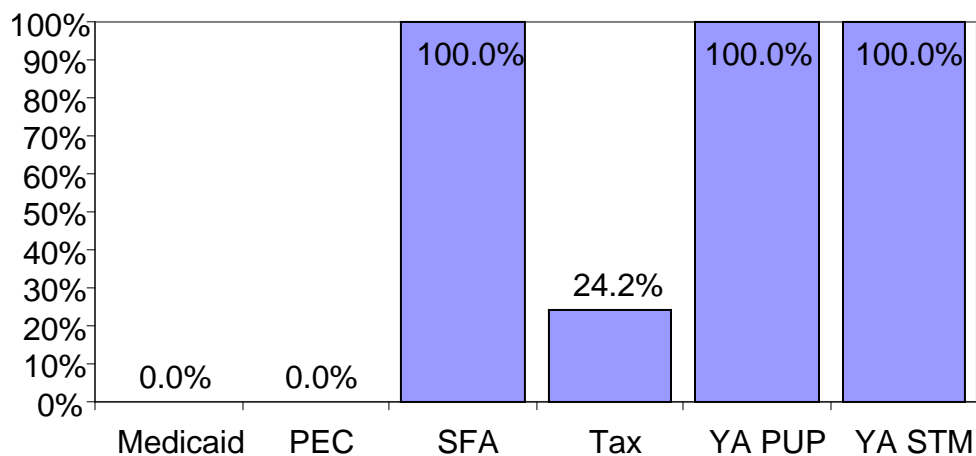
Total Number of Introduced Tobacco Bills: 58 bills

| SLS Coding Category | Number of VA Bills Coded | Percent of total VA bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 5 | 8.6% |
| Budget | 12 | 20.7% |
| Distribution | 9 | 15.5% |
| Insurance | 0 | 0.0% |
| Medicaid | 0 | 0.0% |
| Marketing | 5 | 8.6% |
| Master Settlement Agreement (MSA) | 26 | 44.8% |
| Prevention, Education, Cessation Programs (PEC) | 1 | 1.7% |
| Smoke-Free Air (SFA) | 1 | 1.7% |
| Tax | 33 | 56.9% |
| Youth Access PUP Laws (YA PUP) | 3 | 5.2% |
| Youth Access Sales to Minors' Laws (YA STM) | 4 | 6.9% |
| Miscellaneous | 7 | 12.1% |

Total Number of Bills Enacted as Tobacco Legislation: 16 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

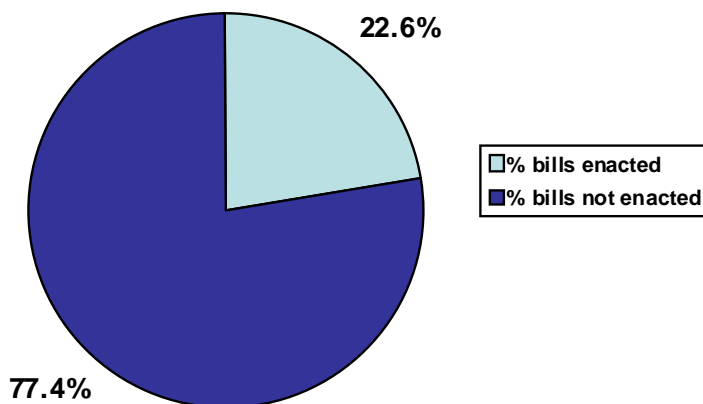


WASHINGTON: Smokeless States Legislative Tobacco Coding, 2002-2003

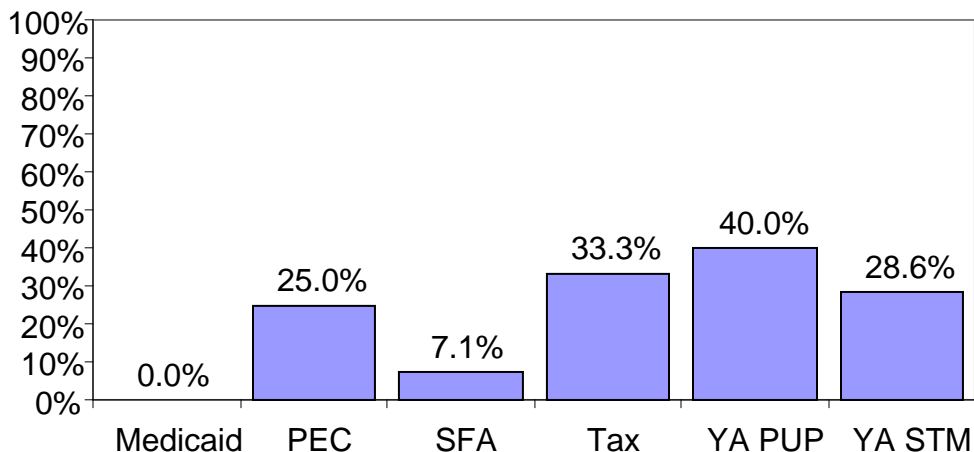
Total Number of Introduced Tobacco Bills: 133 bills

| SLS Coding Category | Number of WA Bills Coded | Percent of total WA bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 37 | 27.8% |
| Distribution | 13 | 9.8% |
| Insurance | 3 | 2.3% |
| Medicaid | 8 | 6.0% |
| Marketing | 3 | 2.3% |
| Master Settlement Agreement (MSA) | 52 | 39.1% |
| Prevention, Education, Cessation Programs (PEC) | 52 | 39.1% |
| Smoke-Free Air (SFA) | 14 | 10.5% |
| Tax | 18 | 13.5% |
| Youth Access PUP Laws (YA PUP) | 5 | 3.8% |
| Youth Access Sales to Minors' Laws (YA STM) | 7 | 5.3% |
| Miscellaneous | 37 | 27.8% |

Total Number of Bills Enacted as Tobacco Legislation: 30 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

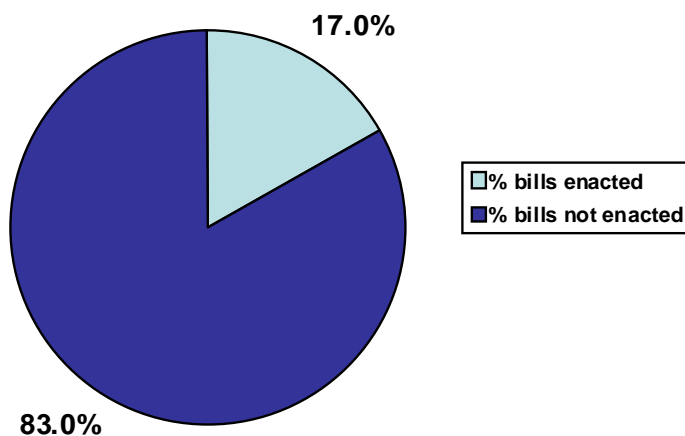


WEST VIRGINIA: Smokeless States Legislative Tobacco Coding, 2002-2003

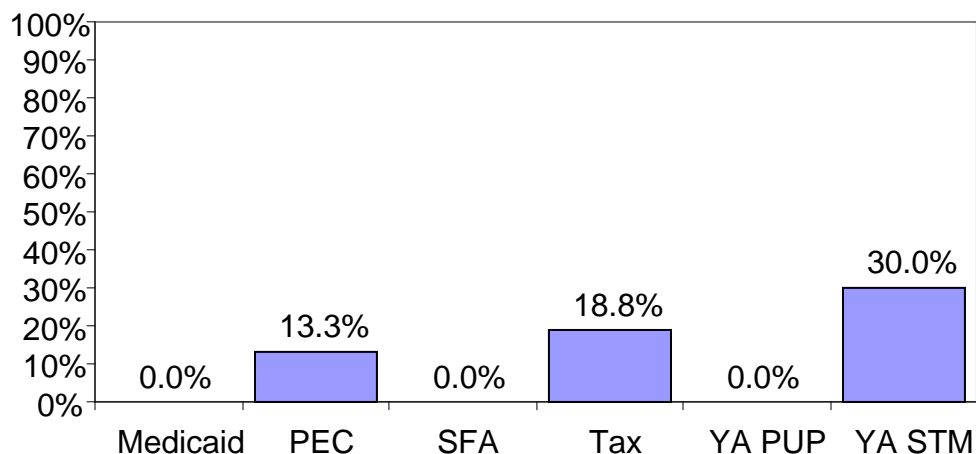
Total Number of Introduced Tobacco Bills: 94 bills

| SLS Coding Category | Number of WV Bills Coded | Percent of total WV bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 12 | 12.8% |
| Distribution | 10 | 10.6% |
| Insurance | 0 | 0.0% |
| Medicaid | 3 | 3.2% |
| Marketing | 8 | 8.5% |
| Master Settlement Agreement (MSA) | 19 | 20.2% |
| Prevention, Education, Cessation Programs (PEC) | 15 | 16.0% |
| Smoke-Free Air (SFA) | 15 | 16.0% |
| Tax | 32 | 34.0% |
| Youth Access PUP Laws (YA PUP) | 16 | 17.0% |
| Youth Access Sales to Minors' Laws (YA STM) | 10 | 10.6% |
| Miscellaneous | 10 | 10.6% |

Total Number of Bills Enacted as Tobacco Legislation: 16 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

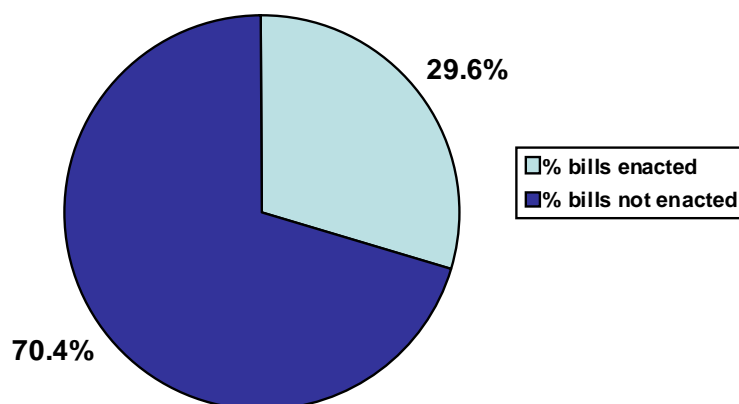


WISCONSIN: Smokeless States Legislative Tobacco Coding, 2002-2003

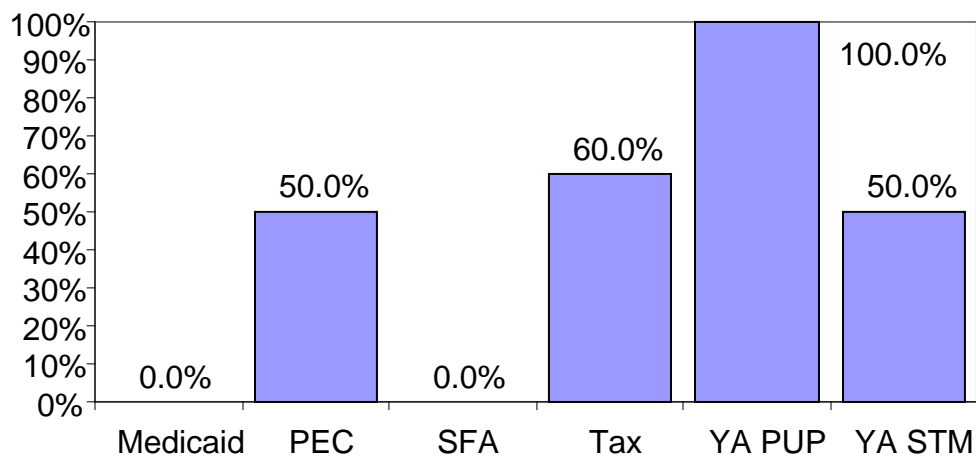
Total Number of Introduced Tobacco Bills: 27 bills

| SLS Coding Category | Number of WI Bills Coded | Percent of total WI bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 5 | 18.5% |
| Distribution | 6 | 22.2% |
| Insurance | 1 | 3.7% |
| Medicaid | 0 | 0.0% |
| Marketing | 2 | 7.4% |
| Master Settlement Agreement (MSA) | 7 | 25.9% |
| Prevention, Education, Cessation Programs (PEC) | 2 | 7.4% |
| Smoke-Free Air (SFA) | 3 | 11.1% |
| Tax | 5 | 18.5% |
| Youth Access PUP Laws (YA PUP) | 1 | 3.7% |
| Youth Access Sales to Minors' Laws (YA STM) | 4 | 14.8% |
| Miscellaneous | 7 | 25.9% |

Total Number of Bills Enacted as Tobacco Legislation: 8 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

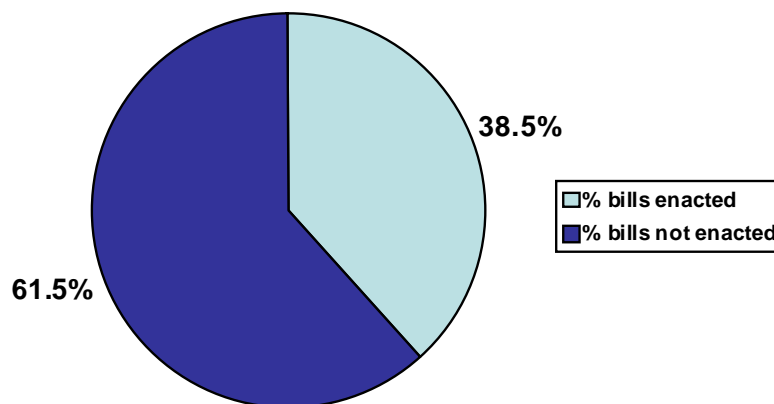


WYOMING: Smokeless States Legislative Tobacco Coding, 2002-2003

Total Number of Introduced Tobacco Bills: 13 bills

| SLS Coding Category | Number of WY Bills Coded | Percent of total WY bills coded |
|---|--------------------------|---------------------------------|
| Agriculture | 0 | 0.0% |
| Budget | 6 | 46.2% |
| Distribution | 3 | 23.1% |
| Insurance | 0 | 0.0% |
| Medicaid | 0 | 0.0% |
| Marketing | 1 | 7.7% |
| Master Settlement Agreement (MSA) | 7 | 53.8% |
| Prevention, Education, Cessation Programs (PEC) | 3 | 23.1% |
| Smoke-Free Air (SFA) | 0 | 0.0% |
| Tax | 5 | 38.5% |
| Youth Access PUP Laws (YA PUP) | 1 | 7.7% |
| Youth Access Sales to Minors' Laws (YA STM) | 1 | 7.7% |
| Miscellaneous | 2 | 15.4% |

Total Number of Bills Enacted as Tobacco Legislation: 5 bills



Percent of Bills Enacted as Legislation by Tobacco Control Categories

