

Tobacco Free Kansas Coalition

E-Newsletter

Supporting Tobacco Control for Kansas

April 2007, Volume 2, Issue 4

Welcome to the TFKC E-Newsletter for those interested or involved in tobacco control in Kansas. We would like to hear your comments and ideas for future issues. See the "Sign Up" information on the previous page to receive this e-newsletter every month.

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Master Settlement Funds Received for Year

Kansas received on April 19 the annual payment from the 1998 Master Settlement Agreement with tobacco companies. The state received \$50,210,767.89, according to the attorney general's office. That's more than last year's payment, but still not what the state was scheduled to receive. In 2006 and 2007, Kansas should have been paid about \$55 million each year under the terms of the settlement struck after states sued major tobacco companies seeking to recover the costs of treating sick smokers. In 2006, the state also received less than expected, about \$49.4 million.

Reynolds American and Lorillard tobacco companies each withheld about 25 percent of their scheduled payments, instead placing the money into a disputed payment account, Attorney General Morrison said. The tobacco companies have argued that states have not protected the companies' market share, which was a condition of the agreement.

In Kansas, all funds from the Master Settlement Agreement are allocated through the Children's Initiatives Fund, which supports social and health programs for Kansas children. About \$1 million is now allocated through the Children's Initiatives Fund for cessation programs. The Centers for Disease Control and Prevention recommend the state spend a minimum of \$18.1 million yearly on tobacco cessation and control.

The MSA money has been a topic of interest this legislative session because of a projected increase in April 2008, when the state was scheduled to see its annual payment bumped to \$75 million. Bills were introduced to capture that anticipated additional money, including House Bill 2395, which would have directed the money to the Department on Aging's Health Care For Seniors Fund and Senior Services Fund; and Senate Bill 318, introduced by Sen. Jim Barnett, R-Emporia, that would have directed any additional funds to comprehensive tobacco control and cessation programs. Neither bill got out of committee.

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Tax Season for Internet Tobacco Purchasers

Kansas Department of Revenue is sending tax assessments to Kansans who have purchased un-taxed cigarettes from Internet companies. The assessment notices were sent to 7,000 Kansans, beginning on

March 15, 2007. The information on customers comes from information provided by the companies (sellers) to the state. The tax per carton is \$7.90 plus the state sales tax rate of 5.3 percent plus any applicable city or county taxes.

Kansas Supreme Court to hear smoking ban case

The Kansas Supreme Court hearing of the lawsuit Steffes vs. the City of Lawrence will be heard on April 25 in Topeka. Attorneys for both sides will present their arguments on the constitutionality of the smokefree ordinance that was implemented in Lawrence on July 1, 2004. The League of Kansas Municipalities presenting a "friend of the court" brief in support of the Lawrence position.

Dennis Steffes, who owns Last Call and Coyotes, has filed a legal petition that seeks to allow bar patrons to light up once again. Steffes contends the Lawrence City Commission exceeded its home rule authority by adopting an ordinance that bans smoking in bars and other establishments. And he contends the ordinance fails to specify what a business owner should do if someone does smoke in his establishment.

Working to Reduce Sales to Minors

The current Synar rate (businesses selling tobacco to minors) in Kansas is 80.1 percent, which does put the State in compliance with the federal regulation, but just barely. Some are concerned that with the tobacco prevention funding that has gone into the effort should have brought the rate down further. It should be noted that the compliance rate has improved since 2004 when it was 62 percent. The improvement is because of a variety of programs in communities across the state, under the heading of "It's Everybody's Business." Additionally, the Department of Revenue has bumping up the fines on tobacco licensees to \$1,000 whenever an employee sells tobacco to an underage volunteer working with ABC personnel checking compliance levels.

Kansas has engaged both state and local partners to prevent the sale of tobacco to minors. In addition to the enhanced enforcement, communities mobilized to reach retailers through education and incentives and resource materials including the "Reward and Reminder" program geared to clerks to help them do the right thing by not selling tobacco to Kansas youth.

Look Who's Not Smoking

The following list is of states with comprehensive smokefree laws (and future implementation dates). Please note that such a law (SB 37) has been introduced in Kansas, but currently

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contains an opt out clause that hampers statewide implementation, and is expected to be studied during the summer interim by the Legislature.

Arizona (May 1, 2007)

California

Colorado

Connecticut

Delaware

Hawaii

Maine

Maryland (February 2008) — most recent to join the group

Massachusetts

Montana (bars in 2009)

New Jersey

New Mexico (June 15)

New York

Ohio

Rhode Island

Utah (bars in 2009)

Vermont

Washington

States with Smokefree Restaurant Laws:

Florida (also a workplaces law)

Idaho

Louisiana

Nevada

States with Smokefree Workplace Laws:

North Dakota

South Dakota

Smokefree countries:

Bermuda, Bhutan, England (7-07), France (2008), Ireland, Italy, Lithuania, New Zealand, Northern Ireland, Norway, Scotland, Sweden and Uruguay

Save the Date

The **2007 National Conference on Tobacco or Health** will be held in Minneapolis, MN, **October 24-26**.

World No Tobacco Day is May 31. This year's theme is smokefree environments.

A **“train the trainers” program for the cessation program of the smoking and pregnancy initiative** will be held Tuesday, **May 22**. The program will originate from Overland Park on the KU Edwards Campus. It also will be available via interactive televideo-conferencing at five sites across the state. The program is sponsored by KDHE and the KU Med Area Health Education Centers.

The five-hour course will prepare individuals in the use of person-to-person and small group counseling for pregnant patients regarding tobacco use and cessation. It will present the “5As” of tobacco cessation. Attendees will receive materials to support their future presentations.

The programs begin at 9:00 a.m. and will be held in Garden City, Hays, Pittsburg, Salina and Wichita, in addition to Overland Park. There is no registration fee, but pre-registration is suggest to assure space and materials. For more information, contact Becky Tuttle, 316-337-6056, with KDHE.

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The 2007 **Spit Tobacco Summit** has been scheduled for **August 29** at the Hutchinson Cosmosphere. The Summit is focused on youth, tobacco control advocates, oral health professionals, school nurses and anyone interested in making a difference about smokeless tobacco use in Kansas.

For additional information, contact Becky Tuttle, KDHE, 316-337-6058, btuttle@kdhe.state.ks.us

Please share this newsletter with others interested in tobacco control in Kansas. The TFKC electronic newsletter will be distributed monthly to your e-mail. Please report a change of your e-mail address to TFKC .

Mary Jayne Hellebust, Executive Director
Tobacco Free Kansas Coalition
e-mail: mjhellebust@tobaccofreekansas.org
phone: 785-272-8396
Web site: <http://tobaccofreekansas.org>