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Tobacco Control in States, Provinces, and Municipalities: The California Effect?

“Our record in defeating state smoking restrictions has been reasonably good. Unfortunately our record with respect to local measures ... has been somewhat less encouraging.... Over time, we can lose the battle over smoking restrictions just as decisively in bits and pieces—at the local level—as with state or federal measures.” (Pritchard 1986, as quoted in US Department of Health and Human Services 2000b: 52)

“We are here to announce what we think is ... the most historic public health agreement in history.” Mike Moore, Attorney General of Mississippi, June 20, 1997 (Mollenkamp *et al.* 1998: 231)

“A total of 41 states have sought the anti-smoking advice of California’s Department of Health Services, which also counsels Ireland, Australia and Canada. The World Health Organization has used California’s work as a model of anti-smoking propaganda elsewhere around the globe.” (“Smoking: Just Say No,” *Economist*, December 9, 2000)

Introduction

In Canada and the United States, tobacco control, both regulation and taxation, is a multi-level issue. Actions by US state attorneys general in the National Settlement and Master Settlement Agreement with tobacco companies for recovery of state health care costs, the decisions of US juries in state court lawsuits by individuals against tobacco companies, local controversies over ETS requirements on both sides of the border, and restrictive tobacco-control policies pursued by the Ontario, Quebec, and British Columbia governments in Canada are examples. Authority is divided not only between the federal government and the state or