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**COUNTY EXECUTIVE SPANO AND SEN. CLINTON JOIN TO SUPPORT MEASURES
TO COMBAT THE SALE AND MARKETING OF CIGARETTES TO CHILDREN**
Proposed changes in federal law would undo decisions of U.S. Supreme Court

Sen. Hillary Clinton today joined County Executive Andy Spano to push for changes in federal law that would give the Food and Drug Administration the authority to regulate the marketing of cigarettes to children and give Westchester the power to fully enforce a comprehensive anti-smoking law Spano signed in May.

“We in Westchester have been forceful and innovative in our efforts to deter underage smoking,” said Spano. “We have enacted anti-smoking legislation designed to limit the access of minors to tobacco products and to punish adults who give minors tobacco products. But these efforts have been undermined by recent decisions of the U.S. Supreme Court which prevent us from fully enforcing our law and thereby protecting the health of our children. Sen. Clinton’s proposals would correct this, and I commend her for her leadership in this area.”

Said Clinton, “Last month the Supreme Court ruled that state and local governments could not restrict cigarette advertising beyond the federal government’s limitations. This case jeopardizes the important steps taken by Westchester County and responsible local governments all across New York. When I return to Washington, I will be introducing a bill to remove this senseless obstacle to state and local innovation. This bill would preserve the authority that state and local governments have exercised wisely to protect their residents in the absence of federal authority.”

She added, “I stand ready to work with County Executive Spano, a dedicated champion of children’s health, in educating our young people, cutting teen smoking and saving precious lives.”

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The two officials held a press conference at the White Plains offices of the American Cancer Society, which endorsed the Clinton proposals.

"Protecting children from big tobacco is a primary mission of the American Cancer Society," said Donald Distasio, CEO of American Cancer Society, Eastern Division. "The American Cancer Society applauds County Executive Andrew Spano and U.S. Senator Hillary Clinton for making this significant contribution to the fight against big tobacco. This legislation will further the American Cancer Society's work protecting American's youth from the health hazards of tobacco products."

Specifically, Clinton's proposals, if enacted into law, would:

- Affirm the rights of state and local governments to enact local laws concerning cigarette advertising;
- Give the FDA the authority to issue rules to combat the sale and marketing of tobacco products to children.

In May, Spano signed a comprehensive law he initiated aimed at deterring underage smoking. One provision banned the placement of ads for tobacco products within 10 feet of any fixture on which candy, trading cards or toys are displayed for sale.

However, before this law could take effect, the Supreme Court handed down a decision in a Massachusetts case (*Lorillard Tobacco Co. v. Reilly*), striking down a law governing outdoor and point-of-sale cigarette advertising. The high court said that the federal Cigarette Labeling and Advertising Act preempted laws like the one in Massachusetts.

This implicitly knocked out the provision of the Westchester law that dealt with the advertising within 10 feet of candy, card and toys. Remaining intact are other provisions of the law that limit the use of cigarette vending machines and ban the self-service sale of tobacco products and free-standing displays of tobacco products.

One of Clinton's bills is designed to allow states and local governments to enact their own regulations concerning cigarette advertising by striking the language that is the barrier to such local options.

The senator's other proposal addresses a Supreme Court decision law that found that the FDA did not have Congressional authority to regulate nicotine. Her bill (S.247) would affirm the FDA's authority and do the following: classify nicotine as a drug; allow the FDA to implement a public health standard in its review and

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regulation of tobacco products; restrict the access of youth to tobacco products; allow sensible advertising limits; and preserve state and local authority to impose additional restrictions.

Westchester County has allocated \$5.2 million over the last two years for anti-smoking programs primarily aimed at youth. Some of that money is used for enforcement of anti-smoking laws, while other funds go to educational projects, including its “Butt Out” anti-smoking advertising campaign and interactive theater provided by the National Theatre for Children. In addition, the County is working with various community-based organizations and schools to reach Westchester teens with the anti-smoking message.

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