

**Oklahoma Tobacco Settlement Endowment Trust
Board of Directors**

“Return Local Rights to Take Action on Tobacco”

November 19, 2008

WHEREAS Oklahoma has laws prohibiting any municipality from adopting any tobacco-related ordinance which restricts exposure to secondhand smoke or which prevents youth access to tobacco to a greater extent than current state law, and

WHEREAS the pre-emptive sections of our state tobacco laws were passed by the Oklahoma State Legislature at the behest of the tobacco industry, and

WHEREAS only a few other states—and none of Oklahoma’s bordering neighbors—have adopted these pre-emptive clauses promoted by the tobacco industry, and some of those states have since repealed these clauses, and

WHEREAS the state tobacco laws of Oklahoma and Tennessee are considered to contain the most restrictive and comprehensive pre-emptive language in the nation, and

WHEREAS state law normally establishes a “floor” or minimum requirements, rather than a “ceiling” that limits the options of local governments, and

WHEREAS local officials are closest to their constituents and have taken the lead in most states in developing, enacting and enforcing effective measures to reduce the toll of tobacco in their communities, and

WHEREAS when a local government considers proposed tobacco control measures, residents of the community tend to have a higher level of awareness and understanding of the issues than when the policy is developed and enacted at the state or federal level, and

WHEREAS when a community does decide to adopt a proposed ordinance, the citizenry are more likely to feel a sense of “ownership” or loyalty to the provisions of the ordinance and will therefore be more likely to actively support the enforcement efforts within their community, and

WHEREAS local governments are highly interested in maintaining a strong local economy and tend to work closely with representatives of the business community in finding common sense solutions to local priorities, and

WHEREAS many cities and towns in all states bordering on Oklahoma have passed local tobacco control ordinances that go beyond the provisions of their state laws, reflecting the will of their local citizens in each case, and

WHEREAS both the Oklahoma State Board of Health and the Oklahoma Tobacco Use Prevention and Cessation Advisory Committee have previously adopted resolutions with recommendations similar to the following,

BE IT RESOLVED that the Board of Directors of Oklahoma Tobacco Settlement Endowment Trust respectfully recommends repeal of pre-emptive clauses that restrict, prohibit or interfere with the desire of any local government in this state to adopt ordinances to further prevent exposure to secondhand tobacco smoke or to further prevent youth access to tobacco, restoring the right of Oklahoma communities to act in these areas.