

**Shifting Attitudes Towards Tobacco Control in  
Tobacco Country:  
Tobacco Industry Political Influence  
and Tobacco Policy Making in South Carolina**

Sarah Sullivan, BA  
Richard Barnes, JD  
Stanton A. Glantz, PhD

Center for Tobacco Control Research and Education  
School of Medicine  
University of California, San Francisco  
San Francisco, CA 94143-1390



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## EXECUTIVE SUMMARY

- Tobacco use is the leading preventable cause of death in South Carolina. Smoking-related medical costs amount to \$1.1 billion each year, including \$393 million for Medicaid.
- Tobacco growing in South Carolina declined by over 50 percent from 1997 to 2008. Tobacco accounted for less than 10% of the state's cash receipts from all crops in 2007. Despite the low levels of actual tobacco growing and the small role tobacco played in the state's economy in 2008, the cultural construct of being a “tobacco growing state” continued to have a disproportionately large impact on tobacco control policy making.
- Between 1997 and 2008, the tobacco industry lost its alliances with the Farm Bureau Federation and Commissioners of Agriculture, former staunch industry allies, because of negotiations over the Master Settlement Agreement, the buyout of the Tobacco Price Support system, and increasing purchase of foreign tobacco.
- Tobacco control Policy Score rankings of 2007/2008 legislators by knowledgeable tobacco control advocates revealed that legislators from the Pee Dee region, historically the stronghold of tobacco agriculture, were similar to the rest of the state's legislators in their attitudes towards tobacco control. Tobacco area legislators were formerly strong allies of the tobacco industry and historically worked with industry lobbyists to ensure defeat or manipulation of tobacco control bills. The 2007/2008 Policy Scores indicated that this was no longer the case.
- Tobacco control advocates should take advantage of the growing distance between tobacco companies and its former tobacco-growing allies and the decline in the actual importance of tobacco agriculture to challenge the rhetoric and resistance to tobacco control policies in the state.
- The tobacco industry built significant political influence in South Carolina through lobbyists, alliances with prominent trade associations, campaign contributions and other political expenditures. From 1996 to 2006, tobacco companies, trade associations and producers contributed a total of \$680,541 to candidates for state office and to political parties.
- There is a measurable relationship between tobacco industry contributions and legislative behavior. As rated on a Policy Score scale from 0 to 10, with 10 being extremely receptive to tobacco control and 0 being extremely pro-tobacco industry, for every \$1,000 received from the tobacco industry during the 2006 election cycle, a legislator's Policy Score decreased by 1.5 points. Democrats were on average 3.6 points more favorable towards tobacco control than Republicans, after controlling for campaign contributions.
- South Carolina was selected by the NCI in 1990 to participate in the 17-state ASSIST program. ASSIST funded tobacco control programming within the Department of Health and Environmental Control and established the state's first formal tobacco control coalition, the Alliance for a Smoke-Free South Carolina. The Alliance disbanded in 1997, leaving tobacco control advocacy disorganized and ineffective through 2003. ASSIST ended in 1999 and was

replaced by a minimally-funded DHEC Tobacco Division supported primarily by about \$1 million annually from the US Centers for Disease Control and Prevention.

- In 1998, the state signed the Master Settlement Agreement, securing approximately \$70 million per year from the major cigarette companies. In 2000, the state securitized its settlement revenue, receiving a lump sum of \$900 million up front in lieu of its annual payments through 2019. Refinancing in 2008 moved this date back to 2012.
- The 2000 General Appropriations bill set up 4 trust funds from the securitized MSA funds, with 73% (\$574 million for healthcare), including tobacco control. Only \$3.34 million of the MSA revenue was spent on tobacco control between 2000 and 2008. The state allocated an additional \$6 million from the General Fund to the DHEC Tobacco Division between 2002 and 2008, with no state funding for the program between 2003 and 2006 and again in 2008.
- The Tobacco Division developed small-scale but innovative tobacco control programming, particularly community programs to promote policy change and the Rage Against the Haze youth movement.
- The DHEC leadership did not prioritize tobacco control between 2000 and 2008, although its support increased gradually due to efforts by the Tobacco Division, DHEC regional staff and the voluntary health groups. Funding requests remained at \$2 million, significantly below the CDC recommended \$62.2 million per year. Limitations by DHEC leadership on the role that DHEC staff play in local community-wide policy change efforts changed in 2007 to allow direct participation, but remained limited in scope.
- The voluntary health groups failed to prioritize increased funding for the DHEC Tobacco Division relative to their other lobbying focuses and continued in 2008 to act hesitantly in their lobbying of DHEC leadership to support tobacco control funding and policy change.
- In 2001, tobacco control advocates formed the South Carolina Tobacco Collaborative. It received 83% of its funding from the state health department, limiting its advocacy capacity.
- Increased funding from voluntary health groups and national partners between 2005 and 2008 allowed the Collaborative and the other prominent tobacco control advocacy groups, the South Carolina African-American Tobacco Control Network and the Smoke-Free Action Network, to increase advocacy between 2005 and 2008. These developments led to notable successes in clean indoor air policies and attempts to increase the state's tobacco tax.
- The cigarette tax in South Carolina remained the lowest in the nation in 2008, at 7 cents per pack. The last cigarette tax increase was in 1977, with nearly annual attempts to increase the tax defeated by coordinated efforts from the tobacco industry. Tobacco control advocates began to push for a cigarette tax increase in 2000, without success.
- Between 2006 and 2008, the Collaborative developed a well-funded and well-coordinated public education and lobbying campaign to support a cigarette tax increase. In 2008, the General Assembly passed a 50-cent increase, with \$5 million of the annual revenue directed

to the DHEC Tobacco Division, over active opposition from the tobacco industry and its allies. Governor Mark Sanford vetoed the bill for its lack of revenue neutrality, and Speaker of the House Bobby Harrell successfully prevented a veto override in the House.

- The 2006-2008 cigarette tax increase campaign showed that well-funded tobacco control advocacy could be successful over tobacco industry opposition in the legislature. The defeat of the increase bill demonstrated the need for stronger grassroots lobbying and relationship building with legislative leadership.
- Between 1977 and 1989, local policymakers passed 19 limited clean indoor air ordinances, building momentum for consideration of a state-level clean indoor air bill. In 1990, tobacco control advocates compromised with tobacco industry lobbyists to allow the passage of a weak statewide Clean Indoor Air Act, halting significant progress on clean indoor air through 2005.
- In 1996, the tobacco industry succeeded in using the Synar Amendment to integrate preemption into a youth access to tobacco amendment. The tobacco industry and tobacco control advocates assumed the provision also preempted local clean indoor air activity.
- Beginning in 1999, local policymakers in Charleston began to support local clean indoor air ordinance attempts despite assumed preemption. While Charleston did not pass an ordinance until 2006, news coverage of the city's efforts began a wave of consideration of local ordinances, eventually supported by state and local tobacco control advocates and the Municipal Association.
- Between May 2006 and December 2008, 21 local clean indoor air ordinances passed, 12 of which passed before the state Supreme Court rejected the argument that preemption applied to clean indoor air ordinances. Two localities were sued over their ordinances on preemption grounds, but won both cases in the Supreme Court.
- During the 2007/2008 legislative session, tobacco control advocates joined together to successfully defeat multiple attempts to institute express preemption through weak clean indoor air legislation supported by the tobacco industry.
- Given the success of local clean indoor air efforts, the strategy of tobacco control advocates developed during 2008 should be maintained: continue to promote comprehensive local smoke-free ordinances, while avoiding any action on clean indoor air in the General Assembly.



## TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	3
TABLE OF CONTENTS .....	7
INTRODUCTION .....	13
Tobacco Use .....	13
Tobacco Growing .....	14
Tobacco Control .....	16
TOBACCO INDUSTRY INFLUENCE IN SOUTH CAROLINA .....	16
Tobacco Industry Influence Historically .....	16
Direct Tobacco Industry Action .....	18
The Tobacco Institute and History of Industry Lobbyists in South Carolina .....	18
The Tobacco Institute's Tobacco Action Network .....	20
RJR's Smokers' Rights Campaign .....	21
Conclusion .....	22
Tobacco Industry Allies .....	22
Trade Associations .....	22
Tobacco Growers' Historical Support for the Tobacco Industry .....	24
Tobacco Area Legislators .....	25
Commissioners of Agriculture .....	25
Shifting Alliances: The Distancing of Tobacco Growers from the Tobacco Industry, 1997-2008 .....	26
Campaign Contributions .....	30
Total Tobacco Industry Campaign Contributions .....	31
Tobacco Industry Contributions to Political Parties .....	33
Tobacco Policy Scores .....	35
Tobacco Industry Contributions to Legislative Candidates .....	36
Tobacco Industry Contributions to Statewide Candidates .....	41
The Effect of Contributions on Legislative Behavior .....	43
Lobbyists .....	44
Other Tobacco Industry Political Expenditures .....	45
Conclusion .....	49
TOBACCO CONTROL ORGANIZATION AT THE STATE LEVEL .....	49
Early Tobacco Control Movement (1973-1991) .....	50
Project ASSIST and the Alliance for a Smoke-Free South Carolina, 1991-1998 .....	51
The Development of the Alliance for a Smoke-Free South Carolina .....	52
Industry Response to ASSIST .....	54
Weak Policy Focus Under ASSIST and the Alliance .....	55
1997-2000: Disintegration and Disempowerment of Tobacco Control in South Carolina .....	56
Establishment of the DHEC Division of Tobacco Prevention and Control and CDC .....	56



Funding .....	58
State Allocations for Tobacco Control Programming in DHEC .....	59
The Master Settlement Agreement .....	59
Phase II Payments to Tobacco Growers .....	62
South Carolina Tobacco Settlement Consensus Group .....	62
2000-01 Fiscal Year: The Battle for MSA Funding and First Youth Smoking	
Prevention Funds .....	64
Development of Settlement Trust Funds .....	64
Youth Smoking Prevention Funding from Healthcare Trust Fund .....	67
Allocations to the DHEC Tobacco Division in the Fiscal Year 2000-01	
Budget .....	72
2001-02 Fiscal Year: Healthcare Trust Fund Allocation .....	73
2002-03 Fiscal Year: Healthcare Trust Fund Not Enough .....	74
Raiding the Healthcare Trust Fund: Spending from the Trust Fund for	
Tobacco Control Ends .....	74
Securing Money for Tobacco Control Despite Lack of Allocation from	
Healthcare Trust Fund .....	76
2003 to 2006: Tobacco Control Program Eliminated from the Budget .....	77
Elimination of State Tobacco Control Funding in 2003 .....	77
Survival Mode for Tobacco Division: 2003 to 2006 .....	77
2006 to 2008: Renewal of State Funding from General Fund .....	78
2008-09 Fiscal Year: Tobacco Control Funding Again Cut by Legislature .....	79
Conclusion: State Funding for Youth Tobacco Prevention .....	80
Tobacco Control Programming of the DHEC Division for Tobacco Prevention and	
Control .....	82
Youth Movement .....	82
Program Development, 2000-2003 .....	82
Funding Cut and Program Survival, 2004-2006 .....	86
Funding Restored and Redevelopment, 2006-2008 .....	86
Youth Movement as a Policy Change Tool .....	87
Results of Rage Against the Haze .....	88
Community Programs .....	89
School Programs .....	90
Youth Access Enforcement .....	91
Cessation .....	92
Surveillance and Evaluation .....	93
Statewide Programs/Grants .....	93
Conclusion .....	96
South Carolina Tobacco Collaborative: Tobacco Control Coalition Re-formed .....	96
Formation and Membership .....	96
Funding and Activities .....	97
Obstacles and Successes in Effective Advocacy by the Collaborative .....	100
Other Prominent Statewide Advocacy Groups: SCAATCN and Smoke Free Action	
Network .....	102
Conclusion .....	103

CIGARETTE TAX INCREASE .....	104
Cigarette Tax Increases Leading Up To 1977 .....	105
1977 Successful Cigarette Tax Increase .....	105
Tobacco Industry Prevents Further Tax Increases, 1978-1989 .....	106
Tobacco Control Groups Put Tobacco Tax in the Back Seat, 1990-1999 .....	108
More Serious Attempts to Pass a Tax Increase Thwarted, 2000-2005 .....	110
2002: Medicaid Cuts Mobilize Medical Community for Tobacco Tax Increase .....	110
2003: Stronger Coalition Pushes for Tobacco Tax .....	112
2004: Tobacco Control Enters the Cigarette Tax Debate .....	114
Near Success Comes with Increased Funding and Strategic Planning, 2006 to 2008 ..	116
Increased Advocacy Funding .....	116
Building the Campaign Organization .....	117
2006-2008 Public Education Media Campaign .....	118
Obstacles to the Cigarette Tax Increase Campaign .....	120
2006 Campaign: Raising the Profile of the Cigarette Tax Increase for Tobacco ..	122
Control and Health .....	122
Tobacco Industry Opposition in 2006: RJR's Axe the Tax Event .....	123
2007/2008 Legislative Session: Tobacco Control Advocates Pass Cigarette Tax ..	123
Increase in General Assembly .....	123
Governor Sanford Vetoes Cigarette Tax Increase .....	127
Tobacco Industry Opposition to H 3567 .....	129
Conclusion .....	131
CLEAN INDOOR AIR AND PREEMPTION .....	131
1977: S 217 "Clean Indoor Air Act" Defeated by Tobacco Industry Efforts .....	133
1978-1988: Continued Unsuccessful Public Health Push for a "Clean Indoor Air Act" ..	134
S 545: Increased Public Health Advocacy and Tobacco Industry Organization .....	134
South Carolina Clean Indoor Air Coalition .....	135
Local Smoking Restriction Ordinances Provided Momentum for State Level Efforts ..	138
1977 Beaufort County Ordinance .....	138
1978 Failed Richland County Ordinance .....	138
1985 Successful Richland County Ordinance: Public Health's First Victory in the ..	139
State Over a Full Tobacco Institute Push .....	139
Other Local Ordinances, 1986-1988 .....	144
City of Greenville .....	145
Charleston County .....	145
Greenville County .....	146
Clean Indoor Air Act of 1990: Weak Bill Passed at State Level .....	146
Tobacco Control and Tobacco Industry Strategies on S 138 and H 3303 .....	147
Health Groups Cooperate with Tobacco Industry on Substitute Bill .....	149
Implications of the Compromise Clean Indoor Air Act .....	152
Ambiguous Status of Preemption .....	153

Subsequent Clean Indoor Air Developments (1990-1994) .....	154
1994 Amendment of the Clean Indoor Air Act .....	154
Local Ordinances in 1993 and 1994 .....	155
ASSIST Focuses on Youth Access Regulation (1990-1994) .....	156
Act 445: Introduction of Implied Preemption in 1996 .....	157
Establishment of Preemption in Act 445 .....	161
Local Workplace and Public Smoking Ordinances Pass Despite Assumed Preemption (1999-2008) .....	162
Summary of Local Ordinances .....	162
Tobacco Control Advocacy Approaches on Clean Indoor Air Ordinances Prior to Preemption Ruling .....	167
DHEC Policies towards Smoke-Free Advocacy .....	175
Tobacco Industry Opposition to Local Ordinances Under Assumed Preemption .....	178
Charleston .....	178
1999: City Councilman Duke Hagerty Proposes Ordinance .....	179
2002-2003: Wigand, Riley and the South Carolina Tobacco Collaborative Join Forces .....	180
2004: Smoking Committee Makes Industry-Favorable Recommendation .....	181
2005-2006: Hollings Cancer Center Grant and the Smoke-Free Lowcountry Campaign .....	182
August-December 2006: Carrigan and Wilson Lead Campaign to Success .....	186
Charleston Ordinance Implementation .....	187
Sullivan’s Island .....	188
Lawsuit: Beachfront Entertainment, Inc., vs. Town of Sullivan’s Island .....	189
Greenville .....	191
Lawsuit: Foothills Brewing Concern vs. City of Greenville .....	192
Columbia .....	193
Town of Surfside Beach .....	196
Conclusion .....	197
State-Level Activity on Clean Indoor Air .....	197
2005/2006: Legislator-Driven Clean Indoor Air Bill Catches the Tobacco Control and Tobacco Industry Off Guard .....	198
Youth Access to Tobacco Prevention Act of 2006 .....	200
2007/2008: Tobacco Industry Co-Opts Clean Indoor Air Bills Attempting to Pass Preemption .....	202
Tobacco Industry Promotes Preemption in 2007 .....	203
Tobacco Control Advocates Shift Strategy on Clean Indoor Air Bills .....	206
2008 Clean Indoor Air Strategy in General Assembly: Kill the Bills ..	208
Smoking in Cars with Kids Legislation in 2007/2008 .....	211
Supreme Court Rules that Preemption Does Not Apply to Clean Indoor Air ..	212
Advocates Push for Additional Local Smoke-Free Workplace Ordinances ...	214

Conclusion .....	216
CONCLUSION AND RECOMMENDATIONS .....	217
REFERENCES .....	221
APPENDICES .....	247
Appendix A: Tobacco Industry Campaign Contributions by Candidate, 1996-2006 .....	248
Appendix B: Tobacco Industry Campaign Contributions by Contributor, 1996-2006 .....	272
Appendix C: Tobacco Industry Contributions to Political Party Organizations, 2000-2006 .....	293
Appendix D: Tobacco Industry Contributions, January 2007-May 2008 .....	295
Appendix E: Other Tobacco Industry Political Expenditures, January 2006-May 2008 .....	298
Appendix F: Legislative Policy Scores, 117 <sup>th</sup> Session of the General Assembly (2007/2008) .....	301



## INTRODUCTION

In the U.S., tobacco-growing states tend to have higher tobacco use and correspondingly greater health consequences from tobacco, with smoking-attributable mortality rates higher in tobacco-growing states than non-tobacco-growing states (320 per 100,000 deaths in growing states, compared with 278 per 100,000 in non-growing states).<sup>1</sup> States that grow tobacco also have more difficulty with the adoption of tobacco-control policies than do states that do not grow tobacco.<sup>2</sup> Non-tobacco-growing states on average have twice the per capita tobacco prevention funding, three times the tobacco excise tax rates of growing states, and ten times the percentage of the population covered by local or statewide youth access and clean indoor air ordinances than tobacco-growing states.<sup>1</sup> South Carolina is no exception to these trends, with relatively high smoking rates and lowest-in-the-nation ranking on cigarette taxation and tobacco prevention funding in 2008; however, attitudes towards tobacco control in this tobacco-growing state were gradually shifting due to decreased tobacco production and concerted advocacy efforts.

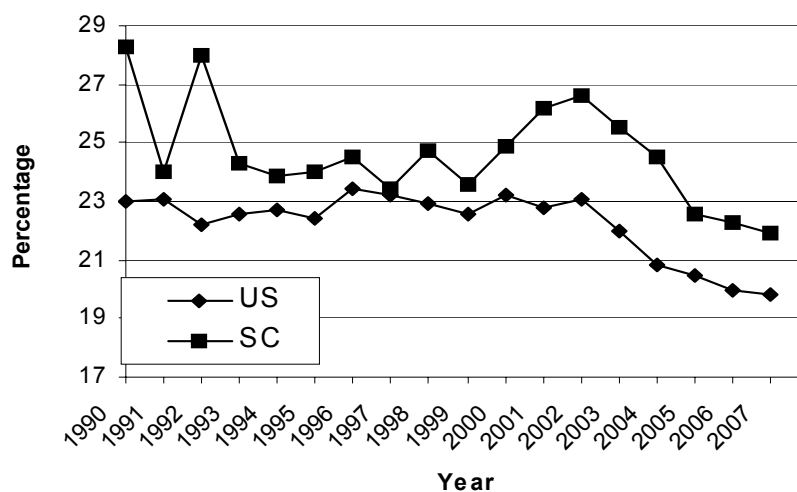
### Tobacco Use

Tobacco use is the leading preventable cause of death in South Carolina,<sup>3</sup> causing about 5,900 smoking-attributable deaths every year.<sup>4</sup> Smoking costs South Carolinians \$1.095 billion every year in medical expenses, including \$393 million for the state Medicaid program.<sup>4</sup>

The prevalence of cigarette smoking among adults (ages 18 and above) in 2007 was 21.9 percent, two percentage-points higher than the U.S. national average of 19.8 percent,<sup>5</sup> ranking 15<sup>th</sup> in smoking prevalence nationally.<sup>6</sup> As Figure 1 shows, this rate fluctuated in the early 1990s and through 2003, but fell steadily from 26.6 percent in 2003 through 2007, tracking consistently with the U.S. national average.

Per capita cigarette consumption rates in South Carolina were higher than the U.S. average and relatively flat between 2000 and 2008, while consumption dropped steadily in the U.S. as a whole (Figure 2).

Whereas adult smoking prevalence and consumption in South Carolina was consistently above the national average, youth smoking rates were historically lower or at the national average (Table 1). In 2007, according to the national Youth Risk Behavior Survey (YRBS), the rate of current cigarette use among students grades 9 through 12 was 17.8 percent, below the national

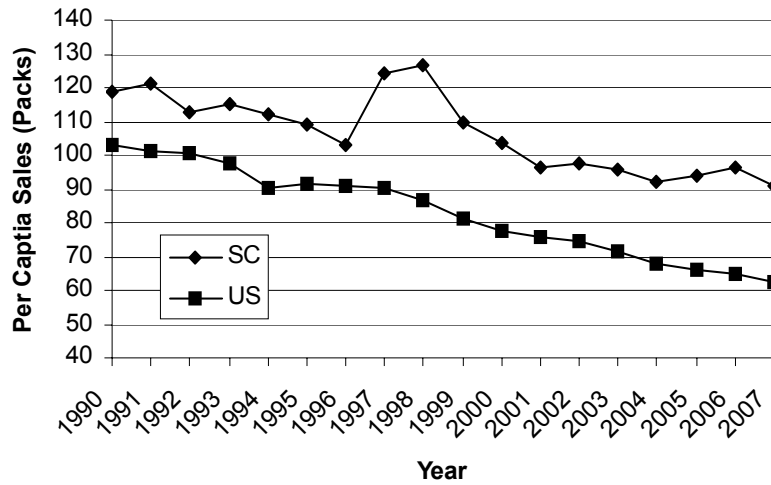


**Figure 1:** Adult Cigarette Smoking Prevalence in South Carolina and U.S.<sup>7</sup>

average of 20 percent.<sup>9</sup> This rate fell significantly from its peak of 38.6 percent in 1997, and more so after 2005, when the rate was 23.5 percent.<sup>10</sup>

### Tobacco Growing

South Carolina’s tobacco-growing history dates back as far as the 1670s, when English colonists brought tobacco growing to the area with colonization.<sup>11</sup> In 1889, the first year for which records were available from the U.S.



**Figure 2:** Per Capita Cigarette Consumption in U.S. and S.C., 1990-2007<sup>8</sup>

Department of Agriculture, 2,000 acres of tobacco were grown.<sup>12</sup> In 2007, South Carolina grew the fifth largest amount of tobacco in the country, behind North Carolina, Kentucky, Tennessee and Virginia.<sup>13</sup> South Carolina grew flue-cured rather than burley tobacco, with growing consistently focused in the 11-county “Pee Dee” region in the Northeast corner of the state (Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Lee, Marion, Marlboro, Sumter and Williamsburg counties). By 2007, significant amounts of tobacco were grown in only six of these counties, with over a third of the state’s production in Horry County alone.<sup>12</sup>

Efforts to reduce tobacco use in South Carolina were consistently tempered by South Carolina’s status as a tobacco-growing state. The tobacco industry repeatedly used this fact to encourage opposition to tobacco control proposals, and the cultural significance of tobacco played a role in most tobacco control debates. According to many tobacco control advocates, the

Year	U.S.	South Carolina
1991	27.5%	25.6%
1993	30.5%	26.7%
1995	34.8%	32.6%
1997	36.4%	38.6%
1999	34.8%	36%
2005	23.0%	23.5%
2007	20.0%	17.8%

Note: South Carolina did not participate in the YRBS in 2001 or 2003, so youth prevalence data for those years were unavailable.  
Source: YRBS<sup>10</sup>

cultural construct of being a “tobacco state” was as influential, and perhaps even more influential, than direct tobacco industry intervention (in the form of lobbying or campaign contributions) in slowing progress on tobacco control.<sup>2, 14</sup> The influence of the state’s tobacco-growing status on legislative behavior on tobacco control may have been disproportionate to the actual opinions of tobacco growers, due to distancing of growers from tobacco companies through the continued decline in the state’s tobacco production and national health group efforts to engage tobacco growers.

The height of tobacco production in South Carolina was 1928, when 148,000 acres were devoted to the crop.<sup>15</sup> This amount fluctuated regularly throughout the twentieth century, but decreased steadily between 1997 and 2005, when production reached a low of 19,000 acres.<sup>12</sup> While for much of the 1900s, tobacco was among the top crops produced in the state, by 2007 it ranked significantly lower.<sup>16</sup> In 2007, cash receipts from tobacco were \$69.2 million, out of a total of \$785 million from crops statewide, significantly behind greenhouse plants (\$269 million), corn (\$104 million) and soybeans (\$82 million). Tobacco resulted in a small fraction of the state’s total agricultural commodities receipts, at approximately one-tenth of what chickens alone brought into the state (\$666 million).<sup>17</sup>

Between 1997 and 2008, the acreage devoted to tobacco-growing in the state was cut by more than half, from 54,000 acres to 20,000 acres (Figure 3).<sup>12</sup> As of September 2008, fewer than 200 farmers in the state made their living by growing tobacco.<sup>16</sup> Two key events contributed to the this decline: the Master Settlement Agreement (MSA) that settled litigation against the tobacco industry brought by 46 state attorneys general, including South Carolina’s, in 1998 and the end of the federal tobacco quota and price support system in 2004. Both of these events resulted in the weakening of tobacco growers’ political ties to tobacco manufacturers and a shift towards larger but fewer tobacco farms. The impact of these two events combined with a general decline in the U.S. share of the global tobacco market to significantly reduce tobacco growing in South Carolina and other U.S. tobacco-growing states.<sup>18</sup> Despite this substantial drop in tobacco

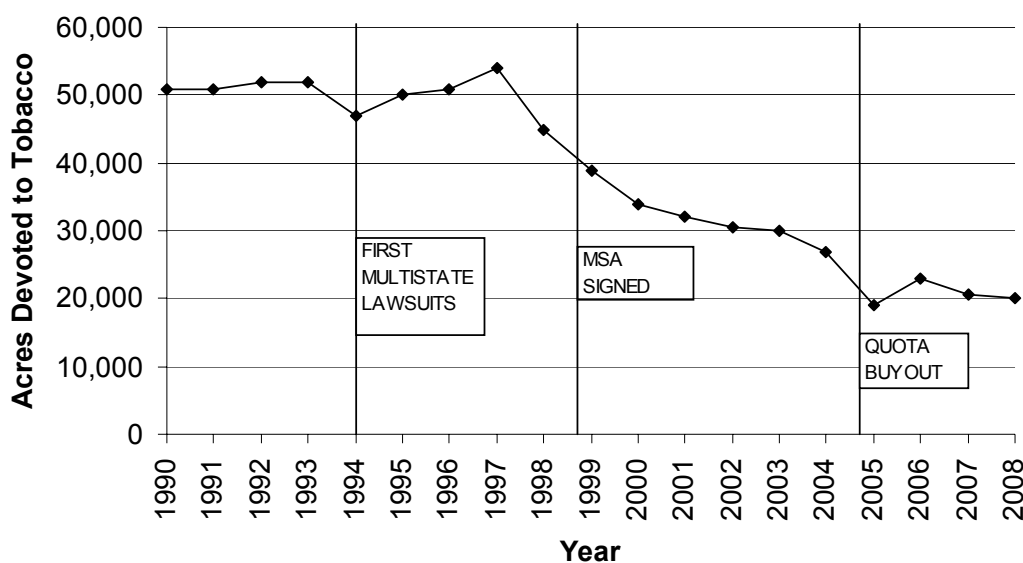


Figure 3: Acreage Devoted to Tobacco Growing in South Carolina (1990-2007)<sup>12</sup>



production, the psychological identification as a “tobacco state” still had an effect on the politics of tobacco control in the state.

## **Tobacco Control**

Tobacco control in South Carolina was at a pivotal point in 2008. South Carolina ranked lowest in the nation on two key tobacco control metrics. The state had the lowest cigarette tax in the nation, \$.07 per pack, compared with the national average of \$1.18 per pack; the state's tax had not been raised since 1977. South Carolina also ranked lowest in the nation for funding of its state tobacco prevention and cessation program, with no funding provided by the legislature for the 2008-09 fiscal year.<sup>19</sup> In fiscal years 2006-07 and 2007-08, the state had allocated \$2 million to this program and ranked 45<sup>th</sup> in tobacco control spending.<sup>6</sup> For comparison, the CDC recommended that the state spend \$62.2 million to implement a comprehensive tobacco control program, and suggested that the minimum cost for an effective program would be \$37.7 million.<sup>4</sup> The \$2 million allocated to tobacco control by the state in fiscal years 2006-07 and 2007-08 represented only 5.3 percent of this minimum suggested amount, and just 3.2 percent of the recommended amount.

Despite this difficult landscape, there were notable tobacco control successes in the state beginning in 2006, and momentum for future progress remained high in 2008. Between May 2006 and December 2008, 21 local smoke-free workplace and public places ordinances passed, with 12 passing prior to the state Supreme Court’s ruling that state law did not preempt local action on clean indoor air. Additionally, advocates in the state secured the passage in the General Assembly of a 50-cent cigarette tax increase in the 2008 legislative session, which would have included a \$5 million recurring allocation for the tobacco prevention and cessation program; it was vetoed by the Governor. These were notable steps towards more comprehensive tobacco control in the state, which were secured through increasingly organized advocacy as well as increased funding from national partners.

## **TOBACCO INDUSTRY INFLUENCE IN SOUTH CAROLINA**

The tobacco industry has been active in opposing tobacco control in South Carolina since the early 1970s. The industry spent considerable resources on lobbying, campaign contributions, and other political expenditures. The industry combined these efforts with its more traditional efforts to make people start and continue to smoke, such as media and public relations. For example, in 2005, the last year for which data were available, tobacco company marketing expenses in South Carolina were approximately \$280.3 million, or approximately \$66 for each South Carolinian.<sup>20</sup> That year the state General Assembly allocated no money to the state’s tobacco control program.

### **Tobacco Industry Influence Historically**

The tobacco industry’s influence in the South Carolina legislature in 2008 had been cultivated for decades. Three national tobacco industry associations developed in the mid-20th century that were all relevant to activities in South Carolina: the Tobacco Merchants Association (TMA), the Tobacco Tax Council (TTC), and the Tobacco Institute (TI).

The TMA was founded in 1915 by the major tobacco manufacturers at the time to collect and analyze legislative and governmental records and reports for information or developments that could impact the industry.<sup>21, 22</sup> This trade association acts in a solely informational capacity and does not lobby or directly engage in the policy process; it reports information to its membership, comprised of nearly all tobacco companies, distributors, wholesalers and retailers, on proposed and enacted measures affecting the tobacco industry.<sup>22, 23</sup> This information allows the industry and its representatives to take preventative or responsive action against upcoming measures at the federal, state and local levels.

Two politically-active trade organizations were funded by the main tobacco manufacturers: the TTC and the TI. The TTC was founded in 1949 by the major tobacco manufacturers and operated independently until it merged with the TI in 1982.<sup>23</sup> The TTC was responsible for monitoring state and local attempts to increase tobacco taxes and employed lobbyists at the state level to oppose tobacco tax increases; the TTC also had a research branch that published papers on tobacco taxation trends and policy. The TTC, although primarily financed by the tobacco manufacturers, was designed to have a broad membership, including tobacco wholesalers, suppliers and growers, which provided the TTC with nominal distance from the tobacco manufacturers and a more persuasive public position on taxation than the TI.<sup>21, 22, 24, 25</sup>

The TI was the lobbying and public relations organization for the national tobacco manufacturers and was active from its founding in 1958 through its dissolution with the Master Settlement Agreement (MSA) in 1998.<sup>23</sup> The TI's primary mission was to protect the interests of its member companies through lobbying and other political activities. In 1970, the members of TI included RJ Reynolds (RJR), Philip Morris, Brown & Williamson, Liggett & Myers, and the Unites States Tobacco Co., along with six other small companies.<sup>26</sup> In contrast with the TMA, the TTC and the TI both directly engaged in the policy-making process. The TI and the TTC had overlapping membership, and these two organizations were very cooperative in their state-level activities on tobacco taxes throughout the 1960s and 1970s, through their merger in 1982.<sup>21</sup>

Early in its development, the TI recognized the need for grassroots political participation to counteract tobacco control policy developments. In order to capitalize on the industry's nationwide network of employees, it formed the Tobacco Action Network (TAN) in 1977 to coordinate and develop the industry's grassroots advocacy and information-gathering functions. This organization was housed within the TI and was expanded into the Southeastern region in 1982, including South Carolina employees and was an active force through the early 1990s nationwide.

While all three of these organizations monitored activities at the state level, it was the TI that engaged in the most active and consistent lobbying and grassroots activism in South Carolina. This direct involvement of the industry in the state's political processes was a leading factor in the delay and defeat of many tobacco control policy goals. The tobacco industry was able to dominate the tobacco control policy in South Carolina debate, dictating content and consideration of bills in the General Assembly, through the late 1990s because of the lobbying prowess of these industry-wide organizations.

### *Direct Tobacco Industry Action*

The TTC hired lobbyist Sterling Smith to work in the South Carolina legislature to oppose cigarette tax increase bills as early as 1971, when he was paid \$10,000 per year plus expenses.<sup>27</sup> A consulting company, Martin Ryan Haley and Associates, hired in 1974 by the TI and TTC cooperatively to assess the effectiveness of their operations nationwide, concluded that the hiring of Smith in South Carolina was the primary factor in the lack of cigarette tax increase bills in the early 1970s.<sup>28</sup> Smith's early lobbying was the only direct tobacco industry involvement in the legislature prior to 1976, when the TI became involved. The TI's interest in South Carolina was likely piqued by the clean indoor air movement. In 1974, there was an attempt to pass a statewide Clean Indoor Air Law (H 2402), similar to the legislation that passed in Arizona and Nebraska in 1973. At the same time, the American Lung Association (ALA) was becoming actively involved in nonsmokers' rights nationwide. These factors may have prompted the TI to monitor tobacco control activities in the state more closely and actively promote their interests.

### *The Tobacco Institute and History of Industry Lobbyists in South Carolina*

The key players in monitoring and influencing the political process in South Carolina for the tobacco industry during the 1970s and 1980s were employed by the TI and the TTC. By 1976, the TI, along with the TTC, had established a coordinated lobbying presence in the state. The TI hired John Bankhead as their Southeast Area Manager in 1976, responsible for coordinating the TI's lobbyist and advocacy activities in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia.<sup>29,30</sup>

Bankhead oversaw the activities of two primary industry lobbyists in the state, John Gregg McMaster and Sterling Smith. Sterling Smith was originally hired by the TTC and then the TI in 1983, likely with the merger of the TTC and TI.<sup>31</sup> Smith continued to work for the TI at the statehouse throughout the 1980s and 1990s. John Gregg McMaster was a South Carolina-based lawyer who represented the TI as their legislative counsel starting in the 1976 legislative session and continuing through the 1980s.<sup>32</sup> Both Smith and McMaster would notify TI of state and local activity and worked through contacts at both the state and local levels to influence policy on tobacco taxes and clean indoor air. Individual tobacco companies also hired lobbyists in South Carolina starting in the early 1980s. These lobbyists' combined effort, coordinated by Bankhead and subsequently by Dick Morgan, who was hired as the TI's Regional Southeast Area Vice President in December 1986,<sup>33,34</sup> offered the tobacco industry significant influence at the state and local level.

In the 1990s, the tobacco industry lobbyists demonstrated their significant advantage over the meager public health lobby. Moses Clarkson was jointly hired by the American Lung Association, American Heart Association and American Cancer Society in 1989, the first tobacco control movement lobbying presence in the statehouse. By then, the tobacco industry lobby was well established, numerous and wielded significant political power; many were former public officials with intimate knowledge of the legislature, and others maintained their position as industry lobbyists for over a decade. The power of the industry lobby allowed the tobacco industry to dominate the debate over clean indoor air, youth access to tobacco products and cigarette taxation throughout the 1990s. The public health community was forced to compromise

on both tobacco control laws that passed, the 1990 Clean Indoor Air Act and the 1996 youth access legislation, in ways that benefitted the industry.

The tobacco industry lobby in the 1990s consisted of powerful and experienced individuals hired by the TI, as well as the largest individual tobacco companies, Philip Morris, RJR and US Smokeless Tobacco (UST), and tobacco trade organizations like the Smokeless Tobacco Council. These prominent lobbyists included:

- **Tobacco Institute:**

- Sterling Smith worked in the legislature on tobacco issues from 1971 until he retired after the 1996 legislative session and in the 1995 session was one of the highest-paid lobbyists in South Carolina for his work with the Independent Colleges and Universities of South Carolina.<sup>35, 36</sup>
- Ken Kinard was hired to act as the TI's legislative consultant in South Carolina after Sterling Smith retired in 1997 until 1998, when the TI disbanded.<sup>37, 38</sup> Kinard was a former public health professional in DHEC in the 1970s and former aide and chief lobbyist for Gov. Dick Riley (D, Governor from 1979 to 1987).<sup>39</sup> Kinard was one of Philip Morris' many lobbyists during the 1989/1990 legislative session, when the company worked to manipulate the state's Clean Indoor Air Act and when Kinard was among the top paid lobbyists in the state.<sup>40, 41</sup> After working with the TI, Kinard represented Lorillard Tobacco as of 2004,<sup>39</sup> and in 2008 represented tobacco industry ally the SC Petroleum Marketers Association.<sup>42</sup>

- **Philip Morris:**

- Tom Smith was a former prominent state Senator and tobacco warehouseman, who began as Philip Morris' lobbyist in the 1989 legislative session, working on the Clean Indoor Air Bill, which he had helped to kill in the legislature as a Senator in previous years. Smith worked for Philip Morris through the 1990s, leaving in 1999 and later becoming a County Councilman in Florence, South Carolina.<sup>43, 44</sup>
- Dwight Drake began lobbying for Philip Morris as early as 1989, and was a former liaison to the state legislature for Gov. Dick Riley. Drake worked for the state's second largest law firm, was one of the state's highest paid lobbyists in 1990, and continued to represent Philip Morris in 2008.<sup>42, 43, 45</sup>

- **RJ Reynolds:**

- Jim Fields, a former clerk of the Senate, began representing RJR as early as 1989. Fields worked for the state's largest law firm at the time, McNair, which also provided Ed Yarborough and Lynn Murray as lobbyists for RJR through 1994.<sup>46, 47</sup> Yarborough was the state's highest paid lobbyist in 1990.<sup>41</sup>
- Fred Allen replaced the McNair lobbying team as RJR's lead lobbyist in 1995 and continued to work the statehouse for the company in 2008.<sup>42, 46</sup>

- **US Smokeless Tobacco/Smokeless Tobacco Council:** Mike Daniel (D) was Lieutenant Governor of South Carolina from 1983 to 1987 under Gov. Riley, represented the Smokeless Tobacco Council in 1992,<sup>48</sup> and began representing UST as early as 1997.<sup>49</sup> Daniel continued to represent UST in 2008.<sup>42</sup>

When the TI was dissolved as a result of MSA in 1998, the main tobacco companies, specifically RJR, Philip Morris and U.S. Smokeless Tobacco, continued the tobacco industry's lobbying efforts in the General Assembly through the 2000s.

### *The Tobacco Institute's Tobacco Action Network*

The Tobacco Action Network (TAN) was approved by the TI's Executive Committee on September 7, 1977, to provide easy coordination of the grassroots capacity of the industry, bringing together tobacco industry employees, growers, manufacturers, wholesalers, retailers and vendors.<sup>50, 51</sup> A 1978 Philip Morris manual on the TAN program for its employees describes TAN as an "umbrella organization to coordinate the activities of the tobacco industry in its defense against attacks by the anti-smoking movement."<sup>51</sup> Grassroots members of TAN were encouraged to monitor and campaign against both cigarette taxes and clean indoor air legislation.<sup>51, 52</sup> By the end of 1980, there were 20 state directors of TAN operating in 41 states.

The expansion of TAN into tobacco-growing states was delayed because of the 1982 merger between the TI and the TTC. The TI wanted to wait until this transformation was complete before making contact with growers and farm organizations.<sup>52</sup> The TI and TAN were particularly sensitive to respect existing grower organizations in the Southeastern states, often coordinating their activities through them instead of contacting growers directly, a strategy which continued through the 1990s.<sup>52</sup> Because of this hesitancy to contact growers, the focus of TAN was not on growers, but on the salaried sales employees of TI member companies.<sup>52, 53</sup> Bankhead, already the Southeastern Area Manager for the TI, took the role of TAN Area Director for North Carolina, South Carolina and Georgia. A 1980 TAN "Plan of Action: Expansion of TAN into the Southeastern States" described the anticipated role of tobacco industry employees from "Tobaccoland" in counteracting tobacco control measures in the region and their potential as leverage to oppose legislation at the national level. At the time, there were approximately 8,700 tobacco industry employees in South Carolina, leading TAN to estimate that their membership would include 2,300 of these employees after it expanded. As of April 1980, before the planned expansion, there were already 43 TAN members in South Carolina.<sup>54</sup> By October of 1982, TAN had "a full time, professional staff in place, ready to serve the Tobacco Industry and TAN Membership of the State of South Carolina."<sup>55</sup>

Throughout the 1980s, TAN members were instrumental in defeating local clean indoor air ordinances, statewide clean indoor air proposals and tax increases.<sup>26</sup> Their grassroots opposition efforts included phone calls, letter writing, and monitoring activities and reporting them through TAN to the TI. For example, TAN members in South Carolina were asked to write letters to oppose cigarette tax increase legislation<sup>56-58</sup> in the form of Action Alerts which would often include a sample letter to a state legislator composed by Bankhead.<sup>57</sup>

While the TAN grassroots structure was effective in reaching employees to encourage them to act, the monitoring element of TAN, in which tobacco company employees would notify the TI of local activity, was not effectively executed. In December 1987, TI Regional Vice President Dick Morgan wrote to Roger Mazingo, then TI Vice President for State Activities, that there was no "organized network of company people or other interested parties who report

concerning rumors or actual introductions at the local level. Reporting may go on within certain companies but rarely is this information forwarded to this office.”<sup>59</sup> Morgan requested that addressing this issue be made “the top non-state legislative priority for at least the production states in this region.”<sup>59</sup> He was concerned that some TI member companies received information about proposed local developments but did not tell TI about them.<sup>59</sup>

TAN continued to be used by the TI throughout the early 1990s for grassroots political opposition to tobacco control legislation in the statehouse, primarily for letter writing campaigns.

### *RJR's Smokers' Rights Campaign*

Throughout the 1980s, tobacco companies began to recognize that they needed to develop a grassroots movement to counter the increasingly successful tobacco control movement that was passing local ordinances regulating tobacco use across the country. Both Philip Morris and RJR engaged and organized smokers as opposition to state and local tobacco control proposals without the appearance of direct tobacco industry involvement.<sup>60-62</sup> In South Carolina, it was RJR that developed an active smokers' rights movement in the late 1980s.

In 1983, RJR established a Public Issues Division within its State Government Relations Department to create an “informed and visible ‘public voice’ speaking out against biased and emotional rhetoric and unfair discrimination and harassment of smokers.”<sup>63</sup> RJR coordinators set out to develop a smokers' rights movement that would be viewed as independent of RJR and the tobacco industry as a whole on a national level, that would be able to be leveraged as a grassroots political force to oppose regulation of smoking, capitalizing on perceived smoker alienation and anger at anti-smoking legislation. This effort was coordinated under RJR's “Partisan Project” starting in 1987, with RJR employees working to “identify, educate and motivate selected smokers to actively voice their opposition to unfair anti-smoking actions.” In 1988, the “Partisan Movement” was launched, to foster nominally independent local grassroots smokers' rights groups in major localities across the country. State coordinators paid by RJR were contracted to lead and provide technical assistance to these groups in opposing tobacco control policy efforts.<sup>63</sup>

RJR launched a smokers' rights movement in South Carolina as a part of their national “Partisan Movement” in 1987, but it was not until 1990, when Janet Hughes took over as state coordinator, that the movement gained ground.<sup>64</sup> Hughes was a South Carolina resident responsible for RJR's Public Issues Field Operations in Georgia, South Carolina and Florida.<sup>65</sup> Throughout the early 1990s, Hughes was able to foster smokers' rights groups meeting monthly across the state, with six existing groups, and four new ones launched in 1991, largely in response to the 1990 passage of the state's Clean Indoor Air Act.<sup>66</sup> Hughes and RJR cooperated with the TI to leverage this grassroots network to write letters to legislators opposing tobacco tax increases and attempts to amend the Clean Indoor Air Act throughout the early 1990s. The group published the “South Carolina Smokers' Rights Newsletter” beginning in January 1991, through at least 1995.<sup>66</sup> Unlike the TI and TAN, the RJR Public Issues staff made direct contact with tobacco growers in the state in the mid-1990s, organizing them in opposition to federal excise tax increase proposals and state legislation through letter writing and contacts with state legislators.<sup>67</sup>

The coordination of the RJR-organized grassroots smokers' rights movement notably

declined in 1998 when the Public Issues Division was folded into RJR's general State Government Relations Department in response to the MSA.<sup>68, 69</sup> While state lobbyists continued to engage third-party groups in the state against tobacco control legislation in 2008, the industry no longer directly coordinated a grassroots movement in the state.

### *Conclusion*

The TI acted as the primary coordinator of lobbying and grassroots opposition to tobacco control activity at the state and local level in South Carolina from 1976 until closed as part of the MSA in 1998. As tobacco control coordination and activity picked up in the early 1990s in the state, the tobacco industry effectively leveraged their grassroots capacity through the TI's TAN and RJR's Smokers' Rights Movement in combination with their significant and powerful lobbying capacity to dictate the terms and set the pace of all tobacco control legislation in the state, particularly the 1990 Clean Indoor Air Act and the 1996 youth access and clean indoor air legislation.

After the TI was disbanded, individual tobacco companies continued to maintain a significant lobbying presence in the state, particularly RJR, Philip Morris and UST. These companies' efforts continued to outweigh the tobacco control movement's power, although the balance began to shift in the mid-2000s, when tobacco control advocates began leveraging their power more effectively at the state and local level and began to be able to play more of a leadership role in the legislative process around tobacco control proposals.

### ***Tobacco Industry Allies***

#### *Trade Associations*

In addition to their direct lobbying activities, the tobacco industry has historically used reputable third-party organizations as allies in their efforts to influence tobacco-related policy.<sup>70, 71</sup> Consistent allies of the tobacco industry in South Carolina, as in most U.S. states, included the Hospitality Association of South Carolina on issues of smoke-free indoor air and the South Carolina Association of Convenience Stores and South Carolina Petroleum Marketers Association on issues related to tobacco taxation and youth access to tobacco.

The primary industry ally in the state on issues related to smoke-free restaurants and bars was the Hospitality Association of South Carolina (HASC). This was not unusual; hospitality and restaurant associations have long been tobacco industry allies on this issue.<sup>70</sup> HASC was been a prominent industry ally on public smoking bills, beginning in the early 1980s.<sup>72</sup> In 1985, the TI's Area Manager John Bankhead called the group "the most outspoken ally in opposing smoking restriction legislation affecting restaurants."<sup>53</sup>

More recently, the HASC's long-time lobbyist and executive director, Tom Sponseller, and the HASC coordinated efforts with the tobacco industry beginning in 1993, when Sponseller helped secure grassroots opposition to a bill proposing to restrict smoking in restaurants, specifically encouraging Philip Morris's "Accommodation Program."<sup>73, 74</sup> The Accommodation Program was sponsored by Philip Morris as a nationwide strategy starting in 1989 designed as a

public relations campaign to increase the social acceptability of smoking through the appearance of supporting compromise on the issue of smoke-free restaurants, utilizing hospitality associations nationwide to implement the program.<sup>70, 75</sup> Sponseller's support for Philip Morris's Accommodation Program continued throughout the 1990s; in return the HASC received financial support from the company. For example, in 1998, Philip Morris, through their Accommodation Program, paid \$1,000 to sponsor the Hospitality Association's trade show.<sup>76</sup>

Sponseller and HASC were vocal opponents of smoking restriction legislation at the state and local level through the 2000s as well. However, HASC's opposition to local clean indoor air ordinances tapered off in 2006 when a survey of its membership revealed that the organization was split evenly on local clean indoor air ordinances.<sup>77</sup> Nonetheless, the industry was known to pass their positions through Sponseller to legislators on legislation related to smoking in restaurants and bars between 2005 and 2008, particularly in relation to statewide preemption of local clean indoor air legislation, as HASC membership supported a "level playing field." Support by the HASC for tobacco industry positions was generally limited to circumstances when restaurants and bars were specifically included in a proposal; their involvement dropped off when those clauses were eliminated from a bill.<sup>78, 79</sup>

Petroleum marketers<sup>80-86</sup> and convenience store<sup>80, 81, 84, 86-91</sup> trade associations were allied with the tobacco industry in states across the country to oppose effective youth access to tobacco legislation and increased cigarette taxes. In South Carolina, the South Carolina Petroleum Marketers Association (SCPMA), the South Carolina Association of Convenience Stores (SCACS), along with the South Carolina Merchants Association formed the South Carolina Coalition for Responsible Tobacco Retailing in 1997 in order to cooperate with the tobacco industry in support of the industry's "We Card" program.<sup>92, 93</sup> This program was run by various tobacco industry bodies over the years nominally to control youth access to tobacco while preventing stronger youth access legislation.<sup>94-96</sup> The SCACS also supported the tobacco industry on national issues related to federal Food and Drug Administration regulation of tobacco in the mid-1990s.<sup>97</sup> The SCPMA, the SCACS and the Hospitality Association were listed in 2001 by Philip Morris as members of their field action team's coalition of sympathetic organizations that could be relied upon for key legislative issues.<sup>98, 99</sup> Between 2005 and 2008, both the SCPMA and the SCACS were active in lobbying against cigarette tax increases.<sup>79</sup>

Business groups such as the South Carolina Merchants Association and the South Carolina Chamber of Commerce had allied themselves with the industry, particularly the TI, in the 1980s to oppose restrictions on smoking in workplaces and public places.<sup>53, 72</sup> However, the Chamber of Commerce was recruited by the National Cancer Institute (NCI)-sponsored ASSIST tobacco control project housed in the South Carolina Department of Health and Environmental Control, the state's first tobacco prevention and control program, as a tobacco control ally in the early 1990s, and since that time generally remained neutral or favorable to tobacco control efforts, even lending their support to a 2002 attempt to raise the cigarette tax, a policy measure that they had actively opposed due to tobacco industry requests in 1982.<sup>100</sup>

The tobacco industry was able to leverage these alliances much more effectively between 1975 and 1998 than they have been able to in subsequent years. Due to negative public image, the industry was left with fewer public allies, even in a tobacco-growing state like South Carolina.



## *Tobacco Growers' Historical Support for the Tobacco Industry*

Throughout the 1970s, 1980s and 1990s, individuals and groups associated with the tobacco-growing community in South Carolina were instrumental allies of the tobacco industry. However, starting in 1997 and associated with a steady decline in acreage devoted to tobacco growing as well as efforts by the tobacco control community nationwide to engage with tobacco growers and their organizations, these alliances declined in intensity and consistency. Nonetheless, legislators in South Carolina continued to use the supposed cultural significance of being a “tobacco state” and the interests of growers as reasons to vote against tobacco control legislation.

The tobacco industry has long been aware of the strategic benefit that alliances with tobacco growers can provide at the state level; a Philip Morris analysis of the “Tobacco Constituency Group” on an integrated approach to “Agricultural, Plant Community, Government and Public Affairs” from 1990 explains that “local growers have more credibility in legislatures than do hired guns.”<sup>101</sup> However, the TI was generally wary of engaging individual tobacco growers directly, for fear of offending existing agricultural organizations, preferring to conduct their relationship with the tobacco growing community in South Carolina through the South Carolina Farm Bureau Federation.<sup>52</sup>

By 1983, the Farm Bureau was the “largest general farm organization in South Carolina” and had local organizations in every county.<sup>102</sup> The Farm Bureau was very active in the mid-1980s in actively lobbying against clean indoor air and cigarette tax increase legislation and provided grassroots opposition through their membership. In 1985, the Farm Bureau was described by the TI as one of “the strongest allies in legislative battles at the state, local and federal levels. They are a source for grassroots involvement, with members in every county in the state.”<sup>53</sup> Harry Bell, president of the Farm Bureau in the mid-1980s, personally helped kill a 1983 tax bill by writing a letter to each member of the House and sending a legislative report to each of the organization's 86,000 members.<sup>102-104</sup>

The industry created ties to the Farm Bureau through shared resources. TI's Bankhead was a member of the South Carolina Farm Bureau in 1982.<sup>72</sup> The Farm Bureau, in turn, relied heavily on the TI for economic impact studies related to tobacco.<sup>53</sup> This alliance continued through the 1990s, with the South Carolina Farm Bureau working to oppose issues of concern to the tobacco companies at the national level, such as the proposed FDA regulation of tobacco in 1995, through their connections with the state's U.S. Senators.<sup>105</sup> There was no record, however, of direct tobacco company or TI financial contributions to the South Carolina Farm Bureau Federation.

There were some additional grower-related organizations that the TI leveraged to influence state and local policy, such as W.I.F.E. (Women Involved in Farm Economics), an organization organized in 1976 by farm women in Nebraska to enhance understanding of farm problems and farm economics. The TI became involved with W.I.F.E. on a nationwide level in 1982 with assistance and financial contributions to build the organization into a grassroots force to help the industry with federal excise tax and state policy issues.<sup>106</sup> In South Carolina, W.I.F.E. assisted in opposing a 1983 attempt to increase the cigarette tax and a 1985 clean indoor air bill and local ordinances through grassroots outreach.<sup>31, 53, 107</sup>

Additionally, the South Carolina Tobacco Warehouse Association and the Pee Dee Tobacco Warehouse Association helped oppose tax increase efforts and public smoking restrictions in the mid- to late-1980s.<sup>53</sup> Tobacco warehouses were active in the political process through 2002 in the form of campaign contributions to candidates.<sup>108</sup>

### *Tobacco Area Legislators*

Tobacco growing in South Carolina was historically centered in the counties known as “Pee Dee” region of the state, made up of the lower watershed of the Pee Dee River in Northeastern South Carolina. Legislators from this area, particularly those in strong leadership positions, were some of the tobacco industry’s strongest allies at the statehouse in the 1980s and 1990s. As early as 1981, these legislators were considered industry allies and were often relied upon to contain attempted public smoking regulations and tobacco tax increases.<sup>72, 103, 109</sup> For example, in a 1987 analysis of the state by the TI, this group was described as “strong tobacco allies.”<sup>110</sup> According to the NCI-sponsored ASSIST tobacco control program in the state in 1992, “legislators from tobacco producing counties serve on critical committees where tobacco legislation will be assigned.”<sup>111</sup> These legislators were powerful based on the seniority system in the General Assembly, because there tended to be less turnover in rural areas. In contrast, pro-tobacco control legislators tended to be freshmen legislators.<sup>43</sup>

### *Commissioners of Agriculture*

The Commissioner of Agriculture is the head of the South Carolina Department of Agriculture, a publically elected office since 1912, which is responsible for promoting and nurturing South Carolina’s agriculture industry and “its related businesses.”<sup>112, 113</sup> This office was a consistently strong ally of the tobacco industry in South Carolina through 2002. As early as 1977, the Department of Agriculture took stands against tobacco control measures; that year, Chairman John Jay James of the Agriculture Commission of South Carolina, within the Department of Agriculture, opposed the successful cigarette increase, saying that he thought it was “totally unfair to use a farm commodity as the taxation whipping boy.”<sup>114</sup> Commissioners, however, were not explicit allies of the industry until 1982, when the TI’s Bankhead stressed the importance of South Carolina’s Commissioners of Agriculture assistance in opposing specific legislation in a memo to Roger Mozingo, then TI Vice President for State Activities.<sup>72</sup>

A particularly strong alliance was made by the industry with Commissioner D. Leslie (“Les”) Tindal, who served in this role for five terms from 1982 to 2002.<sup>112</sup> Tindal was targeted by Bankhead as an ally even before his tenure began, and Tindal responded amenably; he wrote a letter to Bankhead noting that he looked “forward to working with [Bankhead] and the Institute on matters of interest to South Carolina” after meeting with Bankhead in Myrtle Beach.<sup>115</sup> Tindal helped defeat cigarette tax increases in 1983 and 1985, as well as public smoking restrictions in 1985,<sup>103, 116</sup> when Bankhead described him as an “important source of legislative support.”<sup>107</sup> Tindal also helped the industry attempt to defeat a local smoking ordinance that passed in Richland County in 1985.<sup>107</sup>

In 1985, Tindal was offered a \$500 campaign contribution from the TI.<sup>117</sup> These payments continued through 1998, Tindal’s last election; in that year, Tindal accepted campaign

contributions totaling \$3,250 from Philip Morris, RJR and Universal Leaf Tobacco.

*Shifting Alliances: The Distancing of Tobacco Growers from the Tobacco Industry, 1997-2008*

Cooperation between the Farm Bureau and Commissioners of Agriculture and the tobacco industry notably declined between 1997 and 2008 due to political and economic ramifications of changes made to the U.S. tobacco market during that period. Starting in 1933, the U.S. tobacco market had been regulated by the federal Tobacco Price Support Program operated by the U.S. Department of Agriculture. The program was established to improve tobacco producers' income through control of supplies, as well as protect the market from manipulation by tobacco manufacturers trying to keep prices low as they had under the auction system prior to 1933.<sup>118-120</sup> The program included two primary components: 1) an acreage allotment and an annually-set poundage quota for tobacco growing based on demand from tobacco product manufacturers, and 2) a price support system guaranteeing a minimal price for tobacco grown within the quota system not purchased at auction. This system created tobacco quota holders who had the exclusive right to grow tobacco, which they could then grow themselves or lease to growers.<sup>118</sup>

The Tobacco Price Support System operated effectively through the early 1990s, but as tobacco manufacturers began to use more foreign-grown tobacco and poundage quotas began to decrease correspondingly, tobacco grower organizations began to support the elimination of the quota system. Growers argued that the quota system put U.S. growers at a competitive disadvantage because of the costs associated with leasing quotas to separate growers, that the price support system was able to be manipulated by tobacco manufacturers and that the acreage quota locked growers into producing tobacco with land on which an alternative crop might have been more profitable in a given year.<sup>121, 122</sup> In the late 1990s, several proposals circulated in the federal government for the elimination of the quota system, all of which would have included a "quota buyout" to compensate existing quota holders for the value of their quota (based on its value as a leaseable product and the increased amount quota holders may have paid for land to acquire the quota).<sup>118</sup> Tobacco manufacturers preferred to maintain the quota and price support systems, because the system gave them considerable flexibility and control over the market with the fall back of the price support system for growers. Manufacturers argued that the cost of eliminating the program and compensating quota holders would have exceeded the amount gained for manufacturers by lower prices achieved without a price support system.<sup>118</sup> The disparate positions of growers and manufacturers over the regulation of the tobacco market was the root of a series of conflicts between 1997 and 2004 which distanced tobacco companies from their traditional grower allies.

At the same time, health groups nationwide began to push for the inclusion of tobacco within the regulatory purview of the federal Food and Drug Administration (FDA). Health groups, particularly the Washington D.C.-based Campaign for Tobacco-Free Kids (CTFK) and the voluntary health groups, leveraged the distance between tobacco growers and tobacco manufacturers over a quota buyout to garner growers' support for FDA regulation of tobacco products in exchange for support of a quota buyout. Building tobacco control alliances with growers increased the impression among tobacco growers that their interests were divergent from those of manufacturers. Public health groups had already begun a partnership with tobacco growers at the urging of President Bill Clinton to find ways to limit smoking while protecting

tobacco producing communities, resulting in the March 1998 Core Principles document to that effect signed by prominent grower and public health organizations.<sup>123</sup>

The first serious consideration of a tobacco quota buyout took place within the context of the 1997 proposed “global tobacco settlement” of multi-state lawsuits against the tobacco companies seeking compensation for Medicaid expenditures of tobacco-related illnesses. This “global tobacco settlement” took the form of the U.S. Senate’s consideration of the controversial “McCain bill,”<sup>124</sup> which was eventually defeated, setting the foundation for the Master Settlement Agreement in 1998.<sup>125</sup> The McCain bill would have included both FDA regulation of tobacco and a quota buyout plan as well as de facto immunity from future lawsuits for the manufacturers.<sup>124</sup> Tobacco companies secured the support of many tobacco growing organizations to join them in opposing the McCain bill and its quota buyout provisions by promising a \$28 billion payout to growers under a separate settlement.<sup>126</sup>

The McCain bill failed to pass and was replaced by the private Master Settlement Agreement (MSA), which included a separate settlement between manufacturers and tobacco growers to compensate growers for potential loss of revenue associated with the MSA’s provisions, known as Phase II. However, under the MSA’s Phase II payments to tobacco growers, the growing community was to receive only \$5.15 billion, not the promised \$28 billion. This failure by tobacco manufacturers to stand by their agreement with growers led to the first major break of the manufacturer-grower organization alliance. In December 1999, tobacco farmers filed a class-action lawsuit against cigarette manufacturers, *DeLoach vs. Philip Morris*,<sup>127</sup> alleging that the tobacco companies misled farmers when they encouraged them to oppose the removal of the quota system and accused manufacturers of rigging the federal price support system to keep prices low.<sup>126, 128</sup> This suit was settled by Philip Morris and other major tobacco companies in 2003 and by RJR in 2004, after 175,000 tobacco farmers had joined the suit, providing approximately \$254 million to those growers (an average of \$1,451 per farmer).<sup>128</sup>

In March 2000, Philip Morris exacerbated existing tensions with growers by announcing that it had developed a direct contract system for purchasing burley tobacco, under which they would arrange to buy a set amount of tobacco from a specific grower at a set price, circumventing the Tobacco Price Support System by setting the price and purchasing the tobacco prior to the tobacco reaching federally-controlled auctions. The direct contract system provided little protection and high risks for farmers compared with the federal tobacco program, and the expansion of this program would undermine the quota and price support system further by manipulating both supply and demand outside the system. Philip Morris began executing this system in 2000 over opposition by most growers and grower organizations.<sup>126</sup>

Tobacco control advocates capitalized on the growing animosity between growers and tobacco companies over a quota buyout and concerns among tobacco growers about declining demand for U.S.-grown tobacco. In 1997, the Robert Wood Johnson Foundation began its “Southern Tobacco Communities Project,” which operated across the six major tobacco-growing states through 2001 and focused on bringing together health and grower groups to initiate dialogue over the concerns of tobacco-growing communities and explore ways to strengthen tobacco communities while protecting health through decreased tobacco use.<sup>129</sup> This project was implemented in South Carolina as the South Carolina Tobacco Forum, taking place in September

1999, and fostering a cooperative relationship between the South Carolina Tobacco Growers Association and the American Cancer Society.<sup>130</sup> The Southern Tobacco Communities Project formed the basis of a compromise between growers and public health groups which involved both groups advocating for a quota buyout and restrictions on youth access to tobacco.<sup>131</sup>

Tobacco control advocates publicized the divergent interests of the industry and growers by publishing reports such as “False Friends: The U.S. Cigarette Companies’ Betrayal of American Tobacco Growers,”<sup>132</sup> released in December 1999 by CTFK with the AHA and ACS. This report emphasized that as the U.S. tobacco companies increasingly purchased foreign tobacco and concluded that U.S. growers’ interests were decreasingly aligned with the companies.<sup>132</sup> The introduction to this report explained that:

Perhaps the most frequent error [by tobacco growers that lead to their crisis situation] is the belief that the interests and future prospects of U.S. tobacco growers will rise and fall in unison with the well-being of the U.S. cigarette companies. Today, the exact opposite is closer to the truth. It is the U.S. cigarette companies’ success overseas and relentless pursuit of additional profits that have harmed U.S. tobacco growers.<sup>132</sup>

The voluntary health organizations (ACS, ALA and AHA) in South Carolina forwarded this report to key tobacco-growing area legislators in the state.

In September 2000, President Clinton built upon his 1998 success in joining together growers and public health groups by forming the President’s Commission on Improving Economic Opportunity in Communities Dependent on Tobacco Production While Protecting Public Health. This commission released its final report in May 2001, “Tobacco at a Crossroad,” recommending a tobacco quota buyout, support for crop diversification from tobacco, increased funding for tobacco prevention programs nationwide and FDA regulation of tobacco.<sup>133</sup>

It was not until 2004 that a bill ending the federal tobacco program made significant headway. A corporate tax bill including a tobacco quota buyout as an amendment was passed in the U.S. House of Representatives in early 2004, generating a significant push by public health advocates partnering with tobacco growers to pass a buyout bill that would include FDA regulation of tobacco and a quota buyout. In South Carolina, the American Cancer Society and tobacco growers went on a bus tour to publicize the proposed bill in August 2004 and visited Congressional district offices across the state.<sup>120, 121</sup> The final version of the federal tobacco quota buyout passed (without the FDA provision) in October 2004 and dismantled the 70-year-old price support, tobacco quota and allotment system. In exchange, quota holders received \$10 per pound of their 2002 quota, with \$7 to quota holders and \$3 to growers if the allotment had been leased. This amounted to a total \$10.1 billion buyout, \$718 million of which went to nearly 17,000 South Carolina tobacco quota holders, paid over 10 years and provided by tobacco manufacturers based on their 2004 market shares.<sup>121, 134</sup>

The buyout resulted in a shift to fewer, larger tobacco farms and therefore fewer individual growers directly engaged in tobacco growing.<sup>18</sup> It also led tobacco grower organizations to actively oppose the tobacco industry’s lobbying force and instead partner with public health groups over a tobacco control measure, FDA regulation. Both of these factors had a

tangible effect on tobacco growers' opinions of tobacco control and of the tobacco companies. Research on North Carolina tobacco growers' attitudes towards tobacco control, public health and tobacco manufacturers quantified this shift.<sup>1</sup> It showed that tobacco farmers' perceived public health and tobacco control efforts as 7.5 times more threatening in 1997 than in 2005, that tobacco farmers decreasingly associated tobacco companies' interests with their own and that they increasingly perceived risk from foreign tobacco production.<sup>1</sup> Additionally, a 2005 survey of North Carolina tobacco growers and ex-tobacco growers indicated that 80 percent would be neutral or actively support comprehensive tobacco-free school policies.<sup>135</sup>

In South Carolina, the changes in tobacco growing levels and tobacco grower opinion manifested themselves in the loss of traditional tobacco industry allies, particularly Commissioners of Agriculture and the Farm Bureau Federation. Les Tindal's successor, Commissioner of Agriculture Charles Sharpe, who served from 2002 to January 2005, publically promoted crop diversification out of tobacco as early as 2003.<sup>112</sup> Sharpe toured the state, explaining his diversification push to news outlets: "Look at tobacco. Tobacco has been our main crop for so many years, and now it's gone. We have to find something to replace it."<sup>136</sup> Similarly, Commissioner of Agriculture Hugh Weathers, whose term began in 2005, expressed support for a cigarette tax increase opposed by the tobacco companies beginning in 2006, as long as a portion went to agriculture to assist in offsetting farm losses due to decreased tobacco production.<sup>137</sup>

As of 2008, the Farm Bureau was generally neutral towards tobacco control efforts, including increases in the cigarette tax, where they had traditionally been active opponents. According to Coretta Bedsole, former lobbyist for the Farm Bureau Federation and the American Cancer Society and 2008 lobbyist for the South Carolina African American Tobacco Control Network (SCAATCN), the Farm Bureau's position on the cigarette tax changed as it became clear to them as the debate was moving forward that a cigarette tax increase was inevitable. Bedsole indicated that while the Farm Bureau originally opposed the tax, their position shifted to focus on making resources available from a tax increase for crop diversification for tobacco farmers. Bedsole explained that while the Farm Bureau may have worked with the tobacco industry when their interests intersect, they were not in "lock step" with the industry on all issues related to tobacco control.<sup>138</sup> In keeping with Bedsole's assessment, the Farm Bureau supported the 2007/2008 cigarette tax increase bill when it included funding for the Department of Agriculture and was neutral or opposed, but not actively so, when farmers were not receiving a piece of the pie.

Similarly, in 2008 legislators from the tobacco-growing Pee Dee region were no longer the staunch tobacco industry allies that they once were. Policy scores were collected from knowledgeable individuals engaged in tobacco control policy advocacy in the state, ranking legislators from the 2007/2008 session of the General Assembly on their position on tobacco control from 0 to 10 (with 0 being extremely pro-tobacco industry and 10 extremely being pro-tobacco control). These scores are discussed at length below in the section on tobacco industry campaign contributions and are listed in Appendix F. These scores indicated that the average policy scores for legislators from districts included in the 11-county Pee Dee region were about the same as the rest of the state's legislators (Table 2). The notable exception to this was House members from Horry County, which in 2007 grew over a third of the state's tobacco crop, who were scored more pro-tobacco industry than the average of all other legislators. These scores

indicated that, with the exception of Horry County Representatives, legislators from the tobacco growing region of the state were no longer the strong tobacco industry allies they once were.

**Table 2:** Tobacco Control Policy Scores for Tobacco Area Legislators in 2007/2008

	Pee Dee Legislators' Average	Statewide Average without Pee Dee	Horry County Legislators Only	Statewide Average without Horry County	Total General Assembly, including All Legislators
House	4.99	5.51	2.19	5.61	5.41
Senate	7.58	6.08	6.91	6.47	6.41
Combined General Assembly	5.78	5.66	3.24	5.84	5.68

The loss of these powerful traditional allies from the tobacco-growing communities has been instrumental in the weakening of the tobacco industry in South Carolina, over the same period that public health groups in the state have grown stronger.

### Campaign Contributions

While the distancing of its tobacco-growing allies since 1997 and the dismantling of the TI weakened the industry in the South Carolina legislature, the industry still remained a potent political force. The industry built this power through its considerable spending for influence on the policy-making process in South Carolina, which included direct contributions made to political candidates and political party committees in the state.

Campaign contribution data from 1996 through 2006 were collected by the National Institute on Money in State Politics from the filings of candidates and political parties to the relevant state disclosure agency.<sup>108</sup> Contributions from tobacco companies, tobacco trade organizations, lobbyists and other employees of tobacco companies, as well as tobacco warehouses and tobacco growers were considered to be tobacco-related contributions and were included in the 1996 to 2006 contribution data. Contribution information for the 2007/2008 election cycle were not available at the time of publication, because complete reports for the cycle would not be available until February 2009. However, information on contributions made by Philip Morris, RJR and US Smokeless Tobacco (as UST Public Affairs, Inc.) between January 2007 and May 2008 were gathered from the companies' Lobbyist's Principal reports to the Ethics Commission and are listed in Appendix D and included in this section where applicable. Details of tobacco industry campaign contributions for 1996 to 2006 can be found in the following appendices: by candidate in Appendix A, by contributor in Appendix B and by political party committee in Appendix C. Public health groups active in tobacco control did not report making any contributions to candidates or political parties in South Carolina during this period.

According to South Carolina Code Section 8-13-1314, the campaign contribution limit in South Carolina for candidates for statewide office was \$3,500, and for candidates for other offices (including House and Senate members) was \$1,000 per election cycle.<sup>139</sup>

### Total Tobacco Industry Campaign Contributions

Between 1996 and 2006, the tobacco industry as a whole contributed \$680,541 to state political parties and individual candidates for state-level office (Table 3). This amount was notably lower than what the industry spent on other political expenses, such as lobbying and voter contacts. Contributions peaked in 2000, and then jumped up again in 2006, but this increase may have been due to a change in reporting requirements requiring parties and party caucuses to disclose complete contribution information beginning in 2004 (Figure 4).

In the 2007/2008 election cycle, tobacco control activity in the South Carolina General Assembly increased markedly from the 2005/2006 session. As shown in Appendix D, Philip Morris, RJR and UST alone contributed \$87,000 to candidates and political parties and caucuses between January 2007 and May 2008. This amount was about half the total contributions made in the 2005/2006 cycle but did not include other significant contributors or the major contribution cycle leading up to the November 2008 elections, indicating that tobacco companies likely increased contributions made in the 2007/2008 election cycle in coordination with the increased activity on tobacco control and that they viewed contributions as an effective way to counter increased tobacco control lobbying and activity.

From 1990 to 2006, Philip Morris and RJR alternated as the company making the largest tobacco industry campaign contributions in the state, with Philip Morris contributing a significantly higher amount than RJR in 2006. This may reflect a division of payment responsibilities

between the companies, with Philip Morris paying more for lobbyists and contributions, while RJR took the lead on non-lobbyist political expenditures and a more public role in opposing tobacco control activities. In 1996, only Philip Morris and RJR made significant contributions; Lorillard and US Smokeless Tobacco began contributing in 2000, and made a significant portion of the industry's total contributions in

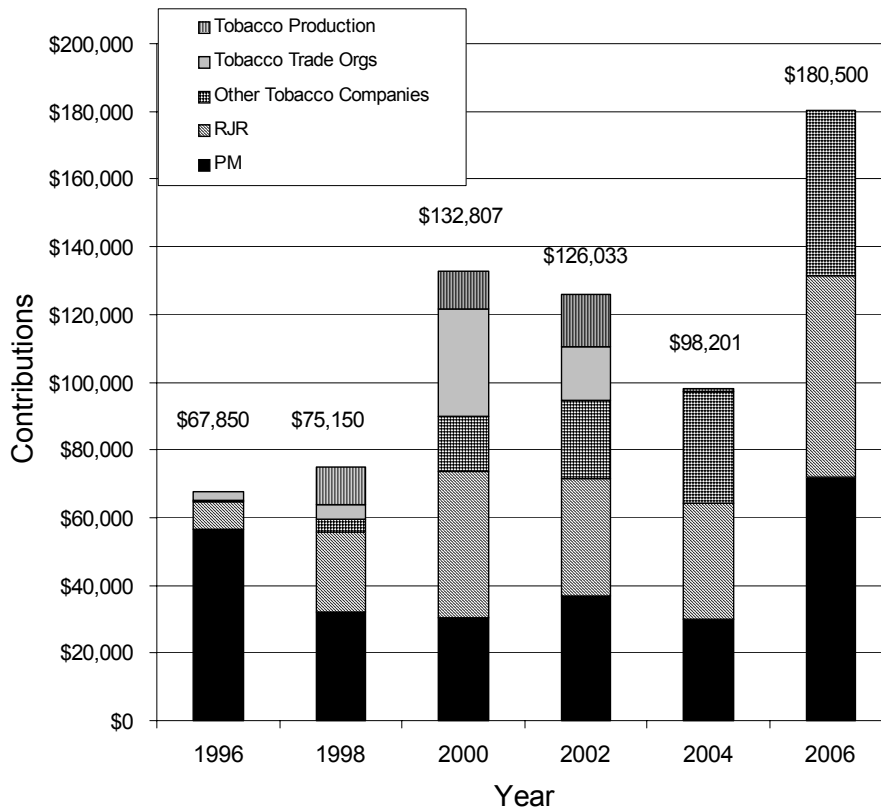


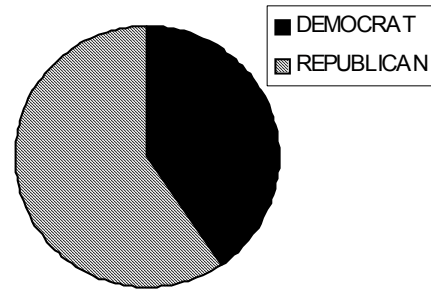
Figure 4: Tobacco Industry Campaign Contributions by Election Cycle 1996-2006



<b>Table 3: Summary of Tobacco Industry Contributions by Election Cycle</b>							
	<u>1996</u>	<u>1998</u>	<u>2000</u>	<u>2002</u>	<u>2004</u>	<u>2006</u>	<u>Total</u>
<u>Tobacco Companies</u>							
Altria/Philip Morris	\$56,350	\$31,950	\$30,400	\$36,750	\$30,000	\$72,000	\$257,450
Brown & Williamson Tobacco	\$0	\$3,500	\$8,050	\$1,600	\$2,000	\$0	\$15,150
Carolina Tobacco Exchange	\$0	\$0	\$0	\$2,500	\$3,500	\$0	\$6,000
J R Battle & Co.	\$0	\$0	\$0	\$0	\$0	\$7,750	\$7,750
Lorillard	\$0	\$0	\$5,050	\$13,900	\$26,500	\$13,250	\$58,700
RJ Reynolds	\$8,300	\$23,900	\$43,200	\$34,850	\$34,051	\$59,300	\$203,601
Swisher International	\$0	\$0	\$0	\$0	\$0	\$7,000	\$7,000
US Smokeless Tobacco	\$0	\$1,000	\$2,157	\$4,783	\$1,000	\$19,200	\$27,140
Other (1)	\$250	\$250	\$1,100	\$250	\$200	\$2,000	\$4,050
<u>Tobacco Trade Organizations</u>							
Smokeless Tobacco Council	\$1,050	\$500	\$5,500	\$16,000	\$0	\$0	\$23,050
South Carolina Tobacco Association (2)	\$1,200	\$2,500	\$26,000	\$0	\$0	\$0	\$29,700
Tobacco Institute	\$500	\$200	\$0	\$0	\$0	\$0	\$700
<u>Production/Agriculture</u>							
Total Production/Agriculture (3)	\$200	\$11,350	\$11,350	\$15,400	\$950	\$0	\$33,950
<u>Total</u>							
	\$67,850	\$75,150	\$132,807	\$126,033	\$98,201	\$180,500	\$680,541
Notes: (1) Includes: Discount Tobacco, Nichols Havehouse Tobacco, Southeastern Tobacco, Southern Tobacco, Universal Leaf Tobacco, Individual "Patricia Pierce" Tobacco Distributor (2) Includes: SC Tobacco Assc. and SC Tobacco PAC contributions (3) Production/Agriculture includes: Holliday Associates LLC, Holliday Family and Marjorie R Holliday Revocable Trust, Carolina Tobacco Warehouse, Gregory's Warehouse, Planters & Growers Golden Leaf Warehouse, Planters Tobacco Warehouse, South Carolina Tobacco Warehouse, Star New Home Tobacco Warehouse, Howe individual contribution							

2004 and 2006 respectively (Figure 4).

Tobacco trade organizations stopped making campaign contributions in South Carolina after the 2002 election cycle, with only the Smokeless Tobacco Council making contributions that year (Table 3 and Figure 4). Similarly, contributions from tobacco production and agriculture-associated organizations declined notably after 2002, and none were made in the 2006 cycle. The great majority of contributions reported here as “Production/Agriculture” came from the Holliday family, which included contributions filed under Holliday Associates LLC, the Holliday Family and the Marjorie R. Holliday Revocable Trust. John Holliday was noted as a key tobacco grower by the TI in 1980,<sup>54</sup> and Holliday Associates LLC was the fifth largest tobacco quota holder in South Carolina in 2004 when the quota buyout occurred.<sup>122</sup> The precipitous decline in contributions from production groups may have been due to the significant decline in tobacco growing and the distancing over the same period of growers from the industry’s political positions.

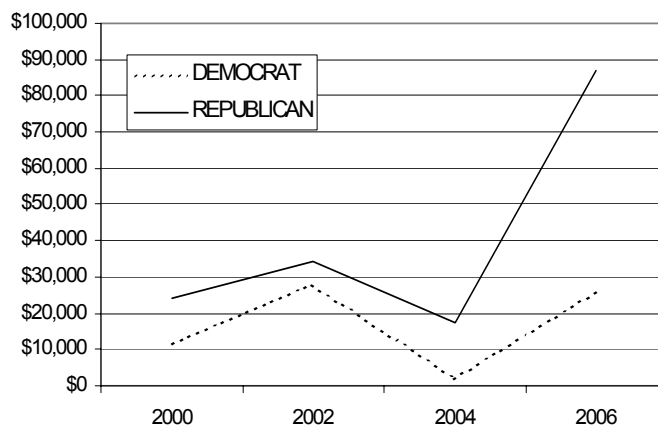


**Figure 5:** Total Tobacco Industry Contributions by Party Affiliation 1996-2006

Total contributions to Republican candidates and party organizations outweighed those made to Democrats. Republicans received almost 60 percent of total tobacco industry contributions between 1996 and 2006, with \$402,000 in contributions compared with \$274,000 to Democratic candidates and party organizations (Figure 5). In 2008, Republicans made up 59 percent of legislators.

***Tobacco Industry Contributions to Political Parties***

Tobacco industry contributions to political parties and party organizations in the state were consistently higher for Republicans than Democrats, with Republican organizations receiving 61 percent of all contributions made to parties in South Carolina (Figure 6). From the available data, it appears this trend continued in the 2008 election cycle; UST and RJR combined made \$19,000 in contributions to Republican organizations, while only RJR made a contribution to the Democratic organizations of \$2,500 (Appendix D). Philip Morris made no reported party contributions between January 2007 and May 2008.



**Figure 6:** Tobacco Industry Contributions to Political Parties 2000-2006

The organizations included as political parties in this data were: the

House Republican and Democratic Caucuses, the Senate Republican and Democratic Caucuses, the South Carolina Democratic Party and the South Carolina Republican Party. Parties and caucuses in South Carolina were not required to disclose contribution information until the passage of campaign finance reform legislation at the end of the 2003 legislative session, which required for the first time that parties report detailed contribution information to the state's Ethics Commission. The change in reporting requirements may account for the dip in reported tobacco-related contributions to parties in 2004, and the dramatic increase in contributions to parties reported in 2006.<sup>140, 141</sup> Contributions to these party organizations are summarized in Table 4, and a detailed break down of tobacco-industry contributions to parties is listed in Appendix C.

<b>Table 4: Tobacco Industry Contributions to Political Parties and Legislative Caucuses 2000-2006</b>					
	<u>2000</u>	<u>2002</u>	<u>2004</u>	<u>2006</u>	<u>Total</u>
<b>Democrat Total</b>	<b>\$11,500</b>	<b>\$28,000</b>	<b>\$2,000</b>	<b>\$26,250</b>	<b>\$67,750</b>
House Dem. Caucus of SC	\$4,500	\$13,000	\$0	\$4,250	\$21,750
Senate Dem. Caucus of SC	\$7,000	\$3,500	\$2,000	\$17,000	\$29,500
SC Dem. Party	\$0	\$11,500	\$0	\$5,000	\$16,500
<b>Republican Total</b>					
<b>Republican Total</b>	<b>\$24,232</b>	<b>\$34,233</b>	<b>\$17,500</b>	<b>\$87,000</b>	<b>\$162,965</b>
House Rep. Caucus of SC	\$19,500	\$25,000	\$14,000	\$43,500	\$102,000
Senate Rep. Caucus of SC	\$4,732	\$8,233	\$3,500	\$23,000	\$39,465
SC Rep. Party	\$0	\$1,000	\$0	\$20,500	\$21,500
<b>Total to Political Parties</b>					
<b>Total to Political Parties</b>	<b>\$35,732</b>	<b>\$62,233</b>	<b>\$19,500</b>	<b>\$113,250</b>	<b>\$230,715</b>

Contributions to parties and legislative caucuses provided the leadership in the General Assembly with much of their clout. Contributions to parties also provide more distance between individual candidates and potentially unpopular contributors, such as tobacco companies. It is notable that contributions to parties were significantly greater than contributions to individual candidates for office in 2006 (\$113,250 to parties compared with \$67,250 to candidates). In the available 2007/2008 data, however, significantly more contributions were made to candidates than parties (\$21,500 to parties compared with \$65,500 to candidates); this balance may shift when contributions data for the May to December 2008 cycle are available.

Contributions from the tobacco industry made up one to three percent of total contributions to Republican Party political committees in 2006, although they were ranked within the party's top 15 contributors. For Democratic party political committees in 2006, tobacco industry contributions made up less than one percent of total contributions to the Democratic Party. The beer, wine and liquor industry consistently outspent the tobacco industry in contributions to parties in 2006.<sup>108</sup>

## ***Tobacco Policy Scores***

In order to test the relationship between political expenditures by the tobacco industry and actual legislative behavior on tobacco control issues, “tobacco policy scores” were created for each member of the General Assembly during the 2007/2008 session. These scores were obtained by asking four knowledgeable individuals to rate legislators’ receptiveness to tobacco control policies on a scale of 0 to 10, with 0 being extremely pro-tobacco and 10 being extremely pro-tobacco control. We were able to collect data on all 170 legislators (Appendix F). In the tables presented below, data on legislators from the 2007/2008 session are accompanied by the average policy score for that legislator. Legislators with scores ranging from 0.0 to 3.9 were considered pro-tobacco industry, scores ranging from 4.0 to 6.0 were considered neutral, and scores ranging from 6.1 to 10.0 were considered pro-tobacco control.

The average policy score for the 2007/2008 South Carolina General Assembly was 5.68, with Senators rated as on average more tobacco control receptive than Representatives (the average Senate score was 6.41 compared with 5.41 for the House). Democratic legislators were notably more tobacco control receptive than Republicans, with average scores of 7.93 and 4.08 respectively.

Tables 5 and 6 list the 2007/2008 legislators with the lowest and highest tobacco policy scores.

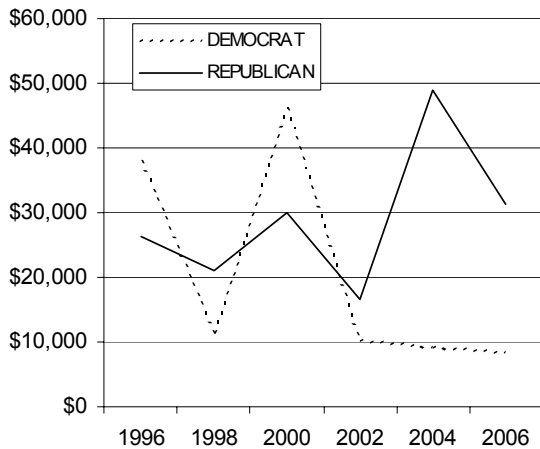
<u>Name</u>	<u>Party</u>	<u>Office</u>	<u>District</u>	<u>Policy Score</u>
Dan Cooper	R	H	10	0
William Sandifer	R	H	2	0
Thad Viers	R	H	68	0
William Witherspoon	R	H	105	0
Greg Ryberg	R	S	24	0
Daniel Verdin	R	S	9	0
Liston Barfield	R	H	58	0.3
James Battle	D	H	57	0.3
Michael Mulvaney	R	H	45	0.3
Annette Young	R	H	98	0.3
John Hawkins	R	S	12	0.3
Brian White	R	H	6	0.5

**Table 6: Legislators with Most Tobacco Control Favorable Policy Scores**

Name	Party	Office	District	Policy Score
Joel Lourie	D	S	22	10
John Land III	D	S	36	9.7
Bradley Hutto	D	S	40	9.7
Thomas Alexander	R	S	1	9.7
James Smith	D	H	72	9.7
Rex Rice	R	H	26	9.7
Gilda Cobb-Hunter	D	H	66	9.7
Ralph Anderson	D	S	7	9.5
Laurie Funderburk	D	H	52	9.5

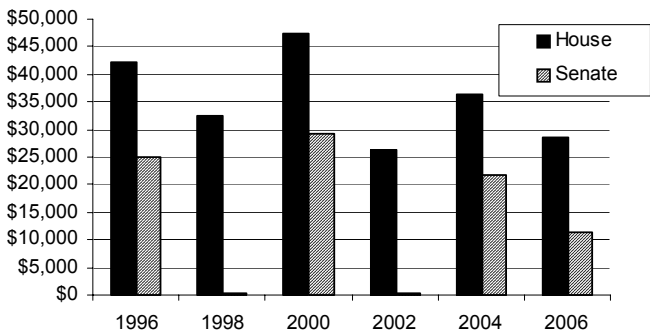
**Tobacco Industry Contributions to Legislative Candidates**

Tobacco-related contributions over the ten year period from 1996 to 2006 were made to both Democratic and Republican candidates (Figure 7). During the 2000 election cycle, Democratic legislative candidates received over \$15,000 more in contributions than Republican candidates (\$45,975 for Democrats compared with \$30,100 for Republicans); at the time, there was a Democratic majority in the Senate, and a Democratic Governor. However, between 2000 and 2008 there was a Republican majority in both the House and Senate, and, correspondingly, Republican candidates received greater tobacco industry contributions during that period.



**Figure 7:** Tobacco Industry Contributions to Legislative Candidates by Political Affiliation, 1996-2006

The tobacco industry tended to focus its contributions on the state’s House of Representatives over the Senate (Figure 8), perhaps because of the greater number of House candidates or the fact that revenue-generating bills such as cigarette taxes and budgets must originate in the House.



**Figure 8:** Tobacco Industry Contributions to the House and Senate Candidates 1996-2006

From 1996 to 2006 there were five individual legislators who received more

than \$8,000 in total campaign contributions from the tobacco industry (Table 7). The individual legislator with the largest amount of total campaign contributions from the tobacco industry was Rep. Jim Battle (D, Marion Co., Policy Score 0.3), a tobacco farmer who served as a Representative in the House for Marion County, in the Pee Dee tobacco-growing region, starting in 1997. Rep. Battle, who served on the House Ways and Means Committee, received a total of \$11,550 between 1996 and 2006. As shown in Tables 7 and 8, both Democrats and Republicans have received significant contributions from the tobacco industry, and contributions focused on members of key committees that heard tobacco control legislation and leadership of both houses of the General Assembly.

<u>Name</u>	<u>Party</u>	<u>Office</u>	<u>Dist.</u>	<u>Total Amount</u> 1996-2006	<u>Policy</u> <u>Score</u>
Jim Battle	D	House, Member Ways and Means	57	\$11,550	0.3
Robert Harrell	R	House, Speaker of the House	114	\$10,200	0.7
John C. Land	D	Senate, Member Finance	36	\$9,400	9.7
David H. Wilkins	R	House, Former Speaker of the House	24	\$9,000	n/a
Tommy Moore	D	Senate*, Chair Medical Affairs, Member Judiciary	25	\$8,000	n/a

\* Excludes contributions made to Moore's 2006 Gubernatorial campaign.

During the 2006 election cycle, eight legislators received over \$1,500 from the tobacco industry, with the top two recipients being Rep. Dan Cooper (R, Anderson Co., Policy Score 0.0), Chairman of the House Ways and Means Committee, and Sen. Kent Williams (D, Dillon, Florence, Marion and Marlboro Cos., Policy Score 6.3), member of the Senate Judiciary Committee (Table 8). With the exception of Sen. Kent Williams, all of these individuals also received contributions of at least \$1,000 in the 2008 election cycle.

Out of all legislators in 2008, 114 out of 170 did not accept any tobacco-related contributions in the 2006 election cycle (82 of the 124 Representatives and 33 of the 46 Senators). This number shrinks to 54 of the 2008 legislators when considering only those who never accepted tobacco-related money during the entire 1996 to 2006 period (43 Representatives and 11 Senators). At least nine of these 54 received contributions for the first time during the 2008 election cycle (Table 9), leaving only 45 of 170 legislators with no record of receiving tobacco industry contributions from 1996 to 2008 (Table 10). It is possible that some of the remaining 45 legislators accepted tobacco industry contributions not yet reported during the 2007/2008 election cycle.

**Table 8: Top Eight (>\$1,500) Recipients of Tobacco Contributions in 2006 Election Cycle**

<u>Name</u>	<u>Party</u>	<u>Office</u>	<u>Dist.</u>	<u>Total 2006</u>	<u>Min. 2008*</u>	<u>Policy Score</u>
Dan Cooper	R	House, Chairman Ways and Means	10	\$2,000	\$2,000	0
Kent Williams	D	Senate, Member Judiciary	30	\$2,000	\$0	6.3
Kenny Bingham	R	House, Member Ways and Means	89	\$1,750	\$1,000	3.7
Jim Harrison	R	House, Chairman Judiciary	75	\$1,500	\$1,250	3.3
Jim Battle	D	House, Member Ways and Means	57	\$1,500	\$2,000	0.3
Kevin Bryant	R	Senate, Member Finance, Medical Affairs	3	\$1,500	\$1,000	2
Tracy Edge	R	House, Member Ways and Means	104	\$1,500	\$1,500	3
Jim Merrill	R	House, Member Ways and Means	99	\$1,500	\$1,500	3

\* Represents minimum tobacco industry contributions received in 2007/2008 election cycle; includes only Philip Morris, RJR and UST contributions, for January 2007-May 2008.

**Table 9: Legislators Receiving First Tobacco Industry Contributions During 2008 Election Cycle**

<u>Name</u>	<u>Party</u>	<u>Office</u>	<u>District</u>	<u>Policy Score</u>
George "Chip" Campsen	Republican	Senate	43	3
Raymond Cleary	Republican	Senate	34	8
Michael "Mike" Gambrell	Republican	House	7	4
Carl Lee Gullick	Republican	House	48	5.5
William "Bill" Herbkersman	Republican	House	118	5.7
Gerald Malloy	Democrat	Senate	29	9
Shane Massey	Republican	Senate	25	2.3
Edward "Ted" Pitts	Republican	House	69	4.3
Michael Thompson	Republican	House	9	4

**Table 10: 2008 Legislators Who Never Received Contributions from the Tobacco Industry During 1996-2008**

<u>Name</u>	<u>Party</u>	<u>Office</u>	<u>District</u>	<u>Policy Score</u>
Paul Agnew	Republican	House	11	9.3
Terry Alexander	Democrat	House	59	7.5
Karl Allen	Democrat	House	25	8
Carl Anderson	Democrat	House	103	8.5
Michael Anthony	Democrat	House	42	9
Nathan Ballentine	Republican	House	71	6.7
Lester Branham	Democrat	House	61	8.7
Curtis Brantley	Democrat	House	122	7
Robert Brown	Democrat	House	116	9
Paul Campbell	Republican	Senate	44	8
Creighton Coleman	Democrat	House	41	8
Kristopher "Kris" Crawford	Republican	House	63	3.7
Michael Fair	Republican	Senate	6	8
Laurie Slade Funderburk	Democrat	House	52	9.5
Jerry Govan	Democrat	House	95	8.3
Chauncey "Greg" Gregory	Republican	Senate	16	8
Ben Hagood	Republican	House	112	6
Glenn Hamilton	Republican	House	20	3
Christopher Hart	Democrat	House	73	8
Cathy Harvin	Democrat	House	64	8.7
Gloria Arias Haskins	Republican	House	22	3.7
David Hiott	Republican	House	4	6
Kenneth Hodges	Democrat	House	121	9
Lonnie Hosey	Democrat	House	91	9
Darrell Jackson	Democrat	Senate	21	9.3
Joseph Jefferson	Democrat	House	102	8.5
Patsy Knight	Democrat	House	97	8
Robert "Bob" Leach	Republican	House	21	5
Walton McLeod	Democrat	House	40	9.3
Harold Mitchell	Democrat	House	31	8.3
James "Jimmy" Neal	Democrat	House	44	8.3
Joseph Neal	Democrat	House	70	9.3
Phillip Owens	Republican	House	5	4



Anne Parks	Democrat	House	12	9
Rex Rice	Republican	House	26	9.7
Randy Scott	Republican	Senate	38	6.7
Bakari Sellers	Democrat	House	90	9
Vincent Sheheen	Democrat	Senate	27	8.3
Donald Smith	Republican	House	83	5
Garry Smith	Republican	House	27	3
Leonidas "Leon" Stavrinakis	Democrat	House	119	7.7
James "Jim" Stewart	Republican	House	86	5.5
David Thomas	Republican	Senate	8	4.3
McLain "Mac" Toole	Republican	House	88	1
Robert Williams	Democrat	House	62	7

While the number of legislators not accepting tobacco industry money may appear to indicate that the tobacco industry was not making significant contributions to the statehouse, the industry focused its contributions on those members who controlled the tobacco control policy-making process. The industry targeted the House and Senate leadership (Table 11) and leadership of key committees where tobacco control-related bills were assigned for the bulk of their contributions: the House and Senate Judiciary Committees, the House Ways and Means Committee and the Senate Finance Committee. In 2006, \$7,000, or 17 percent of all industry contributions to legislative candidates, went to the seven members that made up the House and Senate leadership and leadership of those committees alone, out of \$39,850 total to 60 legislative candidates. Several members of these committees also received contributions from the tobacco industry. In addition, the tobacco industry's substantial contributions to political parties, and the House and Senate caucuses of the parties, generally were controlled by the leadership in the General Assembly.

As shown in Table 11, the Senate and House leadership, with the exception of Rep. James Harrison (R, Richland Co., Policy Score 3.3), Chairman of the House Judiciary Committee, received the same if not significantly more in contributions during the 2007/2008 legislative session than in the 2005/2006 session. The 2007/2008 session saw a significant increase in tobacco control activity in the legislature. Speaker of the House Bobby Harrell (R, Charleston and Dorchester Cos., Policy Score 0.7), President Pro Tempore Glenn McConnell (R, Charleston Co., Policy Score 3.7) and Chairman Hugh Leatherman (R, Darlington and Florence Cos., Policy Score 9.0) of the Senate Finance Committee each received at least \$1,000 more in 2007/2008 than during the 2006 election cycle, suggesting that the tobacco industry was increasing its attempts to influence these key legislators.

The four relevant committees for smoke-free environment and cigarette taxation bills as well as funding for the state's tobacco control program (House Ways and Means, Senate Finance and the House and Senate Judiciary Committees) were heavily targeted by the industry in their 2007/2008 contributions. Of the 28 Senatorial candidates known to have received tobacco

company contributions in 2007/2008, all but four were on one of these committees in 2008 (86 percent of contributions went to Judiciary or Finance members); of the 36 House candidates receiving tobacco company contributions, 19 were on one of the committees (52 percent of contributions went to Judiciary or Ways and Means members). Overall, 67 percent of all contributions to legislative candidates reported as of December 2008 for the 2007/2008 election cycle were directed to one of these four committees that were responsible for tobacco control legislation in the 2007/2008 legislative session (Appendix D).

<b>Table 11: Tobacco Industry Contributions to 2008 House and Senate Leadership</b>							
<u>Position</u>	<u>Name</u>	<u>Party</u>	<u>Dist.</u>	<u>2006 Contributions</u>	<u>Total Received 1996-2006</u>	<u>Received 2007/2008*</u>	<u>Policy Score</u>
<u>House</u>							
Speaker of the House	Robert "Bobby" Harrell	R	114	\$1,000	\$10,200	\$2,000	0.7
Majority Leader	James "Jim" H. Merrill	R	99	\$1,500	\$3,117	\$1,500	3
Minority Leader	Harry L. Ott	D	93	\$500	\$1,450	\$500	9.3
Chairman of Judiciary Committee	James H. Harrison	R	75	\$1,500	\$4,750	\$1,250	3.3
Chairman of Ways and Means Committee	Daniel T. Cooper	R	10	\$2,000	\$4,850	\$2,000	0
<u>Senate</u>							
President Pro Tempore	Glenn F. McConnell	R	41	\$0	\$4,900	\$1,000	3.7
Chairman of Judiciary Committee							
Chairman of Senate Finance Committee	Hugh K. Leatherman	R	31	\$500	\$5,200	\$2,000	9
* Represents minimum tobacco industry contributions received in 2007/2008 election cycle; includes only Philip Morris, RJR and UST contributions, for January 2007 to May 2008.							

### ***Tobacco Industry Contributions to Statewide Candidates***

Candidates for statewide office, particularly the Governor's office, were also a focus of much of the tobacco-related contributions to candidates (Table 12). In particular, Governor Jim Hodges (Democrat, Governor from 1998 to 2002) received significant contributions (\$36,450) from the tobacco industry leading up to his failed re-election campaign in 2002. In comparison, Governor Mark Sanford (R), elected in 2002, received comparably small donations from the tobacco industry, and received none for his first gubernatorial race in 2002.

In South Carolina, Lieutenant Governors are elected separately from the Governor and may be of a different party. The Lieutenant Governor acts as President of the Senate and would assume the role of Governor if the Governor is unable to perform his duties. The tobacco industry made contributions to candidates from both parties for this office as well (Table 13).

<u>Year</u>	<u>Party</u>	<u>Candidate</u>	<u>Won/Lost</u>	<u>Contribution in Election Cycle</u>	<u>Cumulative Contribution 1996-2006</u>
1998	Republican	David Beasley	Lost	\$11,500	n/a
	Democrat	Jim Hodges	Won	\$15,750	n/a
2002	Republican	Mark Sanford	Won	\$0	n/a
	Democrat	Jim Hodges	Lost	\$36,450 (2000/2002)	\$52,200
2006	Republican	Mark Sanford	Won	\$9,000 (2004/2006)	\$9,000
	Democrat	Tommy Moore	Lost	\$4,000	\$8,500

<u>Year</u>	<u>Party</u>	<u>Candidate</u>	<u>Won/Lost</u>	<u>Contribution in Election Cycle</u>
1998	Republican	Bob Peeler	Won	\$2,500
	Democrat	Nick Theodore	Lost	\$2,300
2002	Republican	Andre Bauer	Won	\$0
	Democrat	Phil Leventis	Lost	\$2,000
2006	Republican	Andre Bauer	Won	\$12,700 (2004/2006)
	Republican	Mike Campbell	Lost in Primary	\$250
	Democrat	Robert Barber	Lost	\$1,000

Other statewide offices whose candidates received tobacco industry contributions between 1996 and 2006 included Attorney General (Table 14), a relevant office due to its responsibility for pursuing and subsequently monitoring the MSA. Attorney General Henry McMaster (R), former US attorney and Chairman of the South Carolina Republican Party, in addition to receiving tobacco industry campaign contributions in each of his Attorney General campaigns, is the son of long-time TI lobbyist John Gregg McMaster and personally represented the TI in opposition to a Richland County public smoking ordinance in 1978.<sup>142, 143</sup>

Commissioners of Agriculture received contributions from the tobacco industry (Table 15). However, as noted above, this office was moving away from being an active industry ally beginning in 2002, with the end of Commissioner Les Tindal's 20-year tenure. Tindal was a noted industry ally,<sup>103, 107, 115, 116</sup> while his successors tended to focus on diversification out of tobacco growing and the interests of tobacco farmers as opposed to tobacco companies.<sup>136, 137</sup>

<u>Year</u>	<u>Party</u>	<u>Candidate</u>	<u>Won/Lost</u>	<u>Contribution in Election Cycle</u>	<u>Cumulative Contribution 1996-2006</u>
1998	Republican	Charlie Condon	Won	\$4,500	n/a
	Democrat	Tom Turnipseed	Lost	\$300	n/a
2002	Republican	Henry McMaster	Won	\$2,000	n/a
	Democrat	Stephen Benjamin	Lost	\$5,500	n/a
2004	Republican	Henry McMaster	Won	\$6,000	\$8,000
2006	Republican	Henry McMaster	Won	\$5,000	\$13,000

<u>Year</u>	<u>Party</u>	<u>Candidate</u>	<u>Won/Lost</u>	<u>Contribution in Election Cycle</u>
1998	Republican	Leslie “Les” Tindal	Won	\$3,250
2002	Republican	Charles Sharpe	Won	\$0
	Democrat	John Long	Lost	\$1,350
	Democrat	Ben Gregg	Lost in Primary	\$3,000
2006	Republican	Charles Sharpe	Did Not Run*	\$3,000
	Republican	Hugh Weathers	Won	\$1,000

\* Resigned from office in January 2005; Commissioner Weathers was appointed Interim Commissioner by Governor Sanford in September 2004 and was elected in 2006.

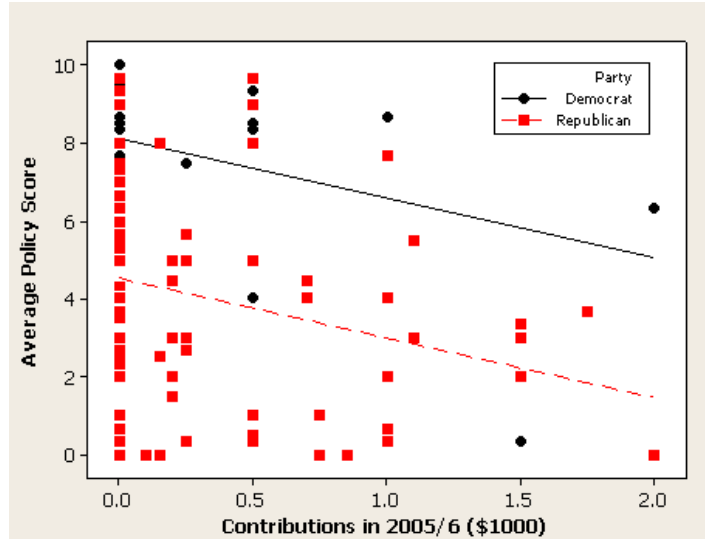
Additional notable statewide office candidates that received tobacco industry money included former state Superintendent of Education Inez Tenenbaum, who received \$2,100 from tobacco growers (Holliday) during her 1999-2007 tenure, and former state Treasurer Grady Patterson, who received \$950 during his successful 1998 candidacy from tobacco growers (Holliday) and \$5,250 from tobacco companies (Philip Morris, RJR, and JR Battle & Co.) during his unsuccessful 2006 re-election bid.

### ***The Effect of Contributions on Legislative Behavior***

The consistency with which the tobacco industry made contributions to candidates and political parties in South Carolina and the focus of available 2007/2008 contributions on tobacco control-related committees indicated that the tobacco industry believed that contributions play a role in legislative behavior. However, tobacco control advocates in the state generally did not believe that this was the case, indicating that they believed the cultural influence of the “tobacco state” mind set played as great, if not a greater, role in legislative behavior than did direct tobacco industry influence.<sup>2</sup> The tobacco policy scores collected for this report provided an opportunity to

study the relationship between contributions and legislative behavior (using multiple linear regression). This analysis revealed that there was, in fact, a relationship between campaign contributions and tobacco policy scores.

During the 2007/2008 legislative session there was a statistically significant relationship ( $p < .0005$ ,  $R^2 = 0.465$ ) between tobacco industry contributions and tobacco policy scores. Controlling for party and house, for every \$1,000 received from the tobacco industry, a legislator's policy score went down  $-1.52$  ( $\pm 0.41$ ,  $p < 0.0005$ ) on average (Figure 9). Taking into account tobacco industry contributions, Democrats' average policy score was  $7.87$ ,  $3.6$  ( $\pm 0.35$ ,  $p < 0.0005$ ) points higher on average than Republicans, indicating that they were significantly more receptive to tobacco control policy proposals for the same level of campaign contributions as their Republican colleagues. Republican legislators' average policy score without the impact of contributions was  $4.27$  ( $\pm 0.27$ ), relatively neutral towards tobacco control. Senators were on average  $0.95$  ( $\pm 0.38$ ,  $p = 0.015$ ) points more favorable to tobacco control policies than Representatives, taking into account tobacco industry contributions and party. These relationships did not depend on party or house (no party by contribution [ $p = 0.990$ ] or party by house [ $p = 0.015$ ] interactions).



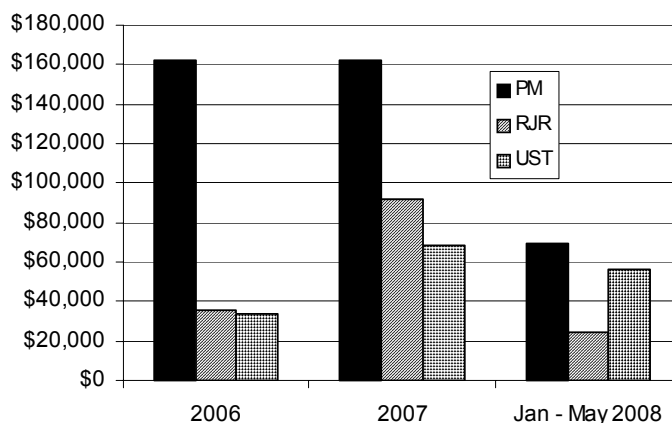
**Figure 9:** Scatterplot of the Relationship between Tobacco Industry Contributions in 2006 Election Cycle and Average Policy Scores for 2007/2008 Legislators. Note: Some data points overlap in the figure.

## Lobbyists

While tobacco industry campaign contributions played a role in tobacco industry influence in South Carolina, the industry's lobbying experience and expenditures combined with other political expenditures were the true base of their power in the legislature, and were where the industry most outweighed the tobacco control community in controlling the policy-making process.

The tobacco industry had a strong and influential lobbying presence in the South Carolina General Assembly. The industry's primary lobbyists in the 2007/2008 legislative session were Fred Allen for RJR, Dwight Drake for Philip Morris, and Mike Daniel for UST, who had all been active tobacco company lobbyists in the statehouse for over a decade, as noted above in the section on Tobacco Industry Influence Historically. This tenure on tobacco-control issues was unmatched by any of the tobacco control lobbyists. Tobacco industry lobbyists were a regular and active presence in committee and subcommittee hearings and regularly influenced legislative developments.<sup>144, 145</sup>

The data on lobbying expenditures from both the health groups and the tobacco industry were secured from the “Lobbyists Principal Disclosure Statement” that any entity hiring a lobbyist at the statehouse is required to file with the South Carolina State Ethics Commission.<sup>146</sup> These data included the professional fees and reimbursements paid to lobbyists.



**Figure 10:** Spending on Lobbyists by Tobacco Companies January 2006 to May 2008

A comparison of the tobacco industry lobbyists and their funding at the statehouse with those of the health groups active in tobacco control reveals stark differences in lobbying capacity

between the two sides of the tobacco control debate (Tables 16 and 17). From January 2006 to May 2008, the three tobacco companies alone spent \$704,032 in lobbying expenses, while the five health nonprofit groups spent \$305,083 on lobbying on all of their issues, including tobacco control, during the same period. Of these expenditures from the health groups, only Coretta Bedsole’s contract from the South Carolina African-American Tobacco Control Network (SCAATCN) was exclusively spent on tobacco control efforts, whereas the tobacco lobbyists’ contracts all had to do with promoting tobacco industry interests.

The tobacco industry lobbying expenditures were also flexible and responsive in a way that public health lobbying was not. As the number and importance of tobacco control-related bills drastically increased from 2006 to 2007, the tobacco industry was able to respond by adding five additional lobbyists to their force. The amount RJR spent on its lobbying force nearly tripled between 2006 and 2007, and the amount UST spent doubled. In contrast, public health group spending by groups that already had a lobbyist in 2006 actually decreased by \$5,621 between 2006 and 2007, and tobacco control added only one lobbyist during that period (Coretta Bedsole).

Philip Morris provided the bulk of the spending on lobbyists for the tobacco companies (Figure 10). UST’s spending on lobbyists was steadily increasing. Note that the amounts for 2008 only represent expenditures from January to May.

### Other Tobacco Industry Political Expenditures

While the tobacco industry outspent health groups on direct lobbying and campaign contributions, much of the industry’s legislative influence came from less direct political spending. These expenses consisted of spending by the company to influence the political process defined as lobbying in South Carolina that were outside of the standard lobbyist fees and campaign contributions and included such activities as phone banking, direct mail campaigns, ad buys aiming to influence the policy process, or events to oppose or support specific legislation.<sup>146</sup> RJR in particular spent significantly on these political activities between January 2006 and May 2008 (Table 18 and Appendix E). These data were secured from the “Lobbyists Principal

Disclosure Statement” filed with the South Carolina State Ethics Commission.<sup>146</sup>

Similar to RJR’s payments to lobbyists, which tripled between 2006 and 2007, the amount that the company spent on this type of political activity increased by 2.74 times between 2006 and 2007. Spending by UST and Philip Morris on this category of political expenditure also increased significantly between the two years, mirroring the increase in tobacco-related legislative activity.

<b>Table 16: Tobacco Industry Expenditures on Lobbyists January 2006 to May 2008</b>					
<u>Company</u>	<u>Lobbyist</u>	<u>2006</u>	<u>2007</u>	<u>2008 (Jan - May)</u>	<u>Total Expenditure</u>
Philip Morris	Dwight Drake	\$33,900	\$36,833	\$18,750	\$89,483
	Tony Denny	\$48,000	\$60,000	\$25,000	\$133,000
	Kathy Shannon	\$33,900	\$36,833	\$18,750	\$89,483
	Robert Wilkins	\$34,000	\$28,333	\$5,000	\$67,333
	John Ostronic	\$12,502		\$2,335	\$14,837
<b>Philip Morris Totals</b>		<b>\$162,302</b>	<b>\$161,999</b>	<b>\$69,835</b>	<b>\$394,136</b>
RJ Reynolds	Fred Allen	\$31,000	\$66,833	\$24,063	\$121,896
	Lindsey Bonds	\$5,000			\$5,000
	Carlton Washington		\$12,500		\$12,500
	Steve Fooshe		\$12,500		\$12,500
<b>RJR Totals</b>		<b>\$36,000</b>	<b>\$91,833</b>	<b>\$24,063</b>	<b>\$151,896</b>
US Smokeless Tobacco (as UST Public Affairs)	Mike Daniel & Associates, P.A.	\$34,000	\$48,000	\$24,000	\$106,000
	Michael Gunn		\$10,000	\$5,000	\$15,000
	Dan Jones		\$4,303		\$4,303
	Vicki Parker		\$5,697	\$5,000	\$10,697
	James McGee			\$12,000	\$12,000
	Darrell Campbell			\$10,000	\$10,000
<b>UST Totals</b>		<b>\$34,000</b>	<b>\$68,000</b>	<b>\$56,000</b>	<b>\$158,000</b>
<b>Tobacco Company Lobbyist Expenditures Totals</b>		<b>\$232,302</b>	<b>\$321,832</b>	<b>\$149,898</b>	<b>\$704,032</b>
Source: South Carolina State Ethics Commission; Lobbyist Principal Disclosure Statements <sup>147</sup>					

<b>Table 17: Public Health and Tobacco Control Expenditures on Lobbyists January 2006 to May 2008</b>					
<u>Organization</u>	<u>Lobbyist</u>	<u>2006</u>	<u>2007</u>	<u>2008 (Jan - May)</u>	<u>Total Expenditure</u>
American Lung Association	June Deen	\$20,000	\$20,000	\$10,000	\$50,000
	Jeff Thordahl	\$10,000	\$5,000	\$5,100	\$20,100
	Ted Riley		\$5,000	\$5,000	\$10,000
<b>ALA Totals</b>		<b>\$30,000</b>	<b>\$30,000</b>	<b>\$20,100</b>	<b>\$80,100</b>
American Cancer Society	Nancy Cheney	\$11,000	\$19,000	\$7,500	\$37,500
	Suzanne Hyman	\$13,200	\$17,000	\$5,200	\$35,400
	Lisa Turner	\$9,000			\$9,000
	Jeff Thordahl	\$7,000	\$9,200	\$5,100	\$21,300
	Ted Riley	\$7,000	\$9,000	\$5,000	\$21,000
<b>ACS Totals</b>		<b>\$47,200</b>	<b>\$54,200</b>	<b>\$22,800</b>	<b>\$124,200</b>
American Heart Association	Lisa Turner	\$5,656	\$9,740	\$5,000	\$20,396
	Nancy Thorne	\$8,555			\$8,555
	Jeff Thordahl	\$16,000	\$5,200	\$4,100	\$25,300
	Ted Riley	\$3,000	\$5,200		\$8,200
<b>AHA Totals</b>		<b>\$33,211</b>	<b>\$20,140</b>	<b>\$9,100</b>	<b>\$62,451</b>
SC Cancer Alliance	Ted Riley	\$6,000	\$8,000	\$9,000	\$23,000
<b>SC Cancer Alliance Totals</b>		<b>\$6,000</b>	<b>\$8,000</b>	<b>\$9,000</b>	<b>\$23,000</b>
SC African-American Tobacco Control Network	Coretta Bedsole		\$7,333	\$7,999	\$15,332
<b>SCAATCN Totals</b>			<b>\$7,333</b>	<b>\$7,999</b>	<b>\$15,332</b>
<b>Public Health Lobbyist Expenditures Total</b>		<b>\$116,411</b>	<b>\$119,673</b>	<b>\$68,999</b>	<b>\$305,083</b>
Source: South Carolina State Ethics Commission; Lobbyist Principal Disclosure Statements <sup>147</sup>					

During this same period, the five main health nonprofit groups working on tobacco control spent \$58,672 on this category of political expenditures (Table 19), less than 20 percent of what the industry spent. This number shrinks further with the consideration that spending by health groups was not exclusively focused on tobacco-related policy work, while the industry's was.



<b>Table 18: Summary of Other Political Expenditures by Tobacco Companies 2006-2008</b>				
<u>Company</u>	<u>2006</u>	<u>2007</u>	<u>2008 (Jan - May)</u>	<u>Total</u>
RJR	\$69,555	\$190,635	\$35,134	\$295,324
Philip Morris	\$0	\$898	\$0	\$898
UST	\$55	\$2,501	\$583	\$3,139
Total	\$69,610	\$194,034	\$35,717	\$299,361
Note: Itemized data provided in Appendix E. Source: South Carolina State Ethics Commission, Lobbyist Principal Disclosure Statements <sup>147</sup>				

<b>Table 19: Summary of Other Political Expenditures by Health Nonprofit Groups 2006-2008</b>				
<u>Organization</u>	<u>2006</u>	<u>2007</u>	<u>2008 (Jan - May)</u>	<u>Total</u>
ACS	\$16,506	\$18,010	\$5,907	\$40,423
AHA	\$0	\$16,092	\$0	\$16,092
ALA	\$0	\$731	\$0	\$731
SC Cancer Alliance	\$0	\$1,426	\$0	\$1,426
Total	\$16,506	\$36,259	\$5,907	\$58,672
Source: South Carolina State Ethics Commission; Lobbyist Principal Disclosure Statements <sup>147</sup>				

All of UST and Philip Morris’s expenditures in this category were for luncheons or dinners for specific groups of legislators. Alternatively, the companies receiving this type of funding from RJR were generally out-of-state, and defined ambiguously as for the purpose of “grassroots activity” in the company’s report to the state Ethics Commission. These expenditures, as shown in Appendix E, were not for coordinated grassroots organizing, but were rather primarily for voter contacts requesting action on specific bills from phone, or individual events or ads opposing specific legislation. The main recipients of RJR payments from 2006 to 2008 in this category were:

- **Strategic Public Partners:** An Ohio-based public affairs firm that focused on “the intersection of business and politics,” particularly with government relations, issues management and strategic advocacy.<sup>148</sup> Strategic Public Partners received \$78,506 between January 2006 and May 2008 for “grassroots activity” from RJR, on top of an additional \$47,007 paid to the company over the same period for “compensation of support personnel.”

- **FLS Connect, LLC:** FLS Connect was a telemarketing firm specializing in voter contact and issue communications, with offices in Phoenix, AZ and Saint Paul, MN, both of which RJR reported paying. The company’s website explained that their prominent clients have included the Republican National Committee, as well as “hundreds of Republican State Parties and candidates on all levels.”<sup>149</sup> RJR paid FLS Connect a total of \$43,941 between January 2006 and May 2008, with \$28,480 of that total in 2007.
- **Executive Communications, Inc.:** Executive Communications was based in Louisville, KY and provided telephone, mail and online communications for political and grassroots advocacy.<sup>150</sup> Executive Communications was paid \$23,640 by RJR between January 2006 and May 2008, with \$17,647 of that in 2006.

## Conclusion

The tobacco industry wields significant power in the policy-making process in South Carolina. This power was generated through ties to the tobacco-growing community, leveraging of third-party allies, lobbying prowess, and vast financial expenditures going to candidates and other political activities. While tobacco growing declined measurably in the state, loosening the industry’s ties to its former grower-related allies, the philosophical support of tobacco growing and identification as a tobacco growing state still played a role in the defeat of tobacco control measures at the statehouse in the form of legislative rhetoric. This did not accurately reflect the role of tobacco in the state’s economy or the position of tobacco growers. Tobacco companies committed resources and manpower to maintaining their influence over the tobacco control policy-making process in the state; the tobacco industry’s campaign contributions had a measurable impact on legislative behavior on tobacco control issues.

However, this influence was declining as health groups gained in organization and funding, and the state continued to reduce its reliance on tobacco as a cash crop. Despite being heavily out-spent and out-numbered by tobacco industry lobbying, tobacco control advocates made significant progress in advancing their agenda between 2005 and 2008.

## TOBACCO CONTROL ORGANIZATION AT THE STATE LEVEL

Tobacco control advocacy in South Carolina has historically been dominated by the three main voluntary health organizations: the American Lung Association (ALA), American Heart Association (AHA) and American Cancer Society (ACS). While leadership of the movement shifted among these organizations between the early 1970s and 2008, the ACS provided the greatest financial and organizational commitment in the state beginning in 1991. The tobacco control advocacy organization in South Carolina went through phases of empowerment and complete disorganization; in 2008 the tobacco control advocacy infrastructure was on a promising upward trajectory, with increased funding, staff and strategic planning.

In contrast, the state government’s tobacco prevention and cessation program in 2008 ranked lowest in the U.S. in funding, receiving no money from the General Assembly for fiscal year 2008-09.<sup>19</sup> This program has been housed in the state’s Department of Health and Environmental Control (DHEC) in various forms since the first statewide program began in 1992.

DHEC was formed in 1973 with a merger of the State Board of Health and the Pollution Control Authority. DHEC is led by a Commissioner, and is overseen by a Board that is appointed by the Governor and confirmed by the Senate.<sup>151</sup> Despite successful program infrastructure development between 1992 and 1997, the program was subsequently characterized by a lack of funding and political support from DHEC leadership and the legislature.

### **Early Tobacco Control Movement (1973-1991)**

The earliest activity related to the nonsmokers' rights movement, which was the primary policy aim of South Carolina tobacco control advocates in the 1970s and 1980s, was organized by the South Carolina Lung Association, which organized a Group Against Smoking Pollution (GASP) chapter in Charleston in 1973 to gain non-smoking areas in public places.<sup>152</sup> GASP was a loosely coordinated, nationwide network of independent grassroots organizations that sprang up across the country in the early 1970s.<sup>153</sup> Charleston GASP was instrumental in getting many of the region's hospitals to go smoke-free in all areas but private rooms.<sup>152</sup> This first GASP chapter in South Carolina disbanded in the late 1970s amid disappointment over the state legislature's failure to pass statewide legislation on public smoking restrictions.<sup>152</sup>

The South Carolina Lung Association continued its leadership role when it set up a Center for Nonsmokers' Rights in 1976,<sup>154</sup> which evolved in to a Campaign for Nonsmokers' Rights<sup>155</sup> that was very active in pushing the first serious attempt at a statewide clean indoor air act in 1977.<sup>156</sup> The South Carolina Lung Association was also the primary backer of the several subsequent attempts at clean indoor air legislation through the late 1970s and early 1980s.

Charleston GASP was revived in February 1982, again under the South Carolina Lung Association, at the request of Patricia Arrants, who chaired the group. Former GASP members rejoined and new ones were recruited through petitions and membership drives in local malls. By October 1982 the group had 20 members and was circulating a petition in support of smoke-free government buildings and publicly-owned spaces and non-smoking sections in restaurants and recreational buildings, attempting to increase public awareness and prompt state-level action on the issue.<sup>152</sup> John Bankhead (the TI's Southeast Area Manager) noted in a memo to Roger Mozingo (TI Vice President of State Activities) that Charleston GASP was receiving press coverage of these efforts.<sup>72</sup>

Through the mid-1980s, all significant advocacy for smoking restrictions in public places came from the South Carolina Lung Association. In 1985, however, the TI noted that the ALA, AHA and ACS had all begun to take a "more active role in efforts to restrict smoking in public places" in South Carolina, and had joined forces with Blue-Cross Blue Shield, the South Carolina Commission on Alcohol and Drug Abuse (now the Department of Alcohol and Other Drug Abuse Services, DAODAS) and DHEC to strengthen their efforts on clean indoor air.<sup>53</sup> The tobacco industry attributed these groups' power to the publicity they were able to generate, particularly on the public smoking issue.<sup>53</sup> Under the leadership of the new director of the South Carolina Lung Association, John Heavener, the newly cooperative voluntary health organizations promoted a more active strategy in the public smoking effort, coordinating grassroots advocacy and public relations.<sup>53</sup> None of the voluntary health groups retained a lobbyist at that point, and the TI noted that their legislative influence was generally weak.<sup>53</sup>

The combined efforts of the voluntary health organizations, working with other statewide health groups, led to the proposal of several clean indoor air bills in the General Assembly between 1985 and 1989, as well as a significant number of local ordinances restricting smoking. To pursue these efforts, the tobacco control movement in South Carolina came together as a formal coalition for the first time, the Clean Indoor Air Coalition, which was loosely organized and not incorporated. The Clean Indoor Air Coalition's most active members were the ALA (formerly the South Carolina Lung Association) and ACS, joined by representatives from the AHA, South Carolina Public Health Association, DHEC and the South Carolina Hospital Association.<sup>157-159</sup> At the same time, the South Carolina Medical Association was independently working to pass a cigarette tax increase. The voluntary health organizations did not actively support a tax increase at this time, prioritizing clean indoor air and not willing to fight a two-front battle in the legislature.<sup>158, 160</sup>

The three voluntary health groups pooled their resources during the debate over the 1989-1990 Clean Indoor Air bill (discussed below in the section on Clean Indoor Air) to hire a lobbyist, Moses Clarkson, the first lobbyist for tobacco control in the South Carolina statehouse.<sup>157, 158</sup> Clarkson had served as the Chairman of DHEC's Board from 1980-1989, and has also been the Assistant Director of Industrial Relations with the powerful South Carolina Chamber of Commerce, giving him extensive legislative connections and influence.<sup>161</sup> Clarkson remained the sole tobacco control lobbyist in South Carolina through 1997.

### **Project ASSIST and the Alliance for a Smoke-Free South Carolina, 1991-1998**

At the same time that the Clean Indoor Air Coalition was advocating for the clean indoor air bill proposed in 1989, and passed in 1990, DHEC was presented with the opportunity to apply for the National Cancer Institute's Project ASSIST. The American Stop Smoking Intervention Study (ASSIST) was a program sponsored cooperatively through the National Cancer Institute (NCI) and the ACS.<sup>162</sup> Developed in 1989, and conducted from October 1991 through September 1999, the effort funded 17 state health departments to work on tobacco control with a focus on policy change and community-based interventions. ASSIST was directed towards four policy change areas: eliminating exposure to secondhand smoke, promoting higher tobacco taxes, limiting tobacco advertising and promotions, and reducing youth access to tobacco. In focusing on policy change as a public health intervention, the program required health departments receiving grants to engage in policy change advocacy.<sup>162</sup>

Under the direction of Fran Wheeler, then-Director of the Center for Health Promotion within DHEC's Health Services Section, DHEC submitted a successful proposal,<sup>163</sup> and South Carolina was selected as one of 17 states to receive tobacco control funding from NCI. The state was awarded \$5.4 million, to be spread over seven years.<sup>164, 165</sup> The actual amount allocated to the state was \$6.1 million, over eight years (Table 20).<sup>166</sup> The funding was awarded in two phases: 1) A planning phase for the first two years, from October 1991 to September 1993, for assessment, infrastructure development and the formation of a coalition; and 2) an implementation phase for programs and advocacy during the remaining five years of funding, from October 1993 to

<u>Fiscal Year</u>	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	TOTAL 1991-1999
<u>Amount</u>	\$316,601	\$316,860	\$742,179	\$947,806	\$757,931	\$984,759	\$1,012,935	\$1,012,935	\$6,092,006

Source: National Cancer Institute<sup>166</sup>

September 1998.<sup>162</sup> The NCI extended ASSIST contracts an additional year, ending the program in September 1999.

ASSIST was the first organized tobacco control effort within DHEC. Prior to ASSIST, DHEC’s regional divisions had been conducting minimal tobacco control activities, primarily focused on voluntary workplace and restaurant regulation of smoking and increasing the availability of smoking cessation programs.<sup>163</sup> Since the organization of ASSIST in 1991, DHEC has consistently had a tobacco control division operating under various names and under different division titles as the agency has evolved. While DHEC’s support for strong tobacco control programming and policy interventions was sometimes tepid, during the early ASSIST period, DHEC Commissioner Mike Jarrett, who himself suffered from cancer, was very supportive of the program.<sup>14</sup>

***The Development of the Alliance for a Smoke-Free South Carolina***

Each ASSIST state was required under their contract with NCI to have or to establish a state-level coalition for tobacco control advocacy as well as coalitions at the local level.<sup>162</sup> Well-executed coalition-building efforts created a broad-based coalition even before the ASSIST grant was received. In 1990, while applying for the ASSIST grant, DHEC and the members of the loosely-organized Clean Indoor Air Coalition created the Tobacco Free SC Coalition, in order to present a more compelling application. DHEC began to recruit new members by conducting a survey of 60 key individuals in the state, 30 of whom responded and helped identify 179 statewide organizations as potential allies.<sup>159</sup> One hundred representatives from 77 of the identified organizations attended an introductory meeting of the coalition, led by DHEC Commissioner Mike Jarrett, and 62 became official organizational members (Table 21).<sup>159</sup> A steering committee of 20 active organizational members directed the coalition and assisted with the ASSIST application process.<sup>159</sup>

The name “Tobacco Free SC Coalition” was never used in the state outside of the efforts to apply for ASSIST, and once the grant was received the steering committee selected a new name for the coalition, the Alliance for a Smoke-Free South Carolina (“the Alliance”). The steering committee avoided using “tobacco free” in the new coalition name in an attempt not to alienate the tobacco-friendly South Carolina public or legislature,<sup>167</sup> focusing on being anti-smoke instead of anti-tobacco. The Alliance adopted its first by-laws on October 30, 1990.<sup>168</sup>

The mission statement of the Alliance was “to provide a forum to formulate, coordinate and implement strategies which support a smoke-free South Carolina by reducing tobacco use and initiation among the state’s citizens.”<sup>168</sup> The coalition was meant to act as the advocacy wing of ASSIST, to push for policy change under the goals of ASSIST. The Alliance also directed the

**Table 21:** Original 62 Members of the “Tobacco Free SC Coalition”

<u>Type of Organization</u>	<u>Name of Organization</u>	<u>Type of Organization</u>	<u>Name of Organization</u>
Health Care	Columbia Free Medical Clinic * SC Department of Health and Environmental Control SC Primary Care Association USC Student Health Center	Recreation	Cooper River Park and Playground SC Department of Parks, Recreation and Tourism
		Military	Charleston Naval Hospital Shaw Air Force Base
Health Education	American Cancer Society American Heart Association American Lung Association Columbia Quit Smoking Project SC Commission on Alcohol and Drug Abuse SC Educational Television	Youth	Congaree Girl Scout Council Just Say No Clubs
		Employee/Employer	Carolina Healthstyles SC State Employees Association Wellness Council of the Midlands
		Professional	* SC Association of Life Underwriters SC Registered Cosmetologists Association
Health Professional	SC Area Health Education Consortium SC Association for Health Education SC Association of Occupational Health Nurses SC Chapter of National Association of Social Workers * SC Medical Association * SC Nurses Association * SC Public Health Association School Nurse Council of SCNA	Community	* Coalition for Smoke-Free Anderson Columbia Urban League National Black Family Summit * SC Clean Indoor Air Coalition * Smoke-Free Low Country Coalition
		Health / Advocate as Primary Function	* Medical University of South Carolina * SC Coalition for Public Health * SC Health and Human Services Finance Commission * SC Hospital Association * SC Medical Auxiliary * USC Department of Health Promotion and Education * USC School of Medicine * USC School of Public Health
		Government / Advocate as Primary Function	* ^ Senator Joe Wilson, SC Senate * Municipal Association of SC
Social Service	Alston Wilkes Society Greater Columbia Literacy Council Prison Fellowship SC Commission on Aging SC Commission on Women SC Dept. of Social Services SC Parent Teachers Association	Community / Advocate As Primary Function	* AARP * Anderson Rotary Club * Junior League
Education	Palmetto State Teachers Association * SC Association of School Administrators SC Criminal Justice Academy SC Department of Education SC Scholastic Broadcasters Association SC State Board of Technical and Comprehensive Education SC State Library USC Office of School Health Education		

\* ASSIST Application indicated that these groups' primary or secondary function was as an Advocate - as opposed to Provider or Channel (probably indicating the capacity of the organization or individual to influence policy).  
 ` The SC Clean Indoor Air Coalition was essentially the three voluntaries, along with the SC DHEC, SC Public Health Association and SC Hospital Association. The "Advocate" role of this coalition, then, indicates the advocate role of each of those organizations.  
 ^ Sen. Joe Wilson was the only individual member at this point, and was the sponsor of three Clean Indoor Air bills between 1985 and 1989, including the successful 1990 Clean Indoor Air Act.

Source: South Carolina ASSIST Application <sup>159</sup>

local coalition development of ASSIST, which eventually received the bulk of ASSIST funding. Management and direction of program goals and priorities originated in an ASSIST Executive Committee, made up of DHEC, ACS and other nonprofit representatives. Figure 11 illustrates the organizational structure of ASSIST in 1993, as the program entered the implementation phase of the grant.

By 1993, with the end of the ASSIST planning phase, the organization had almost 200 organizational and individual members, and there were eight affiliated local coalitions; by 1994 there were 240 members.<sup>169, 170</sup> The full membership of the organization was engaged through a quarterly newsletter, "The Smoke-Free Press," originally released by ASSIST staff and later by the Alliance itself. As the Alliance settled into its activities in tobacco control, the paid membership of the organization fell to 95 as of 1995.<sup>171</sup>

**Industry Response to ASSIST**

The tobacco industry was threatened by the prospect of a federally-funded, well-organized tobacco control movement in the ASSIST states. According to the TI's 1992 "Overview of State ASSIST Programs," "ASSIST will hit us in our most vulnerable areas—in the localities and in the private workplace."<sup>164</sup> The TI also noted that ASSIST had "the potential to peel away from the industry many of its historic allies."<sup>164</sup> The industry launched a concerted effort beginning in 1992 to counteract and disrupt the ASSIST programs across the country.<sup>162, 172, 173</sup>

ASSIST's policy change focus was particularly threatening to the industry. The tobacco industry developed a plan to accuse ASSIST programs of "illegal lobbying" with federal funds and used Freedom of Information Act (FOIA) requests to find evidence to support these allegations. FOIA requests served a second purpose of redirecting ASSIST staff time from

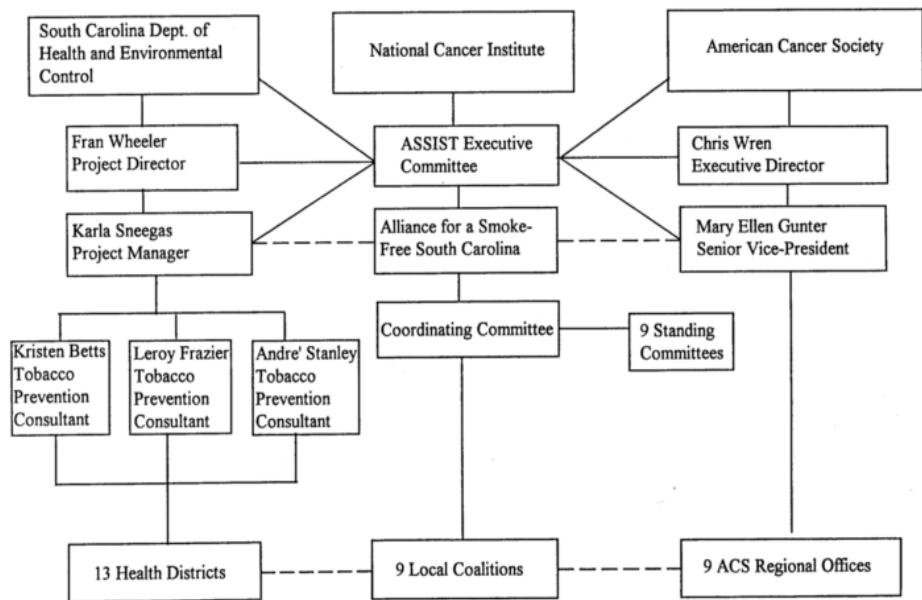


Figure 11: 1993 Organizational Chart, South Carolina ASSIST Program<sup>168</sup>

development and implementation of the program to fulfilling time-consuming FOIA requests. While the industry only brought specific “illegal lobbying” complaints in four of the 17 ASSIST states, the other ASSIST programs were aware of the risk of such allegations, and many toned down their policy change work in response.<sup>172, 173</sup> While generally unsuccessful in their ASSIST illegal lobbying claims, the tobacco industry has used the specter of “illegal lobbying” complaints with federal or state money to weaken the policy focus of state tobacco control programs ever since their efforts during ASSIST.

The industry’s counter-ASSIST activities were not as aggressive in South Carolina as in other ASSIST states. There are tobacco industry planning documents from 1990 outlining possible attacks on South Carolina based on charges of “illegal lobbying” drawn from information in DHEC’s application to ASSIST (obtained by the industry through the Freedom of Information Act),<sup>174</sup> but no complaints were filed.<sup>160</sup> Similarly, a 1993 Philip Morris memo explains that their lobbying team planned to “attempt to impact the state’s use of ‘ASSIST program’ dollars,”<sup>175</sup> but these efforts, if executed, did not affect the project.<sup>167</sup>

### ***Weak Policy Focus Under ASSIST and the Alliance***

While no direct tobacco industry attacks were made on ASSIST in South Carolina, the structure of ASSIST and the Alliance were changed early in the program to decrease the risk of DHEC being perceived as lobbying for public policy change. In 1993, the Alliance received 501(c)3 status as a tax-exempt organization in 1993, establishing it as a separate legal entity from the health department. Two reasons were given by former Project Managers of ASSIST in South Carolina for the decision to separate the Alliance from DHEC:

- 1) To allow the coalition of nonprofit and independent health organizations to be more aggressive in their lobbying on tobacco control topics, without the restrictions placed on lobbying by being part of DHEC.<sup>14, 167</sup>
- 2) To create some distance of the advocacy efforts from the time consuming Freedom of Information requests that the tobacco industry was conducting on all of the ASSIST states.<sup>176</sup>

Both of these reasons respond directly to the tobacco industry’s coordinated counter-ASSIST project nationally. By legally separating the Alliance from ASSIST, the program overcame the perceived limitations on advocacy for public policy change within DHEC. Nonetheless, for much of ASSIST period, the Alliance was synonymous with ASSIST, run by the same individuals and housed in the same offices. The Alliance was still directed by the ASSIST Executive Committee, with direct ties to DHEC, but was able to engage in direct policy advocacy.

The Alliance received the bulk of its funding from the ASSIST grant to DHEC for local coalition development. Members of the Alliance also paid dues, however, ranging from \$10 to \$30, which allowed for the Alliance to have some funds not tied to the health department. With these unrestricted funds, the Alliance hired a lobbyist, Moses Clarkson, to advocate for tobacco control issues.<sup>177</sup> Clarkson had previously been hired as the lobbyist for tobacco control groups working on the 1990 Clean Indoor Air Act.



Despite its powerful organizational structure and financing, which were meant to allow the Alliance to aggressively advocate for public policy change, ASSIST and the Alliance limited the scope of their policy efforts to relatively low-risk and low-impact policy aims, avoiding more aggressive advocacy targets. South Carolina's ASSIST program over the course of its development tended to focus on voluntary limitations of secondhand smoke and reducing youth access—less politically volatile efforts—as opposed to advertising restrictions, clean indoor air legislation or tax increases, which were also within the scope ASSIST's goals nationally. The South Carolina ASSIST annual plan for 1993-94 included brief mention of efforts on the cigarette tax and amendments to the Clean Indoor Air law, but by 1994 the focus was explicitly on youth access, a much more politically safe and feasible policy goal, but with much less impact on health outcomes.<sup>170, 178</sup>

This more passive strategy was present in the program's advocacy rhetoric as well. In the Site Analysis presenting the plan for South Carolina's ASSIST implementation stage conducted by Project Manager Karla Sneegas and PI Fran Wheeler for NCI in 1992, they explained that:

Because of the cultural history of tobacco production and the great livelihood it represents to farmers in the eastern part of the state, the ASSIST Project in South Carolina must focus on the pro-health aspects of smoking reduction and not promote an anti-tobacco movement. As several key individuals of the Alliance for a Smoke-Free South Carolina have put it, "If we make this an anti-tobacco project we will lose!"<sup>111</sup>

The TI indicated in 1992 that it expected South Carolina and the two other tobacco-growing states selected for ASSIST grants, Virginia and North Carolina, to execute lower profile programs than the other 14 ASSIST states due to "the sensitivity of the issue" of tobacco in growing states.<sup>164</sup> The low-profile efforts of South Carolina ASSIST may be the reason that the program was not subjected to any of the direct litigation attacks used by the industry in other ASSIST states.

ASSIST and the Alliance's strategy within the limited scope of youth access policy interventions was moderately successful. The Alliance engaged legislative sponsors in 1994 and 1995, and played an advocacy role in passing the amendments to the youth access code strengthening enforcement provisions in 1996.<sup>174</sup> The remainder of ASSIST's focus was centered on local coalition development, which was leveraged by the Alliance in its state-level efforts on youth access legislation. The bulk of program spending in the early stages of the program's implementation stage went towards local coalition and grassroots development and training (Table 22). The focus on local coalition building continued throughout the ASSIST years, and many of the coalitions established by 1993 through ASSIST (Table 23) continued to be active in tobacco control and played key roles in local clean indoor air ordinance efforts through 2008.

### **1997-2000: Disintegration and Disempowerment of Tobacco Control in South Carolina**

Through 1996, the ASSIST Project Manager in DHEC was also the Executive Director of the Alliance. In 1996, there was an effort to more effectively distance the two organizations, as opposed to their nominal separation established in 1993, to allow the coalition under the Alliance more independence and leeway in its advocacy work. This separation had been the plan from the

<b>Table 22: Summary of 1993-94 Budget for ASSIST</b>	
<u>Purpose</u>	<u>Amount Budgeted</u>
Intervention Budget (Supplies, Consultants, Travel, Facility and Printing)	\$54,226
Operating Budget (Personnel, Materials, Travel, Equipment, Indirect Costs, Consultants)	\$389,953
Sub-Contracts:	
Alliance for a Smoke-Free South Carolina	\$20,000
Area Health Education Consortiums	\$40,000
Department of Alcohol and Other Drug Abuse Services (DAODAS)	\$10,000
Local Tobacco Prevention and Control Consortiums	\$208,000
<b>Total Budget</b>	<b>\$722,179</b>
Source: South Carolina Project ASSIST Annual Action Plan, October 1, 1993 - September 30, 1994 <sup>179</sup>	

<b>Table 23: Local Coalitions Affiliated with ASSIST in 1993</b>	
<u>Coalition</u>	<u>Brief History</u>
The Coalition for a Smoke-Free Anderson County	Established in 1988 to decrease use of tobacco products.
The Low Country Wellness Coalition	Represented Beaufort, Colleton, Hampton and Jasper Counties. Formed in 1989.
The Smoke-Free Low Country Coalition	Based in Charleston, formed in 1989.
Edisto Health Coalition	Formed in 1991. Composed of community leaders from Orangeburg, Bamberg and Calhoun counties.
The Coalition for a Tobacco Free Midlands	Served Richland and Lexington Counties, still in formative stage in 1993.
The Spartanburg Coalition for Better Health	Spartanburg County, formed in 1990.
The York County Smoke-Free Coalition	Formed in 1991
Greenville Against Smoking Pollution	Founded in 1989. Eventually merged in 1996 with Greenville Family Partnership.
Source: Alliance for a Smoke-Free South Carolina's 1993 Comprehensive Smoking Control Plan <sup>169</sup>	

organization's founding, but it took the five years to get the organization to a point where it could operate independently.<sup>177</sup> The Alliance moved out of its DHEC offices in 1996 and became "an independent, fully staffed entity" that still facilitated most of the ASSIST functions.<sup>178</sup> ASSIST contracted with the newly independent Alliance to develop and maintain the statewide coalition infrastructure in addition to its role as the coordinating body of statewide tobacco control

activities.<sup>178</sup> DHEC contracted approximately \$526,600 of the approximately \$1 million ASSIST grant in 1997 to the Alliance for these efforts.<sup>180</sup> This effort was successful, although short-lived.

In 1997, the Alliance dissolved due to a financial scandal surrounding an employee embezzling money from the grant. Woodrow “Woody” Jones, the treasurer of the Alliance, pled guilty in July 1998 to embezzling approximately \$47,000 of the NCI grant money between October 1996 and March 1997.<sup>180</sup> When the Alliance could not account for the money and suspected criminal wrongdoing, they contacted the Federal Bureau of Investigation, which became involved in the investigation. After discussion with the NCI about the fate of the Alliance, ASSIST cut off its over \$500,000 contract with the Alliance, and the organization dissolved as of August 22, 1997.<sup>181, 182</sup> The NCI decided to continue funding South Carolina ASSIST despite this scandal because of the decisive action taken by DHEC against the Alliance, and the advocacy arm of the program was brought back within DHEC.<sup>167, 183</sup>

This scandal, and the dissolution of the only powerful statewide tobacco control advocacy coalition resulted in the muting of the tobacco control effort across the state. All of the entities that had been leaders in the Alliance and ASSIST (namely, DHEC, DAODAS, ACS, AHA and ALA) continued to work on tobacco control, but in a less focused and less coordinated way. The focus of these organizations between August 1997 and the end of the ASSIST contract in September 1999 was primarily on voluntary clean indoor air policies in schools and restaurants, as well as improved cessation resources and physician education.<sup>167, 183</sup> The DHEC-coordinated ASSIST program conducted media and public relations activities, but without specific policy change goals.<sup>162, 184</sup>

By May 1999, ASSIST was funding 12 community coalitions and four community organizations.<sup>184</sup> The program also had collaborations with the University of South Carolina’s School of Public Health on school curricula, a statewide media campaign and voluntary smoke-free worksite policies, and with the Medical University of South Carolina’s Hollings Cancer Center for physician training for smoking cessation. Through a partnership with Circle Park Behavioral Health Services, ASSIST provided tobacco-use prevention education to 15 teams of teens at their “Teen Institute” each summer.<sup>184</sup>

Despite the relative stability of these programmatic elements, between 1997 and 1999, ASSIST did not make any aggressive efforts in state-level policy, as the leadership of DHEC had residual concerns after the publicity around the termination of the Alliance.<sup>167</sup>

### **Establishment of the DHEC Division of Tobacco Prevention and Control and CDC Funding**

In 1999, the NCI-funded ASSIST program ended, and the newly formed National Tobacco Control Program (NTCP) in the CDC’s Office on Smoking and Health (OSH), which was already funding tobacco control programs in health departments in non-ASSIST states, began to provide funding to DHEC. With the beginning of this funding, DHEC set up its Division of Tobacco Prevention and Control within the Bureau of Community Health and Chronic Disease Prevention, which was still in place in 2008. For this first grant from NTCP, South Carolina’s Tobacco Division requested \$697,124 and was awarded \$675,288,<sup>185</sup> significantly less than the approximately \$1 million that DHEC had received during the last years of ASSIST. Staff of the

program remained the same during the transition between ASSIST and NTCP funding, because much of the ASSIST money was contracted out of DHEC.<sup>183</sup>

The CDC-funded program emphasized many of the same components as ASSIST, but placed emphasis on the development of a state infrastructure on tobacco control and included cessation elements in its funding requirements. For the 1999-2000 fiscal year, this was the only funding received by the Tobacco Division. The CDC grant, renewed every five years, continued to be a consistent source of funding to the DHEC Tobacco Division through 2008 (Table 24).

<u>Fiscal Year</u>	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08
<u>Amount</u>	\$675,288	\$1,200,000	\$1,200,000	\$1,200,000	\$868,289	\$868,289	\$1,088,432	\$1,088,253	\$1,057,963

### **State Allocations for Tobacco Control Programming in DHEC**

Prior to 2000, the South Carolina General Assembly had not specifically allocated any funds toward tobacco prevention and control. In their May 1999 budget request to the state Budget and Control Board for the 1999-2000 fiscal year, DHEC requested the CDC-minimum recommended funding of \$23 million,<sup>186</sup> with a fully developed outline of a comprehensive tobacco control program budget for South Carolina, to supplement the modest CDC funding.<sup>184</sup> Tobacco control advocates in the state did not push this budget request; there was still no coordinated coalition of health groups with the capacity to advocate for tobacco control nor a focused advocacy strategy. This budget proposal was never actively considered by the Governor or the legislature and as of 2008 DHEC had not made any requests for their Tobacco Division significantly over \$2 million. However, beginning in 1999, with the windfall settlement of multi-state lawsuits by the major tobacco manufacturers, health advocates began to pressure the legislature to use state resources to fund tobacco prevention programming within DHEC. The funds allocated by the legislature were then combined with ongoing CDC funding to implement the programs described below in the section on Tobacco Control Programming.

#### ***The Master Settlement Agreement***

In 1994, the Attorneys General of Mississippi and Minnesota sued the four major tobacco companies (Brown & Williamson, Lorillard, Philip Morris, and RJR) to recoup costs incurred by their states' Medicaid programs as the result of tobacco-related illnesses and to change tobacco industry practices, particularly related to industry targeting of youth. Florida, Massachusetts, Texas, West Virginia and many other states followed suit, and by the end of 1997, 41 states had filed suits against the industry.<sup>125</sup>

South Carolina's Attorney General at the time, Charlie Condon (R, 1995-2003), was originally reticent about joining the wave of lawsuits, in part because he had close ties with the tobacco industry. In the first years after he took office in 1995, Condon described himself as "the poster child of Big Tobacco."<sup>187</sup> Condon's position on the lawsuits against the tobacco industry was clear. In March 1995, Condon had met with industry representatives (Keith Teel of Covington & Burling representing Philip Morris, Henry Turner of Philip Morris, Dwight Drake

with Philip Morris, Fred Allen with RJR and Mike Daniel with the TI) to discuss the four state lawsuits filed at the time and heard the arguments of the industry against South Carolina's joining the group of states pursuing litigation.<sup>188</sup> Condon's response was described as "very receptive" by RJR, and he offered the companies "assistance in dealing with the National Association of Attorneys General and with individual AG's as appropriate."<sup>189</sup>

Later that year, in response to the FDA's assertion of jurisdiction to regulate tobacco sales to minors, Condon suggested to RJR that they cooperate to produce a program that would help enforce existing state law on youth access to avoid further state or national regulation. This plan involved Condon starring in a 1996 RJR television ads with NASCAR (the largest organizing body for stock car racing in the U.S., and the second-most popular U.S. professional sport) driver Jeff Gordon purporting to discourage kids from smoking. The ad and associated plan played an integral part in the industry's public relations offensive publicizing the idea that states already had adequate youth access laws in opposition to federal regulation of youth access by the FDA.<sup>187, 190,</sup>

Even as increasing numbers of states filed suits against tobacco manufacturers, Condon's position through early 1997 was sympathetic to the tobacco industry. Condon spoke out against President Bill Clinton's anti-tobacco stance in 1997, calling it "bizarre."<sup>187</sup> Then-Governor David Beasley (R, 1994-1998) and Condon publicly took the position that "people have been warned about smoking's ill effects, so if they light up, their health problems are their own."<sup>192</sup> The tobacco industry believed that Condon had decided to forgo a suit against the tobacco companies in exchange for a promise of continued industry support for farmers.<sup>193</sup>

In March 1997, Liggett Group, the smallest tobacco company being sued in the multi-state lawsuits, admitted that cigarettes were addictive and had been marketed to children for years; this confession spurred a series of settlement talks between state Attorneys General and the major tobacco companies. Once Condon became aware of the possibility of a lucrative settlement with the industry his position changed. Condon wrote the heads of major tobacco companies a letter on May 6, 1997, threatening to file suit if he was not allowed to take part in the ongoing settlement negotiations without doing so.<sup>194</sup> Condon filed suit against the major cigarette and smokeless tobacco companies on May 12, 1997, making South Carolina the 27<sup>th</sup> state to file suit against the tobacco industry and the first major tobacco growing state to do so.<sup>195</sup> Condon later explained that he "felt like they'd [the tobacco companies had] taken South Carolina for granted. ... I had been duped by their (tobacco company) so-called principles. ... They were counting on this state not being involved" in the settlement talks.<sup>187</sup>

During settlement negotiations, however, Condon remained an industry ally. Settlement negotiations centered around securing financial compensation for costs to state Medicaid systems from tobacco-related diseases, and equitable relief to halt tobacco industry marketing to youth through restrictions on tobacco advertising and sales. One of the main areas of discussion regarding advertising restrictions was the tobacco industry's use of sponsorship of televised motor sports events, particularly NASCAR, which the industry used to circumvent longstanding prohibitions on tobacco advertisements on television.<sup>196</sup> In his May 1997 letter to tobacco companies threatening to file suit, he mentioned that he would oppose restrictions on tobacco company sponsorship of events such as NASCAR and thought that "someone should be present to

“speak out against such malicious micro-meddling” in tobacco companies’ business practices.<sup>194</sup> There is evidence that Condon was in contact with Fred Allen, RJR’s lobbyist in South Carolina, regarding the clauses in the settlement related to NASCAR sponsorship.<sup>197</sup>

Condon also advocated for tobacco growers’ interests during the settlement negotiations.<sup>195</sup> Condon chaired the negotiating body’s Farm Issues Committee and advocated to protect farmers’ interests throughout the process. Condon advocated for price supports paid by tobacco manufacturers and funds for tobacco growers to diversify their crops and a proposal to shield tobacco growers from legal liability.<sup>193</sup>

In November 1998, the attorneys general of 46 states reached a “Master Settlement Agreement” (MSA) with the four largest tobacco companies that were defendants in the state lawsuits.<sup>198</sup> The other four states – Mississippi, Florida, Texas and Minnesota – had already concluded separate, individual settlements with the tobacco companies. Under the MSA, the participating states were to receive payments from the industry indefinitely, with approximately \$206 billion paid over the first 25 years.<sup>199</sup>

Condon signed the MSA on November 20, 1998, the last day that states could join the settlement.<sup>200</sup> South Carolina got 1.176 percent of the total settlement amount, based on a complicated formula accounting for smoking-related disease rates and the role that the state played in the litigation,<sup>198</sup> approximately \$2.3 billion over the first 25-years (Table 25).<sup>201</sup> On January 5, 1999, this process was finalized when South Carolina’s lawsuit against the industry was officially closed.<sup>202</sup>

Year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Payments	\$29.9	\$67.7	\$71.5	\$81.5	\$67.4	\$73.1	\$76.0	\$68.6	\$71.4	\$83.5

Source: The Campaign for Tobacco-Free Kids<sup>203</sup>

The first settlement money came into the state in June 2000; however, throughout 1998 and 1999, politicians made statements about where they thought the state’s money should be directed. There were no provisions in the MSA related to how the money was to be spent by individual states, because state attorneys general do not have the power to appropriate state funds. Many attorneys general and health groups nationwide were under the impression that a portion of the settlement money would go towards tobacco control activities. The health groups in South Carolina were among those with this impression, with DHEC’s Tobacco Division director Tom Gillette echoing those sentiments.<sup>199, 201</sup>

However, when he signed the MSA in 1998, Attorney General Condon pushed then-Governor-elect Jim Hodges (D, 1998-2002) to use the settlement money to offset a tax cut, saying that the state did not need to use any of its settlement money for youth anti-smoking programs.<sup>199</sup> Condon’s push for tax cuts was related to his aborted run for the Republican nomination for Governor in 2002. In May 1999, Condon softened his position, saying he wanted to work with the Governor to fund school safety officers.<sup>204</sup> Governor Hodges, elected in 1998, focused his early

discussion of where the money should be allocated on improving education in the state as well as health programs for children.<sup>200, 205</sup> Some Republicans were pushing in 1998 for spending the money on cutting a car tax.<sup>206</sup> Neither Governor-elect Hodges nor Condon immediately supported allocating any portion of the settlement towards tobacco control programming.

### ***Phase II Payments to Tobacco Growers***

Despite Condon's advocacy for tobacco growers at the settlement negotiation table, there were no specific provisions protecting tobacco growers or tobacco quota holders from possible revenue loss due to the MSA, other than an agreement that the participating companies:

Recognize the concern of the tobacco grower community that it may be adversely affected by the potential reduction in tobacco consumption resulting from this settlement, reaffirm their commitment to work cooperatively to address concerns about the potential adverse economic impact on such community, and will, within 30 days after the MSA Execution Date, meet with the political leadership of States with grower communities to address these economic concerns.<sup>198</sup>

The result of this provision was the National Tobacco Grower Settlement Trust Agreement<sup>207</sup> negotiated by tobacco grower organizations, commissioners of agriculture, state attorneys general and governors of 14 tobacco growing states with the four major tobacco companies (Philip Morris, RJR, Lorillard and Brown & Williamson) to set up a \$5.15 billion private trust fund, distributed between the states' farmers and quota holders over 12 years (known as "Phase II" payments).<sup>208</sup> Tobacco companies paid annually into the trust fund according to their relative market share.<sup>207</sup> South Carolina growers and quota holders were scheduled to receive 6.94 percent of the total Phase II payments, or \$357.4 million over 12 years.<sup>209</sup>

However, the Phase II agreement included a provision that if the federal government imposed any new or increased financial obligations on the cigarette companies (explicitly including "federal or state excise tax on cigarettes, or any other tax, fee assessment, or financial obligation of any kind" and "a change that alters the methodology for calculating marketing assessments on the purchase of tobacco"),<sup>207</sup> the amount they were required to pay to the trust fund would decline on a dollar-for-dollar basis.<sup>207, 209</sup> Under this provision, the 2004 multi-billion-dollar national buyout of the tobacco quota system, paid for by tobacco manufacturers, ended the companies' obligation to make these payments.

In 2000, \$26.6 million came to South Carolina's tobacco producers from the National Tobacco Grower Settlement Trust, which was allocated by a panel of tobacco producers and state officials, the "South Carolina Tobacco Community Development Board," to qualified producers, including quota holders and sharecroppers.<sup>210</sup> Actual payments to growers are listed in Table 26.

### ***South Carolina Tobacco Settlement Consensus Group***

Because the MSA money would first be available for spending in June 2000, the 2000 session of the General Assembly was the site of the fight over the allocation of the MSA revenue. The voluntary health organizations and Tom Gillette at the DHEC Tobacco Division publicly

**Table 26: Phase II Payments to Tobacco Growers (\$ millions)**

Year		1999	2000	2001	2002	2003
Total Allocation	Expected	\$380	\$280	\$400	\$500	\$500
	Actual	\$380	\$248.12	\$360.87	<i>Not Available</i>	<i>Not Available</i>
South Carolina	Expected	\$26.37	\$19.43	\$27.76	\$35.05	\$35.05
	Actual	\$26.37	\$17.22	\$25.04	<i>Not Available</i>	<i>Not Available</i>

Note: Actual Phase II payment records for 2002 and 2003 were not available, as the GAO and other national organizations monitoring the payments did not produce follow-up reports after the quota buyout ended payments.  
Source: U.S. Government Accountability Office<sup>211</sup>

supported the allocation of some of the settlement money to fund the tobacco control program, specifically youth anti-smoking efforts. The tobacco control advocates had little capacity to support this effort. There was still no statewide coalition focused on tobacco control since the dissolution of the Alliance in 1998, and public health organizations working on tobacco control had only limited coordination around nascent efforts for a cigarette tax increase. Each of the three voluntary health organizations had hired government relations personnel by 2000 to lobby the state legislature, but their power in the legislature was limited and none had developed grassroots capacity for tobacco control.<sup>145</sup>

The voluntary health organizations had formed a group with other interested health organizations called the “South Carolina Tobacco Settlement Consensus Group” (Table 27) in early 1999, which was subsequently called the “Health Improvement Partnership” during the 2000 legislative session, to advocate for using a significant portion of the settlement money on health programs.<sup>145</sup> The membership included several organizations that had previously been members of the Alliance. The group was formed after a meeting called by Attorney General Condon to solicit their input on the tobacco lawsuit and the use of revenue resulting from a successful trial or settlement.<sup>212</sup> The group’s efforts on tobacco control funding were funded through a \$60,000 (with an additional \$30,000 in matching funds) special opportunities grant

**Table 27: SC Tobacco Consensus Group (1999)**

Medical University of South Carolina Hollings Cancer Center	HOPE for Kids SC
American Heart Association Midlands	LRADAC - The Behavioral Health Center of The Midlands
Strom Thurmond Institute	Blue Cross & Blue Shield of SC
DHEC	South Carolina Association of Prevention Professionals and Advocates
American Cancer Society	SC Nurses Association
South Carolina Hospital Association	SC DAODAS
Palmetto Pediatrics	National Association of School Nurses
American Lung Association	Protection and Advocacy for People with Disabilities
SC Pharmacy Association	SC Department of Education
University of South Carolina School of Public Health Reid House	March of Dimes
Tri-County Commission on Alcohol and Drug Abuse	SC Coalition of Black Church Leaders
Coalition for a Tobacco-Free Midlands	SC Dental Association

Source: SC Tobacco Consensus Group<sup>215</sup>



from the American Medical Association's SmokeLess States project (a program of the Robert Wood Johnson Foundation) to focus on getting settlement dollars for tobacco prevention in South Carolina.<sup>213, 214</sup>

The group members signed a document that stated that their goal was to “ensure that settlement funds are used to improve the health of South Carolinians, including prevention, medical coverage, education and community well-being.”<sup>216</sup> This group's first recommendation in January 1999 that 25 percent of the settlement funds be used for a comprehensive tobacco use prevention program.<sup>216</sup> The group funded an ad campaign through their SmokeLess States grant, including a full-page ad run in *The State* (a prominent newspaper in the state capital, Columbia) meant to encourage grassroots support for tobacco control and healthcare spending.<sup>217</sup> The ad showed a rolled up dollar bill, with burning tobacco coming out of it, and read:

Don't let our future go up in smoke. The future health of South Carolinians can be greatly improved with legislation that invests our state's tobacco settlement funds in healthcare-related programs. Let your legislators know you agree with your friends and neighbors. Urge them to consider the best way to lower the health cost incurred by smoking: to use part of the settlement money on smoking-prevention efforts, particularly those that impact our children.<sup>145</sup>

The group hired the Newman, Sailor and Gregory (NS&G) advertising agency by the end of 1999, also through their SmokeLess States grant, to coordinate youth rallies and media attention around the need to fund healthcare-related programs from the settlement funds.<sup>213</sup>

Through these efforts, the Health Improvement Partnership was active at the statehouse throughout the 2000 legislative session, although its power was limited by the limited lobbying capacity of its component organizations. Their advocacy activities included pushing for an allocation of \$20 million annually to establish a comprehensive youth tobacco use prevention program, including cessation, youth education, merchant education, youth access enforcement and counter-advertising.<sup>218, 219</sup> The ACS and ALA commissioned a survey by the University of South Carolina's Institute of Public Affairs, which showed that statewide adults' first preference for spending from the MSA was preventing children from starting to smoke, which John Ureda of the University of South Carolina presented to the House Ways and Means subcommittee dealing with MSA allocations.<sup>220</sup> Despite these efforts, only limited progress was made on the issue of tobacco control funding over the course of the legislative session. The Health Improvement Partnership's draft bill did not attract a sponsor, and their proposal for \$20 million to go to tobacco control was not included in any of the legislature's budget proposals. Other proposals with lower funding and less comprehensive programs were included in various iterations of the budget and were also supported by the Health Improvement Partnership.

### ***2000-01 Fiscal Year: The Battle for MSA Funding and First Youth Smoking Prevention Funds***

#### *Development of Settlement Trust Funds*

During the 2000 legislative session, a battle raged between the Governor and both chambers of the General Assembly over how to best allocate the revenue from the tobacco

settlement. In the 2000 legislative session, the General Assembly had approximately \$165 million of MSA funds to appropriate in the 2000-01 General Appropriations Bill, H 4775.<sup>221</sup> In addition, policymakers debated possible permanent proposals for the long-term use of this incoming revenue stream, and included them in the same budget bill (Table 28). The House Ways and

**Table 28:** Proposals for Allocation of MSA Revenue During the 2000 Legislative Session

	<u>Governor Hodges Proposed Budget</u>	<u>House Settlement Panel for future use of the funds</u>	<u>House Ways and Means</u>	<u>House Final</u>	<u>Senate Finance</u>	<u>Senate Final</u>	<u>Final Version Passed as H 4775</u>
<u>Date</u>	1/6/00	3/10/00	3/11/00	3/28/00	5/3/00	5/11/00	6/22/00
<u>Securitization</u>	No	No	No	Suggested study of issue	Yes	Yes	Yes
<u>Health Care</u>	60%	80%	All of the 2000-01 funds for Medicaid shortfalls	2000-01: 95%	70%	73%	73%
			Subsequent years: 95%	Subsequent years: 80%			
<u>Economic Development</u>	20%				15%	10%	10%
<u>Tobacco Growing Community</u>	20%	20%	5%	2000-01: 5%	15%	15%	15%
				Subsequent years: 20%	Remaining balance in fund in 2012 to Healthcare Trust Fund		Remaining balance in fund in 2012 to Healthcare Trust Fund
<u>Local Government</u>						2%	2%
<u>Youth Smoking Prevention (from Health Care percentage)</u>	\$11 million	None	None	50% of the interest from a \$1,000 trust fund	\$1.75 million	\$1.75 million	\$1.75 million

Means Committee established a special subcommittee to make recommendations for spending tobacco settlement dollars in future years, while the 2000-01 appropriations were dealt with separately. In all subsequent debates during the session, these considerations were combined.

As shown in Table 28, each budget policy-making body—Governor Hodges, the House Ways and Means Committee and the Senate Finance Committee—had their own idea about how best to spend the settlement money. While the Health Improvement Partnership advocated for some money for tobacco control tobacco control, the main point of controversy was over how much should go to tobacco growers on top of their existing payments from the Phase II fund.

An additional element of the debate was over whether or not to “securitize” the settlement funding stream by selling bonds backed by the future payments made from the tobacco industry to the state, to receive a lower lump sum up front (Table 28). Governor Hodges began public discussion of the idea of securitizing the settlement revenue stream in December 1999.<sup>222</sup> Hodges cited fear that the revenue stream was unreliable because the size of the payments depended on tobacco sales, which he expected to drop; securitizing the revenue would shift that risk to someone else.<sup>222</sup>

The final version of the appropriations bill closely resembled the proposed budget from the Senate Finance Committee. The bill budgeted the available \$165 million for the 2000-01 fiscal year, securitized the future MSA revenue stream through 2019 and set up the Tobacco Settlement Revenue Management Authority—made up of the Governor, Treasurer, Comptroller General, Senate Finance Committee Chairman and House Ways and Means Committee Chairman—which was directed to supervise the issuing of settlement bonds and future payments to bondholders. The process to set up the bonds started in August 2000, and on November 21, 2000, Merrill Lynch and Bear Stearns were unanimously chosen by the Authority to act as underwriters for the bond sale.<sup>223</sup> South Carolina was among the first states to securitize its settlement proceeds, but 17 states and the District of Columbia followed suit.<sup>224</sup> On March 22, 2001, South Carolina received \$900 million from issuing settlement bonds, as opposed to the \$2.3 billion the state would have received through 2019; at the time this was the largest tobacco bond yet completed.<sup>225</sup> In July 2008, State Treasurer Converse Chellis decided to refinance the bonds tied to the MSA revenue stream, changing the payoff date from 2019 to 2012, and saving South Carolina approximately \$235 million over a 10-year period, and meaning that after of 2012, 100 percent of the state’s incoming MSA money should be at the state’s disposal.<sup>226</sup>

The revenue from the bond sales was distributed into four trust funds in proportions established within the final appropriations bill. The General Assembly was responsible for making allocations from the trust funds each year. The four trust funds were:

- **Healthcare Tobacco Settlement Trust Fund** (\$573.6 million): For fiscal year 2000-2001 only, the first \$20 million of the principal was to go towards a “hospital base increase.” The remainder went to create the Healthcare Trust Fund, the principal of which was meant to stay in the fund. The interest earned on the Healthcare Trust Fund could be used for:
  - The South Carolina Senior’s Prescription Drug Program, which was Governor Hodges’ primary health-related project.
  - Home and community-based programs for seniors through the Department of

Health and Human Services.

- Youth smoking cessation and prevention programs in DHEC and DAODAS.
  - Newborn infants hearing screening initiatives.
  - Disease prevention and elimination of health disparities, particularly in relation to diabetes, HIV/AIDS, hypertension, and stroke.
  - Other health-related issues as determined by the General Assembly.
- **Tobacco Community Trust Fund** (\$117.9 million): The principal and interest of this fund could be used to reimburse tobacco growers, quota holders and warehousemen for losses related to reduced quotas since the 1998 MSA. Any amount leftover in this fund would be held in escrow until June 30, 2012, at which point any balance would be transferred to the Healthcare Trust Fund.
  - **Tobacco Settlement Economic Development Fund** (\$78.6 million): The principal and the interest of this fund could be used to fund the South Carolina Water and Wastewater Infrastructure Fund, which would select, assist and finance projects for constructing and improving water and wastewater facilities, including economic development and technology-related infrastructure grants for local governments.
  - **Tobacco Settlement Local Government Fund** (\$15.7 million): The principal and interest were available from this fund, which was to be used to fund the operation of and grants from the Office of Local Government of the Budget and Control Board.

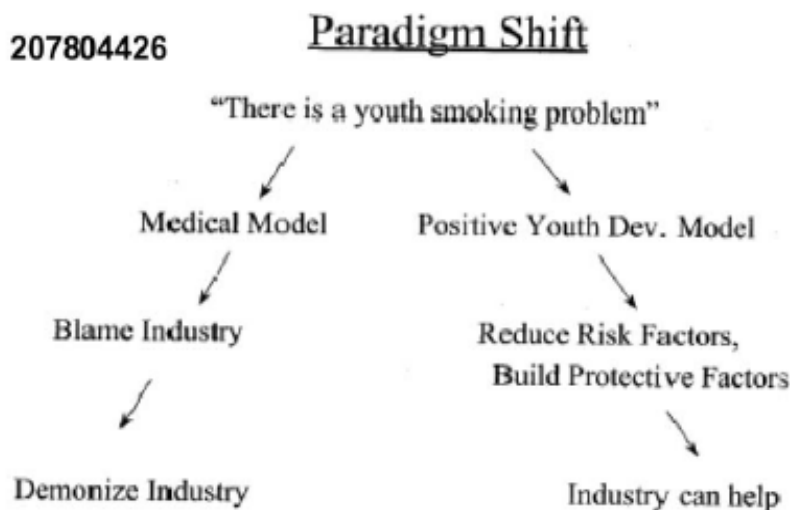
In addition to these trust funds, \$122 million of the securitization proceeds went to “mandatory debt service reserve and other services.”<sup>227</sup>

#### *Youth Smoking Prevention Funding from Healthcare Trust Fund*

The discussion of tobacco grower funding eclipsed the issue of funding for tobacco control programs. Lack of effective advocacy power from the Health Improvement Partnership and lack of DHEC will to advocate for substantial allocations resulted in a low first state allocation to tobacco control, which set a precedent that made it much easier for the legislature to allocate minimal funding in fiscal year 2000-01 and to cut into funding for the program in subsequent years.

While the Health Improvement Partnership lobbied for funding for tobacco control to a limited extent, their focus was consistently on smoking prevention among youth, as opposed to a more comprehensive program as funded by the CDC grant to DHEC at the time, because the phrase “youth prevention” seemed to resonate with legislators.<sup>228</sup> The tobacco industry in South Carolina was also pushing heavily for a youth prevention focus in the debate, and health groups played directly into the industry’s hands.

The tobacco industry had long promoted “youth smoking prevention” (YSP) as a means to prevent spending on more stringent and effective regulation and prevention efforts as a component of their corporate social responsibility efforts, and continued these efforts with MSA funding proposals.<sup>94, 95, 229, 230</sup> Within youth smoking prevention efforts, the industry-supported



**Figure 12:** Youth Smoking Prevention Model from 1999 Philip Morris “Key Initiative Update” illustrating the paradigm shift sought by the industry to avoid the successful anti-industry messaging model of addressing youth smoking by engaging in youth smoking prevention efforts.<sup>231</sup>

YSP model was designed to avoid the “truth” campaign’s popular and effective anti-industry focus by focusing on “youth development” and by creating the perception that the industry was engaged in the movement to prevent youth smoking (Figure 12).<sup>229, 231</sup>

Philip Morris’s Youth Smoking Prevention Department, set up in 1998, developed and promoted model legislation in states across the country establishing Youth Smoking Prevention Funds and Commissions, which would relegate MSA spending on tobacco control to in-school

prevention and cessation programming, media campaigns directed towards youth, community-based youth development programs and enforcement of existing youth access laws.<sup>232</sup> In their promotion of their model legislation, Philip Morris attempted to deflect claims that their marketing to youth was a factor in youth initiation.<sup>232</sup> Philip Morris’s model legislation on MSA spending for YSP was introduced in the South Carolina General Assembly as S 894 in June 1999, sponsored by Sen. Yancey McGill (D, Florence, Georgetown, Horry & Williamsburg Cos., Policy Score in 2007/2008 6.7), from the tobacco growing area of the state, who had received a total of \$3,600 in campaign contributions from the tobacco industry between 1996 and 2000. S 894 was passed by the Senate in April 2000.<sup>232</sup> While the bill did not pass the House, Philip Morris was able to tout the South Carolina bill as model legislation in their YSP efforts in other states, eventually getting the bill added to the Council on State Government’s book of suggested state legislation for MSA spending in 1999.<sup>233</sup>

S 894 would have created a Youth Smoking Prevention Commission, made up of politicians and health professionals, that would have had control of a State Plan for Youth Smoking Prevention, as well as control of a fund to execute the plan. The convoluted and politicized grant procedures described in the bill would likely have undercut the effective development of the program even within the limited criteria laid out in the bill. Under S 894, at least 50 percent of the available funds for YSP would have been used for “school-based education programs to prevent youth smoking” and “community-based programs involving youth smoking prevention through general youth development.”<sup>234</sup> According to Philip Morris’ public relations material to promote this model legislation, the company advocated for this money to go towards programs such as Life Skills Training, a school-based program heavily promoted by the tobacco industry because it avoided the proven anti-industry messages of other curricula,<sup>229</sup> and community programs integrated with existing youth development organizations, such as the Boy Scouts and Girl Scouts of America.<sup>232</sup> The bill would also have included an explicit prohibition

on lobbying with MSA funds dedicated to YSP programs, a continuation of the industry's attempt to use the fear of "illegal lobbying" to deter health groups working on tobacco control from engaging in effective policy change activities.<sup>234</sup>

While the S 894 passed the Senate with only minor revision, the Philip Morris-sponsored plan failed to become law. Public health groups lobbied against S 894 and its funding plan, but continued to use "youth prevention" as the primary phrase in their MSA funding proposals.<sup>228</sup> The industry succeeded in limiting the scope of MSA-funded tobacco prevention to YSP activities through H 4775, the 2000-01 Appropriations Bill that eventually included plans for future allocations of MSA funds, instead of S 894. However, the most onerous provisions of S 894 were not included in H 4775, which through its development in the legislature also established the state's Youth Smoking Prevention Act to guide DHEC's youth smoking prevention efforts. The course of H 4775's development revealed the role that the limited DHEC and health group advocacy for significant tobacco control funding played in limiting the scope and level of funding for tobacco control from MSA revenue.

Governor Hodges released his proposed budget on January 6, 2000, proposing that 60 percent of MSA revenue go towards a Healthy SC 2000 Fund for healthcare initiatives. Included within the Governor's proposed spending from this fund was \$11 million for a youth smoking prevention and cessation program, specifically focused on a statewide, community-based program of school, media, cessation and enforcement (the exact areas promoted by Philip Morris's YSP program).<sup>221</sup> There is no evidence that Hodges was intentionally promoting an industry-favorable position on MSA funding. Hodges had received \$15,750 in campaign contributions from the tobacco industry during his successful 1998 run for Governor. He received an additional \$36,450 from the industry in the two years following the MSA bill, leading up to his unsuccessful bid for reelection in 2002.

The House Ways and Means subcommittee tasked with making recommendations for spending the tobacco settlement dollars in future years solicited the testimony of health-related agencies and advocacy groups, including the ACS and ALA. The Health Improvement Partnership's poll data indicating strong public support for youth tobacco prevention funding from MSA dollars was presented at this hearing. The survey also indicated that paying for non-healthcare needs and supporting tobacco farmers was at the bottom of the list of preferences.<sup>220</sup> Nonetheless, the subcommittee and the Ways and Means Committee's budget recommendations included no spending for tobacco control programming, instead devoting 95 percent of all revenue in 2000-01 to Medicaid shortfalls and the rest to tobacco farmers.<sup>201, 235</sup>

In response to the removal of tobacco control funding from the budget, the three voluntary health organizations sent a letter to House members on March 13, 2000, the day of full House consideration of the spending bill, urging Representatives to allocate funds for a tobacco control program.<sup>201</sup> Tobacco growers also responded to the decrease in their portion of the pot, filling the statehouse lobby and gallery with more than 70 growers on March 15, 2000. Despite this showing by the grower community, the Democratic proposal for the settlement funds, which mirrored Governor Hodges' proposal to offer the growers 20 percent of the available funds and include tobacco control funding, was narrowly, but repeatedly, defeated.<sup>201, 236</sup>

As the House moved through the budget debate, several amendments to allocate money towards youth smoking prevention were defeated. Rep. Rex Rice (R, Greenville and Pickens Cos., Policy Score 9.7), a strong advocate for tobacco tax increases and spending for the program through 2008, proposed an amendment that would have created a \$9.9 million tobacco healthcare trust fund to be spent on “tobacco education and tobacco related health care issues,” but then tabled his amendment after opposing legislators argued that it was out of order.<sup>237</sup> However, Rep. Rice then proposed an amendment, which was adopted, assigning only \$1,000 to establish a tobacco healthcare trust fund. Of this \$1,000, 50 percent of the interest accrued could be used in the 2000-01 fiscal year on “tobacco education and tobacco health care related issues”; this would have amounted to approximately \$25 per year. The other 50 percent of the interest would stay in the trust fund.<sup>237</sup> This very meager funding was the only explicit mention of youth-tobacco prevention in the House’s final version of the bill, and advocates speculated that it was proposed by Rep. Rice to secure a line item for tobacco control funding that could be debated later in the budget at the Conference Committee stage.<sup>217</sup>

As the appropriations bill moved to the then-narrowly-Democratic Senate, which was generally more favorable to Hodges’ proposed budget, the Health Improvement Partnership focused their efforts on attempting to reinsert elements of Gov. Hodges proposal on youth smoking prevention and other health initiatives into H 4775.<sup>201</sup> The Senate Finance Committee’s version of the appropriations bill re-instituted many of Gov. Hodges’ proposals for MSA funding, and introduced new language mandating a Youth Smoking Prevention Plan to be developed and implemented jointly by DAODAS and DHEC. While the focus of this plan was on YSP, and included elements that were approved in the Philip Morris-sponsored proposal in S 894, the plan in H 4775 did not include many of the limitations in S 894.<sup>238</sup>

The Senate Finance Committee version of the Appropriations Bill differed from the Governor’s proposal in one significant way related to tobacco control: it allocated only \$1.75 million to the newly-proposed Youth Smoking Prevention program, whereas Gov. Hodges had suggested \$11 million. When the ACS lobbyist saw this change, she originally assumed that it was a typo, and that the Committee had intended to allocate \$11 million, but had left off the additional 1.<sup>239</sup> However, the health groups discovered that the DHEC Commissioner, Doug Bryant, had advocated for less money for youth smoking prevention, believing that the program would not have the capacity to spend \$11 million in less than one year and did not want to be held accountable for it. According to Nancy Cheney, the Government Relations Director for the ACS in South Carolina:

What happened was that the agency (DHEC) did not want the responsibility of the funding because there would have been a short turnaround on the deliverables that he [Commissioner Doug Bryant] would ultimately answer for. The General Assembly would have wanted to see what had been accomplished probably early in [20]01. DHEC would have most likely received the money in the previous fall.<sup>239</sup>

\$11 million would have been a 94 percent increase from the \$678,288 operating budget that the Tobacco Division had for fiscal year 1999-2000 from their NTCP contract with the CDC.

While the lobbyists for the voluntary health organizations disagreed with the

Commissioner's position on this issue, they did not have the political power to push back on the Commissioner or the legislature to secure additional funding for tobacco control.<sup>145</sup> The low allocation in 2000-01 set the stage for the legislature to continue to allocate \$2 million or less towards tobacco prevention and education, and made it easier for the legislature to cut funding for the program altogether in subsequent fiscal years.

The final version of H 4775 closely resembled the Senate Finance Committee proposal, and included as a proviso the Youth Smoking Prevention Act, defining the limitations on state funding for tobacco control. The Act charged DHEC with developing and implementing a Youth Smoking Prevention Plan that would:

address prevention, cessation, and control of smoking by minors and may *include but is not limited to*: media campaigns; school based youth programs; community-based youth programs; business, community, and school partnerships; programs focusing on the enforcement and administration of state minor related tobacco laws, including retailer education; surveillance and evaluations; chronic disease and health-related programs.<sup>240</sup>  
emphasis added

Also permitted was spending for youth smoking prevention grants and a youth tobacco use survey.<sup>240</sup>

While four of these areas were mentioned in the Philip Morris YSP legislation and the bill did restrict state funding to YSP as opposed to comprehensive programming, the bill was significantly less limiting than Philip Morris' bill. The components listed were not as limited as in S 894 (e.g., "community-based youth programs" as opposed to Philip Morris' "community-based youth programs involving youth smoking prevention through general youth development"), and the inclusion of surveillance and evaluation and business, community and school partnership elements enhanced potential program effectiveness. H 4775 also gave DHEC employees control over the youth smoking prevention plan, as opposed to the politician-dominated advisory commission as S 894 would have, and significantly reduced the grant approval procedures required. Additionally, H 4775 did not include an explicit prohibition on lobbying for policy change with the funding, as Philip Morris promoted.

H 4775 did establish a 15-member Youth Smoking Prevention Advisory Commission to "advise the department in the development, implementation, and evaluation of the State Youth Smoking Plan" (Table 29).<sup>240</sup> While the makeup of the Commission was parallel with that proposed in the Philip Morris-sponsored S 894, the Commission developed in H 4775 was designed to act only in an advisory capacity for DHEC's program, instead of in the leadership role proposed by Philip Morris.<sup>232</sup> The Commission did not play a significant role in the development of youth smoking prevention strategies in the state since its formation and was never established as a viable body.<sup>217, 241</sup> While legislative representatives were appointed through the 2007/2008 legislative session, health representatives had not been appointed by the Governor. The Commission essentially existed "on paper only."<sup>241</sup>

Funding from the General Assembly to DHEC for tobacco control from the MSA continued to fall under the youth smoking prevention guidelines established by H 4775's Youth



<b>Table 29: South Carolina Youth Smoking Prevention Advisory Commission Membership (2007-2008)</b>	
<u>Membership Breakdown</u>	<u>2007-2008 Membership</u>
2 Members: House Representatives appointed by Speaker of the House	Rep. Alan D. Clemmons (R, Myrtle Beach) Rep. Chip Huggins (R, Columbia)
2 Members: Senators appointed by the President Pro Tempore	Sen. C.K. “Greg” Gregory (R, Lancaster) Sen. Linda H. Short (D, Chester)
11 Members appointed by the Governor: 1: DHEC Representative 1: DAODAS Representative 3: Health Professionals 2: Youths ages 12-18 5: Citizens of SC with relevant interest, experience or background	<i>None appointed by the Governor</i>
Source: H 4775, <sup>240</sup> South Carolina House of Representatives <sup>242</sup>	

Smoking Prevention Act through 2003. Only in 2006 did the state begin to allocate funds for “Comprehensive Youth Smoking Prevention and Cessation,” a slightly more flexible phrase allowing DHEC tobacco control programming to encompass more effective, comprehensive tobacco control activities through their state funding, as discussed below.

*Allocations to the DHEC Tobacco Division in the Fiscal Year 2000-01 Budget*

The final amount allocated to the DHEC Tobacco Division for youth smoking prevention efforts in 2000-01 was \$1.75 million. That amount represented 47 cents per capita spent on tobacco control, or 7.3 percent of the \$23.91 million that the CDC recommended at the time as the minimum funding to run a tobacco control program.<sup>186, 243</sup> Of this total, \$700,000 was contracted to the Department of Alcohol and Other Drug Abuse Services (DAODAS) to conduct youth buys and merchant education, and to help start a youth tobacco movement.<sup>227</sup>

The remaining \$1.05 million was combined with a grant of \$1.2 million from the CDC to provide the budget for the DHEC Tobacco Division for 2000-01.<sup>185</sup> With these remaining funds, the Tobacco Division planned an aggressive youth-focused pilot program in the Upstate region, which consists of Greenville, Spartanburg, Anderson and Oconee counties in the Northern portion of the state. This region had shown some of the state's highest smoking rates, while at the same time there were established local coalitions such as the Greenville Family Partnership to work with.<sup>244</sup>

The Upstate Pilot Program was designed to combine media, a youth movement, school programming and community education on secondhand smoke to impact smoking rates. The program paid to run “truth” ads developed in Florida in the region, and adopted the “Science, Tobacco and You” education curriculum developed by Florida State University to implement in the schools in the area.<sup>244, 245</sup> The division also ran a campaign called “Let’s Clear the Air” on local radio stations for secondhand smoke education. The youth movement component was developed with an American Legacy Foundation grant awarded to DAODAS in cooperation with

the local DHEC health districts, Office of Minority Health and DHEC Tobacco Division staff. This program, which evolved in the following fiscal year into Rage Against the Haze, is discussed in the Youth Movement section below.<sup>244</sup> These new programs were planned and partially implemented, but fears that the General Assembly would cut funding in the following year limited their development.

This fear was justified when, in March 2001, the House cut all funding for the program from their version of the proposed budget for fiscal year 2001-02. In response, DHEC froze the remaining \$600,000 it had planned to dedicate to the Upstate Pilot Program. DHEC Commissioner Doug Bryant publicly took responsibility for this spending freeze, explaining that it was “prudent” to attempt to carry over the \$600,000 for tobacco prevention programs through the next fiscal year, as the funding for the entire department was expected to be cut.<sup>246</sup> The voluntary health groups did not actively oppose the spending freeze. Once it became clear in April 2001 that some money would be allocated to the program, funding was allowed to be spent again on the Pilot Program efforts, but the delay of the program led to rushed and incomplete implementation of planned activities, hindering the program’s ability to present results to the legislature to justify continued allocations.

The pieces of the Upstate Pilot Program that were able to continue through the end of the fiscal year were the school-based strategy of very small pilot testing the “Science, Tobacco, and You” curricula with just 100 participants in the Upstate region, as well as continued efforts to develop a youth movement, but without funding to broadcast any of the developed messages.<sup>247</sup> DHEC management was in support of the continuation of the program despite these delays, and listed \$1.75 million funding for youth smoking prevention as their fifth of eight priorities in their budget request for the following fiscal year, hoping to establish recurring funding for the program.<sup>248</sup> While the agency’s request was granted for 2001-02, it did not result in the development of a sustainable, recurring source of funding for the program from state funds.

### ***2001-02 Fiscal Year: Healthcare Trust Fund Allocation***

According to the provisions regarding the use of tobacco settlement funds from the 2000-01 budget bill, the interest from the Healthcare Trust Fund was to be allocated for healthcare programs, which could include the youth smoking prevention program within DHEC. Due to an economic downturn, the revenue estimates on the interest of the Healthcare Trust Fund were reduced, lowering expected interest revenue from the trust fund to approximately \$25 million.<sup>249</sup> As a result, during the 2001-02 budget cycle, only two programs were funded in the Healthcare Trust Fund’s first year: Governor Hodges’ pet project, the Silver Card prescription program for seniors (\$24 million), and youth smoking prevention and cessation in DHEC (\$1.62 million).

Governor Hodges included DHEC’s requested allocation for the Tobacco Division in his proposed budget, suggesting \$1.7 million for youth smoking prevention. However, the House deleted all funding for the program in its version of the bill, which caused the tobacco control program's spending freeze. Legislators on the Ways and Means Committee explained that they had not received the evaluation he requested from DHEC on their fiscal year 2000-01 funds.<sup>250</sup>

The South Carolina Medical Association and the voluntary health groups’ lobbyists

worked to restore the funding to the tobacco control program, since the Health Improvement Partnership had been dissolved after serving its limited purpose in the debate over MSA funding.<sup>250</sup> In 2001-02, the voluntary health organizations used action alerts to their limited grassroots networks in the state, and worked to find allies in the Senate to restore the funding in the budget.<sup>145</sup> They found their funding ally in Sen. Verne Smith (R, Greenville Co.), who had quit smoking himself and viewed himself as “the champion of the poor little children of the state.”<sup>145</sup> Sen. Smith, a longstanding Senator from Greenville, had become the Chairman of the Senate Operations and Management Committee that year, which meant that “making Sen. Smith mad could mean exile to a crummy office with low-paid staff for company” according to an unnamed Democratic Senator.<sup>251</sup> Sen. Smith had received \$500 from RJR during the 2000 election cycle, but nevertheless was instrumental in securing funding for the program in the following fiscal year and was an ally of the tobacco control community on the cigarette tax issue as well. Sen. Smith’s efforts in the 2001 legislative session helped push to get the \$1.6 million allocation that eventually passed in the legislature.<sup>246</sup>

In fiscal year 2001-02, South Carolina spent almost 75 times as much of its securitized tobacco settlement dollars on payments to tobacco growers (\$118 million) than it did on its youth tobacco prevention program (\$1.6 million).<sup>252</sup>

### ***2002-03 Fiscal Year: Healthcare Trust Fund Not Enough***

Another economic downturn in South Carolina in 2002 threatened the funding for the Tobacco Division from the state by decreasing the interest being earned on the Healthcare Trust Fund, lowering expected available revenue to approximately \$18 million.<sup>227</sup> The voluntary health groups attempted to anticipate a possible cut in tobacco control funds by conducting discussions with the Governor’s office, which supported maintaining funding for both of the programs that had been funded from the Trust Fund’s interest in the 2001-02 fiscal year.<sup>145, 227</sup> However, in the end, the Governor’s Silver Card program received almost all of the available interest revenue in the Governor’s budget. The Silver Card program did not receive funding in 2002-03, as all interest revenue from the Healthcare Trust Fund went towards Medicaid and mental health funding.

### ***Raiding the Healthcare Trust Fund: Spending from the Trust Fund for Tobacco Control Ends***

Legislators had started to suspect that the Healthcare Trust Fund was vulnerable to being raided for other projects as early as December 2000, less than six months after the General Assembly had created the fund and voted to protect its principal balance. At that point, Rep. Bobby Harrell (R, Charleston and Dorchester Cos., Policy Score 0.7), then Chairman of House Ways and Means and in 2008 Speaker of the House, had explained:

I believe when the General Assembly sees a pot of half a billion or \$600 million sitting around, legislators won’t have the discipline to leave it for more than just a few years. ... I doubt seriously that in three years there’ll be any money in the health fund.<sup>249</sup>

During the 2002 legislative session, the legislature violated the one-year-old agreement on the use of the Healthcare Trust Fund and authorized the withdrawal of approximately \$97 million

from the Trust Fund’s principal to offset the budget deficit and fund Medicaid and an additional \$4 million for mental health and emergency preparedness programs. This withdrawal was allowed despite the provisions protecting the fund’s principal through Proviso 72.96 of the 2002-03 Appropriations Act. Both the House and Senate budget committees supported this move, as an alternative to passing a 22-cent cigarette tax increase with revenues dedicated to Medicaid that had significant popular support.<sup>253</sup> While the appropriation was for \$101 million, only \$85 million was actually taken from the principal balance of the fund by the end of the fiscal year (Tables 30 and 31).

At the time, the voluntary health groups did not actively oppose the raiding of the fund’s principal balance. Nancy Cheney, Government Relations Director for ACS in the state explained that “that all happened so quickly that we weren’t really aware of it.”<sup>254</sup> The withdrawal from the account reduced the endowment’s principal balance to \$443 million, and no money from this fund was spent on tobacco control between 2002 and 2009, despite a provision in the Youth Smoking Prevention Act included in the 2000 budget bill that the DHEC Tobacco Division’s youth smoking prevention funding from the state be drawn from the MSA funds.<sup>254</sup> From 2002 to 2009, the endowment was primarily used to fund Medicaid programs (Tables 30 and 31).

As shown in Table 31, despite the persistent threat of economic downturn and budget deficits experienced by the state, in each fiscal year since 2004 the General Assembly left an unexpended portion of the available interest from the Healthcare Trust Fund, which could have been allocated towards youth smoking prevention programming. At the end of 2008, at least \$10.17 million was available from the interest of the trust fund, none of which was allocated for tobacco control in 2008-09.

**Table 30:** Appropriations from the Healthcare Trust Fund 2001-2009 (\$ millions)

Fiscal Year	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	TOTAL
Youth Smoking Prevention & Cessation (DHEC)	\$1.6								\$1.6
Silver Card - Senior Drug Program (Budget and Control Board)	\$24								\$24
Department of Mental Health		\$4							\$4
Medicaid (DHHS)		\$103.2	\$6.8	\$11.7	\$6.4	\$8	\$10	\$10.5	\$156.6
Prevention Partnership Grants (DHHS)					\$2				\$2
Breast Cancer Screening and Treatment (DHHS)					\$1				\$1
Diabetes Management Project (DHEC)							\$ .5		\$ .5
<b>TOTAL</b>	<b>\$25.6</b>	<b>\$107.2</b>	<b>\$6.8</b>	<b>\$11.7</b>	<b>\$9.4</b>	<b>\$8</b>	<b>\$10.5</b>	<b>\$10.5</b>	<b>\$189.7</b>

Source: South Carolina Office of the State Budget<sup>255</sup>

**Table 31: Actual Earnings and Spending of the Interest Balance of the Healthcare Trust Fund (\$ millions)**

Fiscal Year	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08*
Previous Interest Balance		\$3.46	\$1.4	\$0	\$2.66	\$0.92	\$8.11	\$16.95
New Earnings from Interest	\$3.46	\$16.41	\$14.37	\$9.43	\$9.93	\$16.57	\$16.81	\$3.72
Total Available for Allocation in Fiscal Year		\$19.87	\$15.77	\$9.43	\$12.59	\$17.49	\$24.92	\$20.67
Expenditures	\$0	\$18.47	\$100.42**	\$6.77	\$11.67	\$9.38	\$7.97	\$10.5***
Remaining Available Interest	\$3.46	\$1.4	\$0	\$2.66	\$0.92	\$8.11	\$16.95	\$10.17***

Notes: Earnings from principal balance of \$553.6 million Healthcare Trust Fund, with remaining interest balance compounding.  
\* Through September 30, 2008  
\*\* \$84.65 million of this expenditure would have been from the principal balance.  
\*\*\* Proposed expenditure from allocation in Appropriations Act. Not definitive actual expenditure, which is likely slightly under this amount, making \$10.17 remaining available balance a likely low estimate of available interest at the beginning of fiscal year 2008-09.

Source: Office of the State Treasurer<sup>256</sup>

*Securing Money for Tobacco Control Despite Lack of Allocation from Healthcare Trust Fund*

DHEC did not request any allocation for youth smoking prevention in their 2002-03 budget request, and none was included in the Governor’s budget or the House version of the appropriations bill for fiscal year 2002-03. Nonetheless, the voluntary health organizations were able to secure increased funding for the Tobacco Division from the General Fund through mobilization of their limited grassroots capacity and cooperation with Sen. Smith for the second year.<sup>145, 257</sup>

Sen. Smith found money to allocate to tobacco control in the form of \$2 million normally allocated to fund a different DHEC program: the “Tire Fund,” usually used to fund tire recycling within the environmental control arm of DHEC. Sen. Smith introduced an amendment to the DHEC budget portion of the bill that would allow DHEC to reallocate up to \$4 million from funds allocated in the budget to a Waste Tire Fund and/or a Petroleum Fund to the agency’s general operating budget. The caveat was that of any funds reallocated, \$2 million had to be used for the Youth Smoking Prevention and Cessation Program. This provision remained in the budget bill through passage. This \$2 million was allocated to the division, an increase of 25 percent from the previous year’s budget of \$1.6 million.

From this increased amount, DAODAS received \$800,000 for youth access enforcement, and \$1.1 million went to further develop Rage Against the Haze, the state’s nascent youth anti-tobacco movement. The program’s viral, word-of-mouth strategy towards peer-to-peer youth smoking prevention, discussed in the Youth Movement section below, provided the results needed to garner support from DHEC for continued funding from within the agency budget without state allocations in the years that followed, and also allowed the program to be sustained on the very small budget that DHEC provided the program during those years.

## ***2003 to 2006: Tobacco Control Program Eliminated from the Budget***

### *Elimination of State Tobacco Control Funding in 2003*

The 2003-04 budget provided no funding whatsoever for tobacco control programming, down from the \$2 million for youth tobacco prevention programming the previous year. Based on this cut, the Campaign for Tobacco-Free Kids ranked South Carolina as last (tied with four other states—Michigan, Missouri, Tennessee and New Hampshire—and the District of Columbia, which also provided no funding for tobacco control) in the nation in 2004 for funding tobacco prevention.<sup>258</sup>

These funds were cut in early June 2003, in the last days of the session, during the Conference Committee stage of the budget debate. The Governor's budget had requested \$2 million for youth smoking prevention, despite the fact that DHEC had again failed to include youth tobacco use prevention among their priorities for fiscal year 2003-04. The House Ways and Means budget did include \$2 million from the General Fund for tobacco control, with nothing from the Healthcare Trust Fund interest revenue, all of which went to Medicaid in fiscal year 2003-04. The \$2 million in General Funds carried through the Senate and into the version debated in the Conference Committee, where the six legislators on the Conference Committee agreed that Medicaid funding would get precedence over prevention programming.<sup>259</sup>

Nancy Cheney of the ACS in South Carolina explained that the voluntary health groups, while opposed to the cut in funding, were not able to prevent the elimination of funds from the program due to lack of political influence in the legislature. According to Cheney, in the 2003-04 budget debate, "Much happened behind closed doors that we were not a part of. ... And a lot does happen in our state behind closed doors. ... I just don't think the voluntary health agencies ... were privy to be there."<sup>145</sup>

No state money from the settlement's Healthcare Trust Fund or the General Fund was allocated to tobacco control for three years after the funding was cut, until the 2006 legislative session. DHEC also did not list youth prevention programming as a priority until the 2006 legislative session in their budget requests, despite inclusion of the funding in the voluntary health organizations' budget advocacy meetings with the DHEC Commissioner during the intervening years.<sup>145</sup>

### *Survival Mode for Tobacco Division: 2003 to 2006*

The Tobacco Division was sustained between 2003 and 2006 on its approximately \$1 million per year CDC grant, continuing programmatic aspects developed under that funding source. Because no staff were supported through state money, staffing levels remained consistent during the program's years unfunded by the state. However, youth smoking prevention programs that had been funded by the state's allocations between 2000 and 2003, particularly funding for youth access enforcement and the Rage Against the Haze youth movement, suffered significant budget cuts. During fiscal year between 2003-04, DHEC was able to allocate minimal funds from within the agency's budget to maintain these two programmatic elements without a specific state allocation, and continued to provide minimal funding only for the Rage Against the Haze

program during the 2004-05 and 2005-06.

### ***2006 to 2008: Renewal of State Funding from General Fund***

Between 2003 and 2006, the organizational and lobbying capacity of the voluntary health groups expanded, particularly for tobacco control advocacy, in part through increased funding and coordination of the South Carolina Tobacco Collaborative (described below). By the 2006 legislative session, the individual voluntary health organizations had expanded their grassroots capacity and jointly hired two experienced contract lobbyists to advocate for tobacco control issues, particularly a cigarette tax increase.<sup>145</sup>

Tobacco control was gaining public prominence in the state in 2006, with local clean indoor air laws beginning to pass, a new Quitline being launched under grants from the CDC and the American Legacy Foundation, and progress being made in the legislature on a cigarette tax increase.<sup>244</sup> The increased capacity and influence of the voluntary health organizations, combined with effective leadership of the Tobacco Division by Division Director Sharon Biggers during the period in which the program was unfunded, led DHEC to request funding for the Tobacco Division in their 2006-07 budget request, as priority 11 of 17.<sup>145</sup> The DHEC request focused heavily on the need to fund a Quitline in the state that was tied to the state's ability to receive up to \$350,000 in a Quitline supplemental grant from the CDC (South Carolina did receive \$250,000).<sup>260</sup>

Additionally, in 2005, the voluntary health groups had begun to attend the Governor's budget hearings; while they did not directly participate in the meetings, they attended with seats along the walls. Each of the attending groups were permitted to request funding for one item, and the voluntary health groups, as well as other health-related groups, all requested prevention funding, emphasizing the need for tobacco control.<sup>145</sup>

Amidst these changes, in the 2006-07 fiscal year the General Assembly began funding the "Comprehensive Youth Tobacco Prevention and Cessation" efforts of the Tobacco Division again, after three years of leaving the program unfunded except for its CDC money, allocating \$2 million to the program from the state's General Fund. As the Healthcare Trust Fund revenue had consistently been dedicated towards Medicaid funding, there was no push to fund the program from settlement revenue. The heading under which this funding was provided included the phrases "comprehensive" and "cessation," a strategy of the health voluntaries to encourage broader funding for tobacco control in terms palatable to legislators and allow the Tobacco Division more flexibility in its use of state funds for tobacco control, outside of the limits of youth smoking prevention exclusively.<sup>228</sup> Despite this fact, renewed state funds were generally used to supplement existing youth-focused activities as opposed to expanding into new, broader programs out of concern that state funding would again be cut, which proved justifiable only two years later.

In 2007-08, the \$2 million in non-recurring funds from the General Fund were appropriated again. DHEC had made continuing the \$2 million allocation priority number 11 of 19 in their request to the Budget and Control Board.<sup>261</sup> This \$2 million allocation represented 8.4 percent of the CDC's 1999 minimum recommended funding for tobacco control;<sup>186</sup> that year,

Campaign For Tobacco-Free Kids rated South Carolina 45<sup>th</sup> in funding for tobacco control, down from 38<sup>th</sup> for fiscal year 2006-07.<sup>262</sup> This standing fell back to lowest in the nation when DHEC and the voluntary health groups failed to secure any funding for the tobacco control program in the 2008 legislative session.<sup>19</sup>

### ***2008-09 Fiscal Year: Tobacco Control Funding Again Cut by Legislature***

State budget cuts and the Governor's veto of a cigarette tax increase bill which would have allocated its first \$5 million in annual revenue to the DHEC Tobacco Division led to a complete cut in fiscal year 2008-09 of the \$2 million that had been allocated from the General Fund in the previous two years. Many factors were at play in this tobacco control funding cut. Most prominent was the combined effect of an across-the-board cut in agency budgets (DHEC was not an exception) and the widespread sentiment among both legislators and tobacco control advocates that a cigarette tax increase bill which would have dedicated the first \$5 million in revenue to the Tobacco Division was going to be passed, providing funding for the program without a specific allocation from the General Fund. The tax bill actually did pass the House and Senate, but Governor Sanford vetoed the bill because the cigarette tax increase was not offset by a corresponding decrease in another tax, and the House upheld the veto, as discussed in the Cigarette Tax Increase section below.

The voluntary health organizations and their lobbyists had been so distracted with the ongoing debates about the cigarette tax, and to a lesser degree fighting possibly preemptive statewide clean indoor air bills, that they failed to focus significant energy on ensuring that there was back-up funding provided for the Tobacco Division should the tax increase fail. As combined ACS, ALA, AHA and South Carolina Cancer Alliance contract lobbyist Ted Riley explained it:

We had it [tobacco control funding] in the cigarette tax bill, which everybody was so focused on. I don't think we looked until it was almost too late to start pushing to make sure it's covered somewhere else. ... We just all got so excited about the tax ... passing when it came out of the Senate and then passing it in the House that we dropped the ball on the second vehicle to make sure ... there was some funding there.<sup>79</sup>

By the time the health lobbyists started advocating for funding in the Senate, legislators were already cutting the budget further and were not considering any new funding due to the wide-ranging cuts already taking place.<sup>79</sup>

At the last moment, Sen. Thomas Alexander (R, Oconee and Pickens Cos.) proposed \$800,000 for tobacco control in an amendment to the Senate version of the budget bill, which health group lobbyist Ted Riley helped support, but the effort was too little, too late, and no state funding was allocated to the Tobacco Division.<sup>79</sup>

When the Tobacco Division realized there would be no new state funding for tobacco control in 2008-09, they halted spending on many of the 2007-08 programs from both the CDC and state funds, and were able to save approximately \$500,000 in carryover to continue funding a minimum of programming in 2008-09. In its budget request for 2008-09, in which tobacco control was its ninth priority out of 18, DHEC explained that "few discretionary funds exist due to years



of state and federal reductions. Programs must have state resources to expand or maintain current services.”<sup>263</sup>

In their budget request for 2009-10, submitted in August 2008, DHEC did not request funding for any programs that had been left unfunded in 2008-09 due to budget instructions from Governor Sanford and legislature. However, in a section describing programs for which “should new funding become available for appropriation, the agency would certainly hope that these needs would be considered carefully as priority needs for the state,” they did request \$2 million for a Comprehensive Youth Smoking Prevention and Cessation program as eighth on a list of these 29 additional, not formally requested needs.<sup>264</sup>

**Conclusion: State Funding for Youth Tobacco Prevention**

Despite the early data provided by the University of South Carolina’s Institute of Public Affairs, funded by the ACS and ALA, showing that adult South Carolinians’ first choice for how to spend tobacco settlement money was preventing children from starting smoking, of the \$364 million that the state had received through 2008 from the MSA, only \$3.37 million (2.57 percent) had gone towards youth smoking prevention.<sup>220, 265</sup> Between 2000 and 2008, the General Assembly only allocated \$9.1 million to tobacco control total. None of the state’s approximately \$25 million annual revenue from the seven-cent cigarette tax was spent on tobacco control (Table 32).

Two primary and interrelated factors seem to have determined the level of state funding received by the DHEC Tobacco Division for tobacco control activities: the relative power of the tobacco control advocacy organizations, and the priority that DHEC management places on the

**Table 32: Total Tobacco Generated Revenues Potentially Available for Tobacco Control 2000-2007 (\$ millions)**

Fiscal Year		2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	Total
Tobacco Taxes*	<i>Cigarette Only</i>	\$24.87	\$25.43	\$24.94	\$25.42	\$25.74	\$27.72	\$26.62	\$180.74
	Total: All Tobacco Products	\$28.10	\$29.15	\$28.74	\$29.87	\$30.12	\$32.37	\$31.94	\$210.29
MSA**		\$67.7	\$0	\$0	\$0	\$0	\$0	\$0	\$67.7
Healthcare Trust Fund Interest		\$3.46	\$16.41	\$14.37	\$9.43	\$9.93	\$16.57	\$16.81	\$86.98
<b>Total</b>		<b>\$99.26</b>	<b>\$45.56</b>	<b>\$43.11</b>	<b>\$39.3</b>	<b>\$40.05</b>	<b>\$48.94</b>	<b>\$48.75</b>	<b>\$364.97</b>
State Funds Allocated to Tobacco Control									
	From Tobacco-Generated Sources	\$1.75	\$1.62	\$0	\$0	\$0	\$0	\$0	\$3.37
	From General Fund / DHEC	\$0	\$0	\$2.0	\$0.60	\$0.45	\$0.68	\$2.0	\$5.73
Notes:									
* As of 2008, no revenue from any tobacco taxation has been dedicated to tobacco control.									
** MSA revenue ceased to be available for appropriation with securitization in 2001.									
Sources: Tax Burden on Tobacco, <sup>8</sup> Campaign for Tobacco-Free Kids, <sup>203</sup> Office of the State Treasurer <sup>256</sup>									

division’s funding. While the power and coordination of the voluntary health organizations in South Carolina increased substantially between 2000 and 2008, particularly on other areas of tobacco control such as cigarette taxation and clean indoor air, these organizations failed to prioritize funding for a comprehensive tobacco control program relative to their other lobbying focuses. This contrast was clear in the 2008 legislative session, when the health group lobbyists failed to secure a back-up source of funding for the program upon the contingency that the tobacco tax increase failed to become law. Additionally, the health groups consistently exhibited hesitation in their relations with the management of DHEC, hesitating to expend political capital to push the DHEC leadership to make tobacco control spending a higher budgetary priority or establish a higher request amount. While the health groups were gaining ground on tobacco control generally, there remained much room for improvement towards aggressive advocacy on tobacco control funding.

Based on historical trends, the Tobacco Division received funds based primarily on DHEC’s will to request them. Generally, in years when a request was made in the priority list from DHEC, the General Assembly honored that request (Table 33). It was due to lack of will by DHEC Commissioner Doug Bryant and DHEC staff that the original settlement allocation was so low, and it appeared that DHEC leadership’s reticence to make a stand on tobacco control was one of the primary barriers to the funding of a comprehensive program, particularly during the years when the program was cut from the state budget. Due to advocacy by the Tobacco Division staff and health groups, DHEC leadership requested funding under the heading “Comprehensive Youth Smoking Prevention and Cessation” as opposed to Youth Smoking Prevention alone beginning in 2006-07. However, these funding requests remained at the low amount of \$2 million, and as of

<u>Year</u>	<u>Priority Number</u>	<u>Amount Requested</u>	<u>Amount Allocated</u>
2001-2002	5 of 8	\$1.75 million, recurring	\$1.62, non-recurring
2002-2003	n/a	\$0	\$2 million*
2003-2004	n/a	\$0	\$0
2004-2005	n/a	\$0	\$0
2005-2006	n/a	\$0	\$0
2006-2007	11 of 17	\$2 million, recurring	\$2 million, non-recurring
2007-2008	11 of 19	\$2 million, recurring	\$2 million, non-recurring
2008-2009	9 of 17	\$2 million, recurring	\$0**

Explanation of Exceptions to Trend:  
 \* In this year, no funding was allocated to tobacco control from the Healthcare Trust Fund, and it was only through a strong effort by advocates and Sen. Smith that any allocation was made.  
 \*\* In this year, all advocates and most legislators assumed that a tobacco tax bill would pass, which would have included a recurring \$5 million allocation for the Tobacco Division .

December 2008 there had been no attempts to fund the full scope of a comprehensive tobacco control program with state funds.

According to June Deen, Vice President for Public Affairs of the ALA in South Carolina and Georgia, the Governor and DHEC's leadership did not demonstrate "a high commitment to tobacco prevention funding or to tobacco prevention issues" because "they are essentially political animals," and view tobacco control as an unpopular issue.<sup>144</sup> Similarly, Lisa Turner, former Director of Government Relations for the AHA in South Carolina, explained that there was not "a really strong sense of commitment and advocacy from the very top of the state's health agency" for funding for the Tobacco Division, particularly for amounts over \$2 million.<sup>266</sup>

### **Tobacco Control Programming of the DHEC Division for Tobacco Prevention and Control**

The DHEC Tobacco Division developed tobacco control programming from 1999 to 2008 through the combination of its grant from the CDC's National Tobacco Control Program (NTCP) for comprehensive tobacco control, intermittent state funding for youth smoking prevention and cessation programs, and small additional funds from the CDC, American Legacy Foundation, private donors and the DHEC agency budget (Table 35). Because the NTCP grant from the CDC, approximately \$1 million per year, consistently funded all of the operating expenditures of the Tobacco Division, staff levels remained relatively constant despite fluctuations in state allocations for tobacco control.<sup>2</sup> Tobacco control programming was developed under the CDC's 1999 guidelines for effective tobacco control programs, "Best Practices for Comprehensive Tobacco Control Programs,"<sup>186</sup> and can be divided into: Youth Movement, Community Programs, School Programs, Youth Access Enforcement, Cessation, Surveillance and Evaluation, and Statewide Programs/Grants (Table 35).

#### ***Youth Movement***

The area of the state's tobacco control program that received the most media attention and DHEC leadership involvement was the Rage Against the Haze ("Rage") youth tobacco prevention movement. The program was run through a contract with the Greenville-based advertising agency Brains on Fire, under the management of Geno Church, beginning in 2002. Under the Rage program, the Tobacco Division focused their youth smoking prevention and education activities not on broad, expensive media-based campaigns (as was prominent in many other prominent tobacco control programs, including California and Florida as well as the American Legacy Foundation's "truth" campaign), but rather on peer-to-peer education and youth empowerment driven by a youth-directed word-of-mouth movement. This structure allowed the program to operate and innovate within the very limited budget provided through state funds and through minimal funding provided by private donors and the DHEC agency in years when state funding was cut.

#### ***Program Development, 2000-2003***

The Rage program grew out of a failed effort to create a youth tobacco control movement during the 2000-01 fiscal year through a \$100,000 American Legacy Foundation planning grant awarded to DAODAS.<sup>267</sup> To begin their program, DAODAS partnered with the DHEC Tobacco

Division, which was implementing their Upstate Pilot Program with their first year of MSA funding from the state, and brought together existing local tobacco control coalitions and the youth associated with them to begin discussion of a new program. Instead of engaging directly with the youth, adult coordinators of the new program developed the name “Life,” and presented it as a tobacco prevention, in-school program to the participating youth.<sup>268</sup>

The adult-centric and “Just Say No”-styled approach failed to engage the youth. The local substance abuse prevention (including tobacco control) coalition Greenville Family Partnership contacted the Greenville-based advertising agency Brains on Fire, with which they had worked on national-level youth drug prevention advocacy, to help develop the new youth movement through a meeting in Columbia with Greenville and statewide youth. During this planning meeting led by Brains on Fire, the youth participants developed the name “Rage Against the Haze,” which the DAODAS leaders of the planning grant found too “angry” for the state's youth movement.<sup>268</sup> The DAODAS/DHEC committee attempted to develop the Life program throughout that fiscal year, developing activities for youth and giving away branded materials at events, but with minimal success and engagement by statewide youth already involved in tobacco control.<sup>269</sup> DAODAS did not provide the matching funds required to sustain their Legacy grant in 2001-02.

During the end of the 2000-01 fiscal year, DHEC's Tobacco Division used some of their MSA funding that had been dedicated towards the Upstate Pilot Program to develop a small ad campaign to promote youth smoking prevention funding from the MSA revenue, to be aired in the Upstate region. The Greenville Family Partnership suggested using Brains on Fire and the already engaged Greenville youth.<sup>268</sup> The ad that Brains on Fire and the Tobacco Division developed featured the youth in white clothing having mud thrown on them, with the message that not spending more on youth smoking prevention from the fund was like throwing mud on the youth of the state. When the DHEC leadership saw the ad proposal for the first time, they “went bonkers,” and refused to approve it. The Mud ad “never saw the light of day,”<sup>269</sup> and the pre-purchased air time was filled with national “truth” ads instead.<sup>268</sup> However, the Mud ad had such shock value within the agency, that subsequent proposals developed with the eventual Rage program appeared more acceptable by comparison with that first aggressive proposal.<sup>269</sup>

Entering the 2001-02 fiscal year, after DAODAS abandoned the Life youth movement, DHEC's Tobacco Division put out an RFP for an \$800,000 “anti-tobacco use multimedia campaign,” using a portion of their MSA funding for that fiscal year.<sup>268</sup> Brains on Fire submitted a proposal, not for a media campaign, but instead for an innovative, curriculum-based youth *movement*, focusing on peer-to-peer education as opposed to media campaigns, and won the contract. Their proposal was based on work with the Greenville youth, associated with Greenville Family Partnership on broader youth substance abuse prevention efforts, during which they had developed a peer-to-peer curriculum with significant youth input and buy-in. In developing the movement, Brains on Fire was explicit in its intentions; according to Geno Church, their RFP explained that they “want[ed] to build a movement that's based on developing a proprietary curriculum for teens to be able to teach other teens about the choices of tobacco. And it would empower teens to use their own voice.”<sup>268</sup> The other key component of the proposal and eventually of the developed program was that they would take the movement around the state to where teens already were, and let them develop their own activities, events and media contacts in their own language.<sup>268</sup>

In securing DHEC funding and support for this type of youth empowerment program, the Tobacco Division had to stand up to DHEC leadership, which had hoped to use the funding for a more school-based prevention program that would be considered politically safe. Christie Johnson, communications coordinator in the Tobacco Division at the time and the DHEC employee responsible for coordinating the Rage program's development, described this process as a “real tough sell within the agency.”<sup>269</sup> Johnson explained that DHEC leadership “didn't want the edginess” of the proposed Rage movement:

They wanted a “Just Say No” club, and there was a real internal struggle to get them to see the value in doing it this way [the more aggressive youth empowerment method of Rage] because there was potential for backlash ... from legislators, ... from [DHEC] board members, [and] ... from people who don't get the notion of youth empowerment.<sup>269</sup>

Tobacco Division staff felt strongly that the movement needed to be youth-led and not school-based in order to engage youth in peer-to-peer tobacco prevention.<sup>268</sup> The Tobacco Division succeeded in securing agency leadership support for the youth movement in the style developed by Brains on Fire, but with certain limitations.

The main limitation placed on the movement by DHEC leadership dealt with the language used to address the tobacco industry manipulation component. The agency was sensitive to the state's tobacco-growing status and the influence of tobacco-area legislators on the agency's funding.<sup>269</sup> After Brains on Fire won the contract for the 2001-02 fiscal year, a meeting between the ad agency and DHEC leadership took place in which the agency leadership explained that while tobacco industry denormalization messages were allowed, the specific phrase “Big Tobacco” was not to be used in their materials, in order to prevent the interpretation that they were against the tobacco-growing component of the larger tobacco industry.<sup>268</sup> The only other limitations were that the focus be on youth ages 13 to 17 and that they could not have formal membership because of state laws dealing with privacy of information related to underage youth (which was changed the following year to allow official membership in the movement).

Due to delays in receiving the program's funding, the contract was not awarded until March 2002, leaving only April to June 2002 to spend the \$800,000. Using the “Rage Against the Haze” name, Brains on Fire organized a statewide tour that was then developed into a commercial to launch the Rage brand. They sent two young adult celebrities from the MTV program Road Rules on a tour around the state featuring the program's mascot, an electric blue couch that the youth named “Marilyn,” speaking to youth about tobacco and the movement. A television ad was filmed placing the couch all over the state, including the statehouse grounds and rural towns, to show youth that “Rage was everywhere.”<sup>268</sup> The goal of the ad was not youth tobacco prevention directly, but rather to drive youth to the program's website to join as a member, and then engage in peer-to-peer communication by attending curriculum training events.<sup>268</sup>

Brains on Fire then set about developing a youth empowerment-focused tobacco prevention curriculum. To develop the curriculum they held a summit with approximately 30 individuals across a broad spectrum of those working with youth empowerment and tobacco use prevention. This curriculum was then taught to youth from across the state at a summer youth

summit held by DAODAS each year called “Teen Institute,” for which DHEC coordinated a tobacco prevention component. Teen Institute was a DAODAS-staff lead week long program in which teams of teens with adult input developed plans for local prevention activities during the remainder of the year.<sup>270</sup> During the June 2002 Teen Institute, approximately 100 youth were trained in the Rage Against the Haze curriculum by other youth. DAODAS did not buy into the “youth instructing youth” component of the program, and after 2002, future Rage summits were held outside of the Teen Institute structure.<sup>268</sup>

The curriculum focused on educating youth about different areas of tobacco prevention, from health to tobacco industry manipulation to environmental impact of cigarette litter. These elements were then promoted in a word-of-mouth fashion between youth, through “palm cards” describing tobacco use facts and the completion of “missions,” or activities that could be completed by the youth in their community to raise awareness among other youth of the risks of tobacco, the Rage movement itself, or to advocate for local policy change. By completing missions, Rage members would earn branded gear, further promoting the movement. During the 2002-03 fiscal year, the “viral” concept was developed, in which the youth members of Rage became “sneezers” that spread the anti-tobacco messages to others. The curriculum was renamed “Viralmentalist 101,” and the program's logo (Figure 13) was the “Viral R” that youth could use to indicate their membership in the movement, further promoting the youth-only concept of the movement.

The Rage Against the Haze curriculum continued to develop throughout the 2002-03 fiscal year, during which another \$800,000 was dedicated to the movement. A second curriculum training was held during the summer of 2003 called “Rage Fest,” over three days in Myrtle Beach. Again, approximately 100 teens were recruited to participate through local tobacco control coalitions, with some overlap with those that had attended Teen Institute the year before. During Rage Fest, 18 youth leaders were identified to go on a two-week “transmission tour” around the state, completing “missions” and recruiting and educating new and existing members. Examples of the missions and activities done on the transmission tour include tobacco company “CEO bowling,” knocking over images of the executives of major tobacco manufacturers, and “secondhand lemonade” stands to raise awareness over the dangers of secondhand smoke.<sup>268</sup>

For 2003-04, the legislature cut all state funding for the Tobacco Division. However, the Tobacco Division staff was able to argue for the movement's importance to the agency leadership and successfully convinced DHEC leadership to further buy into the youth empowerment concept. DHEC found \$400,000 within the agency budget to sustain the movement for that year. With half the budget of the previous year,



**Figure 13:** Page from 2008 Viralmentalist Kit sent to new Rage members, featuring the program's “Viral R” logo.<sup>271</sup>

Brains on Fire was instructed to focus on activities that would provide “bang for your buck” value.<sup>268</sup> With this in mind, they developed a “Viralmentalist 201” curriculum, which trained the approximately 15 youth leaders of the movement in how to engage and educate other youth in the Viralmentalist 101 curriculum, and then sent those youth educators to “Festivirals” across the state to provide mini-trainings in the original curriculum to approximately 300 youth across the state.<sup>268</sup> By the end of the 2003-04 fiscal year, Rage had 870 members (out of approximately 290,000 13 to 17-year-olds in the state) educated in the curriculum and the program had begun to generate national recognition among both the tobacco control and advertising communities.

#### *Funding Cut and Program Survival, 2004-2006*

Despite the program's successful development, DHEC did not believe they would be able to provide funding for the movement during the 2004-05 fiscal year. Cindi Ross Scoppe, an editor of the prominent Columbia newspaper *The State*, wrote an editorial sharply criticizing the legislature for not providing funding for the youth movement.<sup>272</sup> In response to this editorial, a Columbia-based nonprofit called S.C. Physicians Care Charity donated \$50,000 to Rage for 2004-05. The Rage youth leadership and Brains on Fire developed a “last hurrah” event with the donated funding. Assuming they would receive no additional funding for the year, Brains on Fire developed a website, [www.RageAgainstTheHaze.com](http://www.RageAgainstTheHaze.com), and held an event at the state high school football championship game to promote the website through which they would continue to provide education and missions.<sup>268, 273, 274</sup> The remaining funding went for “mini-grants” to individual Rage groups across the state for specific youth-developed events designed to advocate smoke-free policies in their schools or communities, or other education programs.<sup>268</sup> Later in 2004-05, DHEC came up with \$45,000 for the program from the agency budget, with which the program had a one-day Rage Fest youth summit to teach the curriculum. For 2005-06, funding was again minimal, with \$25,000 from Physicians Care Charity and \$68,000 from the DHEC agency budget. This funding went to another Rage Fest and continuation of the mini-grants.

The de-funding of the program for those two years halted the momentum and publicity the program had been gaining during its first three years. Due to decreased activities, new youth leadership was not secured for the movement when the original youth leaders graduated high school. As a word-of-mouth program, without a media focus, the funding cuts hamstrung the program's ability to engage new members through the tours and leadership education events that had led to its earlier successes.<sup>275</sup>

#### *Funding Restored and Redevelopment, 2006-2008*

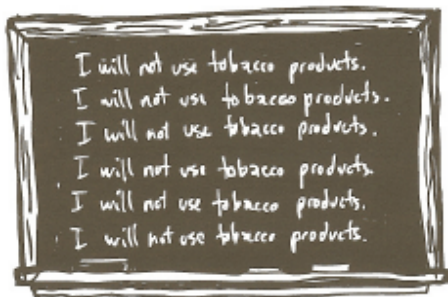
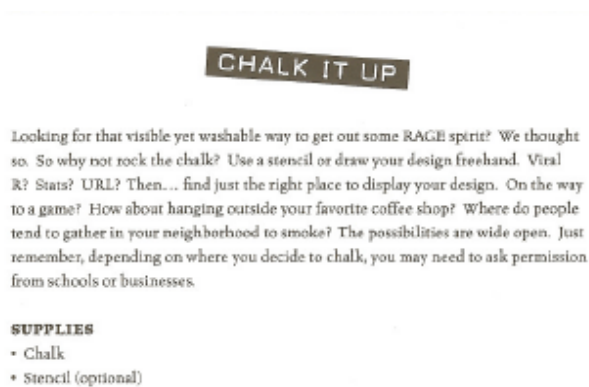
Based on the limited scope of the previous two years' programming, when funding was restored to the Tobacco Division, and in turn the Rage Against the Haze program, the focus of the program became redeveloping membership and leadership as opposed to developing more aggressive programmatic elements. The program redesigned its website, to a more interactive, stylized product through which new members could join and existing members could network to develop projects and receive updates on statewide contests and events.<sup>273</sup> The program shifted attention to schools as the venue for the bulk of its missions and youth activities, to get a broader youth audience for the brand. Model smoke-free policy adoption in schools became the policy change focus.<sup>275</sup> However, activities between 2006 and 2008 also included raising awareness in

the community at large, for example the mission described in Figure 14.

During these rebuilding attempts, Brains on Fire and the Tobacco Division developed a football tour for the movement, “Friday Night Rage,” with a Rage booth at 13 high school football games across the state to engage youth in the movement, using the graduated former youth leadership—then in college—to recruit new members.<sup>268, 271</sup> They also developed a Dream Prom competition, through which Rage groups at schools competed to complete the most missions for the prize of a Rage-sponsored school prom.<sup>268</sup> During the summer of 2007, the program was able to conduct small-scale curriculum training events across the state called “Rage activist camps,” training approximately 250 teens.<sup>268</sup>

Through these recruitment efforts, over 1,000 new members joined Rage during 2007, over half of which were the result of the 2006-07 Friday Night Rage football tour.<sup>271</sup> Budget cuts during the 2007-08 limited the football tour to six games instead of 13; during 2008 about 650 new members joined Rage.<sup>271</sup>

During the program's redevelopment, Brains on Fire instigated a shift away from the tobacco industry manipulation message that had been a large component of their earlier messaging and activities. This shift was based on the ad agency's impression that the youth



**Figure 14:** Example of Rage project from 2008 Viralmentalist Kit designed to increase visibility of the campaign.

involved in the program were less motivated by tobacco industry manipulation messages than by other components of the curriculum, such as cigarette butt litter and secondhand smoke.<sup>268</sup> Tobacco control research has indicated that youth tobacco use prevention campaigns that emphasize the tobacco industry's deceptive practices were the most effective at reducing smoking prevalence and tobacco consumption among youth.<sup>229, 276</sup> “Tobacco industry denormalization” has been proven to be effective at reducing youth smoking initiation and prevalence,<sup>277-284</sup> even in tobacco-producing states.<sup>285</sup> While tobacco industry manipulation remained one of the components of the Viralmentalist curriculum in 2008, Rage's shift away from this message based on youth feedback may show that tobacco industry denormalization was no longer the most engaging message for youth in tobacco prevention.

*Youth Movement as a Policy Change Tool*

The focus of the Rage movement has consistently been on youth empowerment, instead of broader advocacy efforts of tobacco



control in the state. Where youth empowerment overlapped with the adoption of smoke-free policies in the state (described below), for example through the promotion of smoke-free school campuses, the Rage youth were engaged to support those efforts through their missions and activities. However, the Tobacco Division and Brains on Fire limited the involvement of the Rage youth in the state's tobacco tax and smoke-free campaigns at the state level for political and logistical reasons, in addition to a sense that it was outside the scope of the youth empowerment model.<sup>268</sup>

Requests that the Rage youth be incorporated into more up-front state-level advocacy, for example, advocating personally through ads (such as the Mud ad rejected by DHEC leadership early in the program's development) or through rallies, were rejected by DHEC leadership (as with the Mud ad) or were not aggressively pursued by the voluntary health groups. Logistically, it would be difficult for the youth to participate in activities in Columbia during the legislative session due to the Tobacco Division's limited budget and the overlap with the school year; additionally, the state agency's limits on privacy forbade the distribution of the Rage membership list to outside groups.<sup>268</sup> While the voluntary health groups made repeated requests to the Tobacco Division to be able to contact Rage's youth leadership,<sup>266</sup> they were directed to follow up with DHEC leadership to request that Brains on Fire coordinate the youth for statewide advocacy, which none of the voluntary groups did.<sup>275, 286</sup>

### *Results of Rage Against the Haze*

Despite funding cuts from an already limited budget, the Rage program survived over the six years after its launch, educating and engaging youth across the state in an innovative way. The program educated at least 700 youth in the Viralmamentalist tobacco prevention curriculum across the state<sup>268</sup> and engaged at least 6,700 as members to educate other youth across the state.<sup>271</sup> By relying on earned media and peer-to-peer promotion of the movement's brand, the program was able to expand during funded years and survive un-funded years without a large budget. The program won several awards for Brains on Fire, recognizing the program's word-of-mouth and viral marketing successes. The "Viralmamentalist Manual" received a national Silver "ADDY" from the American Advertising Federation in June 2004,<sup>287</sup> Brains on Fire won a second ADDY for the Friday Night Rage football tour in 2007.<sup>271</sup> In June 2008, Brains on Fire also received an Effie, the preeminent award of the advertising industry, for the Rage program.<sup>288</sup>

Neither membership numbers nor youth smoking prevalence rates were consistently measured in South Carolina during the Rage program's existence. Rage membership data were not collected until the third year of the program due to privacy limitations in DHEC. Additionally, the program's peer-to-peer education focus did not measure the number of youth reached by the actual Rage members after they were educated in the Viralmamentalist curriculum. Youth prevalence data were not collected by DHEC between 2000 and 2004, during which time the Rage program developed and had its largest budget years. In 1999, the youth smoking rate in South Carolina was 36 percent, compared with a national average of 34.8 percent. By 2005, South Carolina this rate had dropped to 23.5 percent, as compared with 23 percent nationally. 2005 to 2007 saw another drop in the South Carolina youth smoking rate to 17.8 percent, compared to 20 percent nationally. In addition to national trends, the youth smoking rate decline may have been influenced by the Rage Against the Haze program, school district adoption of smoke-free policies

between 2004 and 2008, the increase in local smoke-free ordinances between 2006 and 2008, or the 2006 to 2008 media campaign for a cigarette tax increase sponsored by the voluntary health groups and CTFK.

### ***Community Programs***

Community programs for tobacco control were conducted through grants to local DHEC Health Districts, specific campaigns and local tobacco control coalitions. Beginning in 2004, the Tobacco Division's community program grants began to focus on policy change efforts through the adoption of model voluntary smoke-free policies in specific venues: faith-based organizations, healthcare facilities, schools, recreational settings and worksites. The adoption of model policies marked a distinct shift for the Tobacco Division. Prior policy-based efforts had been significantly limited and a variety of models were used across the state. The model policies developed in 2004 provided a means through which the Tobacco Division could help build the foundation for broader tobacco control policy change efforts without overstepping the restrictions placed on DHEC employees on lobbying, while at the same time providing a quantitative metric by which the program could measure its policy change successes.<sup>3,244</sup> The initial push to move in a policy adoption direction was provided by the CDC.<sup>275</sup>

In March 2004, the Tobacco Division sponsored the first South Carolina Tobacco Policy Forum, in collaboration with the South Carolina Tobacco Collaborative (discussed below), attended by 24 state- and local-level stakeholders from across the state with the purpose of developing policy documents for each venue to serve as the model for future voluntary policy adoption efforts.<sup>289</sup> After developing consensus model policy documents at the Policy Forum, the Tobacco Division distributed the documents to additional stakeholders across the state to provide additional opportunities for input.<sup>275</sup> Through providing such broad opportunities for stakeholder buy-in, the Tobacco Division developed model policy documents that could be implemented consistently across the state. The adoption and promotion of these documents, according to Tobacco Division Director Sharon Biggers, “set the stage for community readiness for more significant policy adoption through local and state governments,” by building local coalition capacity, educating the public and engaging community leaders in tobacco control.<sup>286</sup>

Each of the model policies incorporated not only smoke-free building and campus provisions for the venue, but also requirements related to enforcement of the smoke-free provisions, education on the risks of tobacco use and cessation program availability, and a prohibition on tobacco industry advertising and sponsorship.<sup>290</sup> Promotion of the model policies was incorporated into the Tobacco Division's funding of local coalitions and additional grants to statewide organizations.<sup>275</sup> The school-based model policy was integrated into the Tobacco Division's broader School Programs, discussed below. Seven faith-based organizations had adopted the DHEC model smoke-free policy by December 2008, as had 49 hospitals.<sup>290</sup> Efforts to promote the model policies for workplaces and recreational facilities were incorporated into local coalition efforts to pass broader city or countywide clean indoor air ordinances that began passing in 2006.<sup>275</sup>

Community programs funding was also used to advocate for individual-level smoke-free policies. For example, one of the consistently funded programs was “M.E.S.S.,” or Mothers

Eliminating Secondhand Smoke, which engaged religious communities and organizations to educate about the risks of secondhand smoke, focusing on women and children with the goal of establishing voluntary smoke-free homes and smoke-free vehicles.

### ***School Programs***

The Tobacco Division provided consistent funding for school-based programming beginning with its first allocation from the MSA funds in 2000-01. School-based youth smoking prevention funding was one of Philip Morris's primary YSP activities,<sup>94, 232</sup> and research has proven that most school-based efforts do not work.<sup>291, 292</sup> For this reason, CDC's 2007 Best Practices for Comprehensive Tobacco Control Programs dropped school-based programming as a recommended policy area, replacing it with school policies and interventions linked to community programs.<sup>4</sup>

DHEC's funding for school programming was divided into two areas: advocating for adoption of voluntary tobacco-free policies in school districts, and implementing curricula for tobacco prevention, "Science, Tobacco and You" (a widely-used program developed by Florida State University).<sup>245</sup> Both programs were implemented through separate contracts with the South Carolina School Board Association and the South Carolina Department of Education. While "Science, Tobacco and You" was the Tobacco Division's primary youth smoking prevention curricula, the division also endorsed the ALA's NOT on Tobacco and Alternative to Suspension, TAP/TEG from Community Intervention and Project TNT (Toward No Tobacco Use). Also included was the Life Skills Training (LST) curricula,<sup>293</sup> which was heavily promoted by the tobacco industry's YSP program to divert resources from more effective tobacco control programs and did not include tobacco industry denormalization as part of its youth smoking prevention strategy.<sup>229</sup>

A more effective school-based program developed by the DHEC Tobacco Division was advocating for adoption of the division's model voluntary smoke-free policies in school districts, which was developed in March 2004.<sup>294</sup> Between March 2004 and December 2008, 18 of 85 school districts adopted the policy.<sup>244</sup> The model policy language "provides a 100% tobacco-free, smoke-free environment for all students, staff, and visitors within all of [the school district's] facilities, vehicles, grounds and at all sponsored events."<sup>295</sup> In order to be categorized as "tobacco-free" and in compliance with the model policy by the Tobacco Division, school districts had to prohibit tobacco use on all school property by all individuals at all times, and also provide tobacco prevention education, referrals to cessation programs for youth, include enforcement procedures for smoke-free policies and prohibit tobacco industry advertising and sponsorship on school grounds.<sup>271, 295</sup>

The promotion of the smoke-free model policy adoption by school boards, allowed under the 1994 amendment to the Clean Indoor Air Act, was organized through a grant from DHEC to the South Carolina School Boards Association. Through this collaboration, the organizations developed a policy adoption marketing campaign "Blazin' the Way" in 2006 to encourage competition among school districts in policy adoption and implementation. The groups also developed an implementation guide and developed mini-grants for school districts to support adoption and enforcement. These efforts were recognized as a model for school board/state

agency cooperation by the National School Boards Association.<sup>296</sup>

### ***Youth Access Enforcement***

Federal law passed in 1992 (commonly referred to as the Synar Amendment), linked rates of compliance with prohibitions on tobacco sales to minors to the states’ receipt of federal funds for drug abuse and mental health programs. In South Carolina, the Department of Alcohol and Other Drug Abuse Services (DAODAS) began conducting the Youth Access to Tobacco Survey in 1994, when 63.2 percent of attempted youth buys were successful (Table 34). Noncompliance rates dropped significantly after the passage of the 1996 youth access amendments, but it was not until 1999 that South Carolina dropped below the 20 percent youth buy rate required by the Synar Amendment to receive the drug abuse and mental health funds. Noncompliance rates continued to decrease through 2006, then rebounded slightly. Between 1994 and 2000, the Youth Access to Tobacco Survey was funded out of DAODAS’ budget with no funding from DHEC’s tobacco control program.

Between 2000 and 2008 the Tobacco Division directed a significant portion of their state funding for youth smoking prevention, when they received it, to a contract with DAODAS for youth access enforcement. Even in fiscal year 2003-04, when no money was allocated to DHEC for youth smoking prevention from state funds, the agency found \$200,000 which it sent to DAODAS for these efforts. The DHEC contract with DAODAS included several components: conducting the Youth Access to Tobacco Survey (which DAODAS conducted without DHEC funding prior to 2000 and in 2004-05 and 2005-06 when the Tobacco Division did not receive state funding), merchant education for retailers that were ticketed for selling tobacco to youth, and administration and enforcement of the Youth Access to Tobacco Prevention Act of 2006.

It had been demonstrated since as early as 2002 that merchant compliance with youth access to tobacco laws has no measurable effect on youth smoking rates,<sup>301</sup> and youth access enforcement has been promoted by the tobacco industry in South Carolina to divert funding from more effective programs.<sup>232</sup> Nonetheless, significant funding went to DAODAS each year between 2000 and 2008 for youth access enforcement efforts from the DHEC Tobacco Division’s meager available tobacco control funds. According to Tom Gillette, who directed the Tobacco Division during the first year DHEC contracted its state funding to DAODAS for youth access enforcement, 2000-01, “there were some politics there. ... We were required by our management to give some of that money to DAODAS.”<sup>183</sup> DAODAS demonstrated its ability to fund youth access enforcement without DHEC money to continue receiving funding for mental health. This diversion of DHEC funds to DAODAS appeared to be unnecessary, wasteful and followed the tobacco industry’s strategy of diverting funds from more effective tobacco control programs.

<b>Table 34:</b> Youth Access to Tobacco Survey Results, 1994-2008															
<u>Year</u>	<u>94</u>	<u>95</u>	<u>96</u>	<u>97</u>	<u>98</u>	<u>99</u>	<u>00</u>	<u>01</u>	<u>02</u>	<u>03</u>	<u>04</u>	<u>05</u>	<u>06</u>	<u>07</u>	<u>08</u>
<u>% Buys Successful</u>	63.2	54.2	41.3	22.6	24.7	19.8	18.7	17.1	15.5	11.9	11.5	11.2	10.9	12.3	12.4
Source: SC DAODAS <sup>297-300</sup>															

## *Cessation*

Telephone-based cessation counseling in the form of a Quitline through a contract with Free & Clear, which provides Quitline services to 17 state Quitlines and the Guam Quitline, became operational on August 16, 2006.<sup>302, 303</sup> Prior to the launch of the South Carolina Tobacco Quitline in 2006, the Tobacco Division relied on a free, but very limited, NCI-funded service based in North Carolina.<sup>303, 304</sup> The American Legacy Foundation also provided grant funding for South Carolina to use between 2003 and 2005, to promote the free NCI-based Quitline.<sup>303-305</sup> In 2004, South Carolina was one of only five states that did not already have an existing Quitline service. In response, the CDC developed their Quitline Supplemental grants, awarded beginning in fiscal year 2005-06, to help states supplement existing or, in South Carolina's case, develop capacity for a new state-based cessation Quitline.<sup>260</sup>

The first evaluation of the state Quitline was completed in January 2008,<sup>302</sup> covering callers between August 2006 and April 2007, with a 7 month follow-up survey. As the Quitline's second year evaluation was not due to be completed until April 2009, year-by-year comparisons were not yet available at the time of publication.<sup>303</sup> The evaluation of 2006-07 callers to the Quitline revealed that:

- There were 4,256 total calls.
- Of that amount, 3,927 registered for services.
- Of registered callers, 28.1% were on Medicaid, 25.8% were uninsured, 0.89% were pregnant women, and 3.23% were youth (under age 18).
- Success rates, 7 months after registering with the Quitline:
  - 30.8%: 7-day abstinence at the time of survey
  - 23.6%: 30-day abstinence at the time of survey
  - 86.1%: At least one 24-hour minimum quit attempt
  - 72.9%: Strong desire to quit
  - 66.7%: Reduce amount of tobacco use (mean reduction of 11.3 cigarettes per day)

While there may have been additional factors at play for this first-year program, these preliminary data compared poorly with CDC reports, indicating that the South Carolina 30-day abstinence rates with the Quitline were within the same range that U.S. averages show smokers who attempt to quit achieve without the aid of a Quitline (15% to 28% 30-day abstinence rates).<sup>306</sup>

Well-funded population-based cessation interventions, such as a Quitline, are an essential, evidence-based component of a comprehensive tobacco use cessation program.<sup>4, 307</sup> However, funding for the Quitline was impacted by the funding cut to the Tobacco Division for fiscal year 2008-09. The contractor was asked to scale back services during the last quarter of the 2007-08 in order to achieve some carry over funding for 2008-09 by only conducting return intervention calls to those who are uninsured, on Medicaid or pregnant, a population that amounted to only 55 percent of total callers in 2006-07.<sup>308</sup> Free nicotine replacement therapy (NRT) sponsorship for uninsured individuals was also cancelled for the remainder of 2007-08. For fiscal year 2008-09, the restriction of return intervention calls to callers who are on Medicaid, pregnant or uninsured continued, and the Medicaid-tailored service was at risk of being cut. The annual evaluation of Quitline effectiveness was also cut for the 2008-09 fiscal year, restricting the data collection for

what would be the Quitline's third evaluation.<sup>309</sup> These cuts will substantially reduce the impact of the Quitline.

Additional funding under this category has been dedicated towards limited promotion of the Quitline when funding has been available and grants for physician education to increase referral to the Quitline and compliance with the “ask, advise, refer” cessation model among physicians.

### ***Surveillance and Evaluation***

It was not until 2004 that the Tobacco Division began to focus efforts on producing measurable results. Through the adoption of voluntary smoke-free model policies in March 2004, the program has been able to measure progress on their community-based programs.<sup>244</sup> Measurement of youth and adult smoking behavior and attitudes in South Carolina began to receive attention beginning in the 2004-05 fiscal year, when DHEC used their CDC funds to support the state’s first Youth Tobacco Survey. DHEC had attempted to conduct a youth tobacco survey in 1999, but the contractor failed to provide weighted data, rendering the results unusable.<sup>244</sup>

The annual Youth Tobacco Survey was first successfully conducted in South Carolina in 2005. This survey collected broad data on youth prevalence, age of initiation, access to cigarettes, smoking on school property, school curricula, awareness of smoke-free policies in schools, cessation, knowledge of and attitudes towards smoking, the influence of family and friends, mass media influence, attitudes and exposure to secondhand smoke, smoke-free policies at home and in cars, and participation in the Rage Against the Haze program.<sup>310, 311</sup>

The University of South Carolina managed a system to monitor and document the tobacco control program’s accountability, which included an Adult Tobacco Survey, the Youth Tobacco Survey and support for the CDC’s Behavioral Risk Factor Surveillance Survey (BRFSS), a nationwide telephone survey of health conditions and risk behavior. The Adult Tobacco Survey was first conducted in the state in 2007; as of December 2008 results had not been released.

### ***Statewide Programs/Grants***

The Tobacco Division’s CDC contract provided annual funding for the two tobacco control advocacy groups receiving statewide grants: the South Carolina Tobacco Collaborative (“the Collaborative”) and the South Carolina African-American Tobacco Control Network (SCAATCN), although both grants decreased steadily beginning in 2004, particularly SCAATCN’s. Grant funds were used to encourage voluntary smoke-free policy adoption and capacity-building for the tobacco control movement at the local level, which in turn advocated for broader tobacco control policy change.

The largest contract from the DHEC Tobacco Division each year by far was for the South

<b>Table 35: Resources and Budgeted Spending for Tobacco Control Programming in South Carolina 2000-2009</b>									
<u>Fiscal Year</u>	<u>2000-01</u>	<u>2001-02</u>	<u>2002-03</u>	<u>2003-04</u>	<u>2004-05</u>	<u>2005-06</u>	<u>2006-07</u>	<u>2007-08</u>	<u>2008-09*</u>
<u>Fund Source</u>									
<i>State Funds</i>									
MSA/Healthcare Trust Fund	\$1,750,000	\$1,620,470	\$0	\$0	\$0	\$0	\$0	\$0	\$0
State General Fund	\$0	\$0	\$2,000,000	\$0	\$0	\$0	\$2,000,000	\$2,000,000	\$0
DHEC Budget	\$0	\$0	\$0	\$600,000	\$45,000	\$68,000	\$100,000	\$0	\$0
Prior Year Carryover State Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$186,000	\$550,642
<i>Federal Funds</i>									
CDC-OSH-NTCP	\$1,200,000	\$1,200,000	\$1,200,000	\$868,289	\$868,289	\$1,088,432	\$1,088,253	\$1,057,963	\$819,190**
CDC Supplemental Quitline Grant	\$0	\$0	\$0	\$0	\$177,500	\$177,500	\$250,000	\$250,000	\$187,500**
<i>Other Sources</i>									
SC Physicians Care Charity	\$0	\$0	\$0	\$0	\$50,000	\$25,000	\$0	\$0	\$0
Blue Cross Blue Shield	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$25,000
American Legacy Foundation	\$100,000	\$0	\$0	\$120,000	\$0	\$0	\$0	\$0	\$0
<b>Total Available Funds</b>	<b>\$3,050,000</b>	<b>\$2,820,470</b>	<b>\$3,200,000</b>	<b>\$1,588,289</b>	<b>\$1,140,789</b>	<b>\$1,358,932</b>	<b>\$3,438,253</b>	<b>\$3,493,963</b>	<b>\$1,582,332</b>
<u>Budgeted Components</u>									
Youth Access Enforcement									
Contracted to DAODAS	\$700,000	\$600,000	\$900,000	\$200,000	\$0	\$0	\$200,000	\$140,000	\$60,000
<i>Remaining Available Funds for DHEC</i>	<i>\$2,350,000</i>	<i>\$2,220,470</i>	<i>\$2,300,000</i>	<i>\$1,388,289</i>	<i>\$1,140,789</i>	<i>\$1,358,932</i>	<i>\$3,238,253</i>	<i>\$3,353,963</i>	<i>\$1,522,332</i>
Youth Movement (Rage Against the Haze)	Reliable budget data for the DHEC Tobacco Division was not available for 2000-2002, and most of the 2002-2004 budget. Data requested but not provided by DHEC. These records were not maintained by DHEC.		\$800,000	\$400,000	\$95,000	\$93,000	\$400,000	\$356,000	\$169,000
School Programs									
Tobacco-Free Policies							\$52,000	\$4,000	\$48,000
Curricula							\$300,000	\$100,000	\$0

SC Dept of Education Grant			\$30,274	\$27,479	\$25,479	\$25,479	\$7,780
Community Programs							
Health Region Programming						\$250,000	
Hold Out the Lifeline/MESS			\$15,000	\$13,000	\$69,479	\$69,479	\$20,000
Local Tobacco Coalitions						\$66,261	\$31,739
Hope Worldwide Housing Project Outreach			\$10,000				
Surveillance and Education							
Clipping Service			\$5,000	\$5,000	\$5,000	\$3,750	
Survey Support			\$39,000	\$39,000	\$101,000	\$238,355	
Cessation Programs							
Quitline			\$40,533	\$78,277	\$500,000	\$386,582	\$300,918
Media/Publicity						\$356,515	\$143,485
Physician Education Grants			\$70,178	\$61,810	\$60,810	\$60,810	\$50,000
Statewide Programs/Grants							
SC Tobacco Collaborative for Local Coalition Development			\$280,000	\$246,786	\$244,789	\$244,789	\$187,478
SCAATCN for work with African-American Community			\$70,000	\$64,556	\$34,831	\$24,277	\$0
Personnel, Operating Expenses			\$615,267	\$617,248	\$624,658	\$617,253	\$528,182
<b>Total Budgeted</b>			<b>\$1,270,252</b>	<b>\$1,246,156</b>	<b>\$2,418,046</b>	<b>\$2,803,550</b>	<b>\$1,486,582</b>
<i>Total Available Funds for DHEC</i>			<i>\$1,140,789</i>	<i>\$1,358,932</i>	<i>\$3,238,253</i>	<i>\$3,353,963</i>	<i>\$1,522,332</i>

\*Actual Resources, Planned Expenditures

\*\* June 2008 was the end of the Tobacco Division's last 5-year contract with CDC. There will be a new structure in CDC funding which groups the tobacco control grants with diabetes and BRFSS funding for the next 5-year contract, but this will not start until 2009-2010, for which the Tobacco Division has requested \$1.7 million. For fiscal year 2008-09, there was a 9-month cost extension awarded amounting to \$819,190, to cover the time between the previous 5-year contract and the beginning of the new one, and a similar 9-month Quitline supplemental grant for \$187,500.



Carolina Tobacco Collaborative, the statewide coalition of the voluntary health groups and other health organizations working on tobacco control. The Collaborative received approximately 25 percent of the Tobacco Division's CDC grant each year to fund, coordinate, oversee and assist local coalitions' tobacco control programming to complete policy-based initiatives.<sup>312</sup> SCAATCN's grant focused on reducing tobacco use in African-American communities in the state, specifically including outreach to the African-American community at large and religious community in particular since 2001, and advocacy for voluntary smoke-free policy adoption by Historically Black Colleges and Universities (HBCUs) since 2003-04.<sup>312, 313</sup> Both of these organizations were very active in tobacco control statewide beyond the scope of their contracts with DHEC, as discussed below.

### ***Conclusion***

The small scale of the program's funding limited the scope of the Tobacco Division's programmatic efforts. Within the program's funding limits, however, advances were made in protecting the citizens of South Carolina from the harmful effects of tobacco use, particularly through smoke-free policy adoption efforts and the youth tobacco use prevention movement Rage Against the Haze. While the DHEC leadership limited some of the more aggressive strategies attempted by the Tobacco Division, Tobacco Division staff repeatedly advocated for more effective programs to create policy change opportunities and enhance the effectiveness of their programs.

## **South Carolina Tobacco Collaborative: Tobacco Control Coalition Re-formed**

### ***Formation and Membership***

Between the dissolution of the Alliance in 1998 and the start of the 2000 legislative session, there was little to no coordinated effort between the ACS, ALA, AHA and other health groups working on tobacco control activities, and there was no significant policy advocacy on tobacco control. Starting in 2000, health groups interested in tobacco control formed loose alliances, such as the Health Improvement Partnership, to work on securing healthcare funding from the MSA revenue and cigarette tax increase proposals. These early cooperative efforts, and frustration over failures on tobacco control initiatives in the 2000 legislative session led to the re-formation of a tobacco control coalition. During the 11<sup>th</sup> World Conference on Tobacco Or Health in Chicago, Illinois, in August 2000, representatives from the ACS, AHA, ALA, South Carolina African American Tobacco Control Network (SCAATCN), the South Carolina Medical Association, DHEC and the Newberry-based local tobacco control coalition Tobacco Intervention and Prevention Strategies (TIPS) met and decided to form the South Carolina Tobacco Collaborative ("the Collaborative") to act as the collaborative forum and voice for tobacco control in the state. Much like its predecessor, the Alliance, the group selected the name "Tobacco Collaborative" as opposed to a more anti-tobacco name like tobacco-free or smoke-free in order to not alienate the tobacco-friendly legislature or grower communities.<sup>145</sup> By August 2001, the Collaborative had expanded its membership to include 14 organizations (Table 36).

**Table 36:** Original Organizational Members of the South Carolina Tobacco Collaborative (2001)

American Cancer Society American Heart Association American Lung Association SC DHEC SC DAODAS SCAATCN SC Medical Association The Ad Agency (PR Firm involved in tobacco control) University of South Carolina School of Public Health and Prevention Center Strom Thurmond Institute (involved in Southern Tobacco Neighbors Project) State Office of Rural Health SC Dept of Education, Healthy Schools Initiative SC Educational Television Network SC American Legacy Empowerment Project at USC Prevention Center
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Source: South Carolina Tobacco Collaborative<sup>314</sup>

The Collaborative adopted its first bylaws in 2001, which created a Board of Directors with rotating membership and allowed representatives of the state agencies to participate as non-voting members of the Board.<sup>314</sup> The bylaws specified that the purposes of the Collaborative were:

1. To provide leadership in the development of state, county and local tobacco policies and actions which promote an environment which is safer for youth and adults;
2. To provide and facilitate meetings of interested organizations and communities;
3. To promote opportunities for current and future organizations to examine research, trends, legislative issues, concerns and ideas, and to generate solutions which will promote tobacco-safe communities;
4. To promote and support advocacy for tobacco-safe communities among the membership, at regional, state and national levels.<sup>314</sup>

The bylaws of the Collaborative were amended in July 2007 to allow individual activists to become members of the organization.<sup>315</sup> The Board and organizational membership of the Collaborative in 2008 are shown in Table 37.

### ***Funding and Activities***

Funding was a consistent difficulty for the Collaborative. In November 2001, the Collaborative applied for a Robert Wood Johnson SmokeLess States National Tobacco Policy Initiative grant with the SC Medical Association as the fiscal agent, planning to focus on increasing cessation resources and reducing secondhand smoke exposure through voluntary restaurant and worksite smoke-free policies. Efforts to increase the cigarette tax, while a priority of the Collaborative, were not included in the grant application.<sup>314</sup>

The Collaborative was not awarded this grant and was not able to secure other funding until 2003, stalling the effective launching of the Collaborative as a true advocacy coalition. Without financial support for an Executive Director or other coordinating staff, the Collaborative

**Table 37: 2008 Board and Organizational Membership of the South Carolina Tobacco Collaborative**

**Board**

Anthony Alberg / Medical University of South Carolina Hollings Cancer Center  
 Sharon Biggers / SC DHCE (non-voting member)  
 Steven Burritt / SC DAODAS (non-voting member)  
 Nancy Cheney / American Cancer Society  
 June Deen / American Lung Association  
 David Keely / Individual Member  
 Tommy Preston Jr. / University of South Carolina  
 Carol Reeves / Greenville Family Partnership  
 Gene Rountree / Food Services Inc.  
 Dean Slade / Eau Claire Cooperative Health Centers  
 Lauren Vincent / University of South Carolina  
 Gailya Walter / South Carolina Cancer Alliance  
 Dianne Wilson / South Carolina African-American Tobacco Control Network

**Organizational Membership**

American Cancer Society	South Carolina African American Tobacco Control Network
American Heart Association	South Carolina Asthma Alliance
American Lung Association	SC DAODAS
AmRAMP	SC DHEC
Anderson Medical	SC Department of Education
Christopher Conner Foundation	South Carolina Hospital Association
Dum Spiro Spero	United Way Association of South Carolina
Family Connection of South Carolina	South Carolina Cancer Alliance
Greenville Family Partnership	Musicians and Songwriters Guild of South Carolina
Living Water Foundation	March of Dimes
Covering Carolina Collaborative (SC Medical Association, SC Hospital Association, SC Chamber of Commerce)	

Source: South Carolina Tobacco Collaborative

membership met once a month at the AHA offices, but did not act under the banner of the organization in the legislature or media.<sup>244</sup> Between 2001 and 2003, minimal funding from the member organizations for meeting expenses was provided on a one-time basis, but no member organizations proposed funding the Collaborative.

In 2002, the Collaborative developed a state plan for tobacco control, secured non-profit status and held its first Annual Meeting.<sup>244</sup> According to Christie Johnson, who worked in the Tobacco Division at that time, the Collaborative provided a “formalized structure” for tobacco control advocacy in the state unfettered by the limitations found within a state agency. Johnson explained that the Collaborative provided a means for the Tobacco Division and other advocates in the state to coordinate statewide policy efforts in an independent forum: the Collaborative “allowed us to have a kind of a buffer, a place to really speak frankly and do the things we needed to do without getting our hands slapped.”<sup>269</sup>

However, the Collaborative still did not have any funding or identity separate from that of its individual member organizations. In 2003, Sharon Biggers, who had been involved in the formation of the Collaborative as a staff member of the DHEC Tobacco Division, became the Director of the Tobacco Division. Biggers conceived of the idea to fund local tobacco control coalition development from the division’s CDC grant through the Collaborative as a way of strengthening both the local coalitions and the Collaborative:

**Table 38:** Local Coalitions Funded by the Collaborative in 2007

Greenville Family Partnership  
Tobacco Free Anderson  
Tobacco Free Oconee  
Spartanburg Coalition for Tobacco Free Living  
Tobacco Free Midlands  
Lexington One Community Coalition  
Pee Dee Healthy People Coalition  
Rembert Community Coalition  
Tobacco Free Wateree  
BREATHE Coalition (Horry County)  
Smoke Free Lowcountry Coalition

Source: South Carolina Tobacco Collaborative

We used to fund local coalitions through contracts with the agency [DHEC], and we really wanted the focus of these coalitions to be more community driven. We didn't want them to have so much of an agency feel. We really wanted them to be more community-minded, so we went into an agreement with the Tobacco Collaborative to support the funding [for coalitions from the CDC grant] going out through the Collaborative, and the management of those coalitions and local grantees go straight through the Collaborative rather than through our agency.<sup>244</sup>

Beginning in fiscal year 2003-04, the Collaborative received nearly 25 percent of the CDC funds granted to the state, or approximately \$250,000 annually, for the coordination, development and funding of local tobacco control coalitions. This funding allowed the Collaborative to hire a part-time Executive Director, Media Coordinator and several Grassroots Coordinators. Under this DHEC contract, the Collaborative funded local tobacco control coalitions for organizational development, community tobacco control activities and to enact policy change at the local level. In 2007, 11 local coalitions were funded by the Collaborative (Table 38 and Figure 15).

Funding sources dictated the activities of the Collaborative. Because DHEC funding comprised 83 percent all of the funding going to the Collaborative between 2003 and 2008 (Table 39) and provided nearly all of the funding for Collaborative staffing, the primary activity of the Collaborative was not policy advocacy at the state level, but rather local coalition development. The Collaborative, however, used its local coalition grant funding to play a lead role in advocacy for local clean indoor air ordinances through technical assistance and capacity development for



**Figure 15:** Geographic Distribution of Local Tobacco Control Coalitions, 2007<sup>316</sup>

<b>Table 39: Available Funding for Activities of the Collaborative</b>						
<u>Fiscal Year</u>	<u>2003-04</u>	<u>2004-05</u>	<u>2005-06</u>	<u>2006-07</u>	<u>2007-08</u>	<u>Total</u>
DHEC Contracts	\$163,263	\$385,691	\$260,095	\$244,789	\$340,460	\$1,394,298
Other Contracts	\$0	\$0	\$206,220	\$10,847	\$7,847	\$224,914
Unrestricted Contributions	\$14,848	\$225	\$21,620	\$7,767	\$21,118	\$65,578
<b>Total</b>	<b>\$178,111</b>	<b>\$385,916</b>	<b>\$487,935</b>	<b>\$263,403</b>	<b>\$369,425</b>	<b>\$1,684,790</b>
Source: South Carolina Tobacco Collaborative Profit & Loss Statements, 2003-2008						

local coalitions in the state between 2004 and 2008.

Additional funding for the Collaborative came from a handful of specific contracts from the March of Dimes, the South Carolina Cancer Alliance and the Medical University of South Carolina (MUSC). The substantial contractual funding in 2005-06 was a MUSC grant to the Collaborative for the clean indoor air ordinance campaign in Charleston. Unrestricted funding was minimal, and came from limited fundraising efforts as well as one-time contributions from membership. The ACS made limited unrestricted contributions to the Collaborative, some of which were able to be used to pay for unrestricted time for the Collaborative's Executive Director.<sup>217</sup> An additional resource for the Collaborative was the addition of a campaign coordinator for the cigarette tax campaign, Kelly Davis, beginning in 2005, paid directly by CTFK, but housed in the Collaborative. This coordinator's role was expanded to include coordination of the state's clean indoor air efforts beginning in December 2008, paid by the AHA.<sup>317</sup> The limited unrestricted funding, in combination with formally independent campaign staff housed within the Collaborative, allowed the Collaborative to play a coordinating role for cigarette tax and clean indoor air campaigns across the state.

### ***Obstacles and Successes in Effective Advocacy by the Collaborative***

By receiving the vast majority of their funding from the state health department, the Collaborative was not able to act as a fully independent advocacy organization. The DHEC Tobacco Division must respond to the priorities of the agency's leadership and the limitations of its grant from the CDC; by receiving most of their funding from the Tobacco Division, the Collaborative was very sensitive to the organizational politics of DHEC. This situation inherently limited the aggressiveness of the Tobacco Collaborative, particularly in its advocacy efforts at the state level. These limitations led the component organizations with lobbyists, namely the South Carolina Cancer Alliance, SCAATCN, ACS, AHA and ALA, to lobby under their individual organizational names instead of presenting a unified lobbying force under the institutional umbrella of the Collaborative. The Collaborative did not use any of its funds to directly lobby the legislature.

Between 2003 and 2006, the Collaborative occasionally butted heads with other tobacco control organizations in the state, generally due to personality conflicts more than organizational

differences.<sup>315, 318, 319</sup> Beginning 2006, concerted efforts were made to better integrate and coordinate with other tobacco control organizations in the state, and in August 2008, the Collaborative and other prominent statewide advocacy groups jointly hosted a strategic planning meeting on clean indoor air and cigarette tax advocacy.

Because the lobbying activity on tobacco control largely took place under the auspices of the voluntary health organizations, the individual organizations' lobbying strategies played a role in the success of tobacco control advocacy at the state level. National leadership of the ACS and AHA indicated that while improving in recent years, lobbyists in South Carolina for the voluntary health organizations tended not to be as aggressive with legislators as they may need to be to pass tobacco control legislation over the tobacco industry lobby's objections. Cathy Callaway, senior representative for state and local campaigns of the ACS' Cancer Action Network, explained that the lobbyists for the voluntary health groups in South Carolina seemed to "lack courage" when dealing with legislators and "they get very nervous if any legislator criticized something that they are going to do, or [when a legislator] 'threatens' [them]," although she did note that they grew more comfortable with phone banking between 2006 and 2008.<sup>320</sup> Similarly, LynnCarol Ray, vice president of governmental relations for the AHA's Mid-Atlantic affiliate, which includes South Carolina, explained that she would "rather see a little less policymaker hugging" from the state's lobbying coalition.<sup>321</sup>

Additionally, the voluntary health organizations and the Collaborative had limited grassroots capabilities compared with the voluntary health organizations in other U.S. states. As of 2007, the Collaborative's grassroots database contained approximately 3,500 names, and the AHA and ALA each had approximately 2,000 grassroots contacts in the state, while statewide the goal in 2007 was to expand grassroots capacity to 400,000 contacts, or approximately 10 percent of the state's population.<sup>322</sup> The limited grassroots capacity was also noted by national partners as one of the weaknesses of the tobacco control community in the state, particularly because, according to Callaway, "it takes a lot of people and a lot of noise to beat the tobacco company lobbyists either at the capital or at the City Council level."<sup>320</sup> Ray also noted the lack of grassroots capacity as one of the main limitations of tobacco control advocacy in the state, explaining particularly of the AHA that, "We don't have the grassroots base that I wish we had" in South Carolina.<sup>321</sup>

The Collaborative increased its name recognition and strategic focus between 2003 and 2008, through funding outside of DHEC and its role in the cigarette tax and smoke-free campaigns statewide. However, there was still much room for improvement in building the Collaborative as the advocacy coalition for tobacco control in the state. The Collaborative experienced significant organizational flux in 2008, with the resignation of their long-time Executive Director Renee Martin. In searching for a new Executive Director, the Collaborative was able to reflect on its structure, relationships with other organizations in the state and funding situation. Entering 2009 under new leadership, there was an opportunity to diversify the organization's funding, perhaps through membership dues, increased fundraising activities or national-level grant funding, and continue efforts to increase buy-in from the constituent organizations. Additionally, the Collaborative could look to the historical coalition development efforts of the defunct Alliance for a Smoke-Free South Carolina for ideas on expanding its membership base and grassroots capacity.

Despite the limitations of its funding and advocacy capacity, the Collaborative developed significant name recognition and visibility between 2003 and 2008, particularly through their coordination of a public relations campaign promoting a cigarette tax increase and to a lesser degree their work on local clean indoor air ordinances. The Collaborative was able to build capacity for local coalitions to engage in policy change efforts, most notably local clean indoor air ordinances. While actual policy change advocacy happened outside the Collaborative, under the name of individual health groups or local coalitions, the organization continued to serve as the coordinating body for statewide tobacco control strategy and planning.

### **Other Prominent Statewide Advocacy Groups: SCAATCN and Smoke Free Action Network**

Two additional tobacco control groups played a significant advocacy role in tobacco control in efforts to pass local clean indoor air ordinances across the state beginning in 2005: the South Carolina African-American Tobacco Control Network (SCAATCN) and the Smoke-Free Action Network (SFAN). Unlike the Collaborative, which was based in South Carolina's capitol city of Columbia, both of these organizations were based in the Charleston area. This geographical distinction led to rivalries and distinct attitudes about tobacco control between these groups and the Collaborative, particularly on clean indoor air advocacy. These tensions decreased significantly after 2006.

SCAATCN was founded in 1998 with the goal of reducing the impact of tobacco use on African-American communities statewide, growing out of the recommendations of two African-American tobacco control summits in 1995 and 1998, respectively held under the auspices of the Alliance for a Smoke-Free South Carolina and the ASSIST program after the Alliance's dissolution.<sup>313, 323</sup> After the demise of the Alliance for a Smoke-Free South Carolina, increasing distrust of statewide tobacco control advocacy among the African-American community, and given the disproportionate health impacts of tobacco use on African-American smokers, African-American tobacco control leaders in South Carolina determined that establishing an African-American focused statewide tobacco control coalition was necessary.<sup>323</sup> SCAATCN developed its infrastructure through 2001, engaging the African-American community across the state. As of 2008, the organization was generally synonymous with its Executive Director Dianne Wilson.

SCAATCN received funding from DHEC's CDC grant from 1999 through 2008 to build connections between the Tobacco Division and African-American communities and to conduct tobacco control education and advocate for the adoption of the Tobacco Division's model voluntary smoke-free policies in Historically Black Colleges and Universities (HBCUs) and predominately African-American churches. SCAATCN's church-based tobacco education efforts began in 2002 with funding from Hold Out the Lifeline (another DHEC grantee), ACS and DHEC, to implement the "Your Body is a Temple" workshop to encourage clergy to speak about the risks of tobacco use. Through these efforts, SCAATCN encouraged smoke-free churches and church grounds between 2002 and 2004, through which 42 churches around the state went smoke-free prior to DHEC's broader smoke-free model policy efforts on church campuses.<sup>313</sup> The organization also received separate grants from ACS, CTFK and DAODAS for tobacco control educational and outreach efforts in African-American communities across the state. SCAATCN's

DHEC funding steadily decreased starting in 2004, and was cut fully in 2008-09.

Smoke-Free Action Network (SFAN) was the organizational name synonymous with tobacco control advocate Dan Carrigan, who began volunteering in tobacco control in 1996, served on the board of the Charleston's local tobacco control coalition, and acted as campaign coordinator for Charleston's clean indoor air ordinance campaign in 2005 and 2006. Carrigan created SFAN in 2006 to act as a community-based organization providing technical assistance on the passage of smoke-free workplace and public place ordinances across the state. The organization had a mailing list of approximately 3,500 in 2007, but was never officially incorporated as a nonprofit organization.

Wilson and Carrigan originally joined forces to push the Charleston clean indoor air ordinance campaign between 2003 and 2006. Beginning in 2006, these two organizations received significant funding from Robert Wood Johnson Tobacco Policy Change grants, with SCAATCN as the recipient of the grants, to advocate for the passage of local smoke-free ordinances across the state and formed the lead technical assistance force for the majority of the 21 local ordinances that passed in the state between 2006 and 2008. The organizations developed relationships with national partners such as Americans for Nonsmokers' Rights (ANR) to provide assistance to communities across the state seeking to pass clean indoor air ordinances. Additionally, beginning in 2007, SCAATCN hired a lobbyist, Coretta Bedsole, to work on clean indoor air in the General Assembly, through the organization's unrestricted funds.

## **Conclusion**

From 1973 to 2005, the debate over tobacco control policies in South Carolina was dominated by the tobacco industry lobby. Even as the tobacco control organization in the state coalesced in 1992 with the state's first funded tobacco prevention program, ASSIST, and first tobacco control advocacy coalition, the Alliance for a Smoke-Free South Carolina, the movement was not able to accomplish significant policy-related goals. Programming was instead focused on low-impact, low-risk tactics to reduce tobacco use. Beginning in 2001, with the launch of the innovative Rage Against the Haze program, and continuing in 2004, with the adoption of model policy documents by the Tobacco Division, the state's tobacco control programming began to be more proactive and aggressive. The tone set by the Tobacco Division was supplemented by the tobacco control advocacy community starting in 2005, when the advocacy capacity of tobacco control organizations in the state began to markedly increase as the Collaborative gained name recognition and an increased strategic focus, and the SCAATCN/SFAN partnership increased its profile and funding levels through its local clean indoor air efforts.

Funding for DHEC's Tobacco Division remained meager from 2000 to 2008, with intermittent, small allocations from the state General Assembly to supplement the program's small annual CDC grant. Given the limited available funding, which averaged to approximately \$2 million per year between 2000 and 2008, the Tobacco Division developed effective programs that were able to survive funding shifts and limited political support. The Tobacco Division developed a policy change focus and pushed with some successes within the DHEC agency to increase the funding and importance of tobacco use prevention and cessation efforts. Particularly



relevant was the Tobacco Division's unified support for the more innovative and aggressive elements of the Rage Against the Haze youth movement, which secured funding from within the agency budget in years where the program was left unfunded by the legislature. The Tobacco Division staff was also instrumental in broadening the focus of legislative funding of the program to include elements outside of “youth smoking prevention” to include cessation efforts, supported by the voluntary health groups.

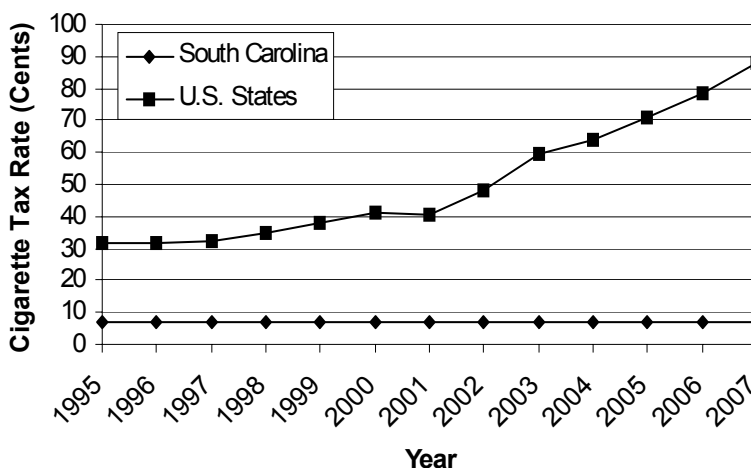
The DHEC leadership grew more supportive of tobacco control efforts generally between 2000 and 2008, but failed to take a strong stance on increased funding for the Tobacco Division above the limited \$2 million state allocations received. According to the voluntary health groups, agency leadership was reticent to challenge the legislature to take tobacco control seriously, based on political considerations and a perception that tobacco control would be unpopular in the historically tobacco-growing state.<sup>145, 244</sup> However, at the same time the voluntary health groups failed to push the DHEC leadership to move significantly beyond this position. It should be the role of the tobacco control advocacy groups to push the agency to take a stronger stance on tobacco control funding.

As of 2008, the state’s tobacco control advocacy organizations were steadily increasing in capacity funding and strategic planning. These groups focused their efforts on two issue areas: increasing the cigarette tax and promoting clean indoor air at the local level.

## CIGARETTE TAX INCREASE

Cigarette taxes are a proven strategy to reduce tobacco use by increasing prices and reducing demand.<sup>324-327</sup> South Carolina was the second state in the U.S. to pass a tax on cigarettes, which it did in 1923, following Iowa in 1921,<sup>8</sup> but in 2008 had the lowest cigarette tax in the nation, seven cents per pack. It had held this position since 2005 when North Carolina raised their tax on cigarettes from five to 30 cents per pack.<sup>8</sup> In 2007, the weighted average state cigarette tax was 88.1 cents per pack, more than twelve times that of South Carolina (Figure 16).<sup>8</sup> Despite the fact that there were concerted efforts by health groups to secure an increase in the cigarette tax each year between 2000 and 2008, the efforts were not successful. The last cigarette tax increase was passed in 1977, raising the tax from six to seven cents, equivalent to 2 cents in the purchasing power of 2008 dollars.

The South Carolina General Assembly increased this tax by only four cents between 1951, when it



**Figure 16:** South Carolina’s Cigarette Tax Rate Compared to Weighted U.S. States’ Average<sup>8</sup>

reduced the then-five cent tax to three cents, and 2008. This does not mean, however, that there were few attempts to increase the tax during the intervening half-century. After the last successful increase in 1977, there was a proposal in the South Carolina General Assembly almost every year to increase the cigarette tax through 2008. These increase attempts were primarily legislator-initiated, and undertaken to compensate for budget shortfalls, as opposed to tobacco-related health effects. These efforts were only successful in the late 1970s because the powerful Farm Bureau supported them, and received benefit from them. After the increase from six to seven cents per pack in 1977, the Tobacco Institute (TI) and its allies, including the Farm Bureau, were able to defeat all attempts by legislators to increase the tax, even in the face of large budget deficits. Prior to 2000, passing a cigarette tax increase was not a priority for tobacco control advocates in the state, as it was deemed politically infeasible, particularly in light of the disorganization and lack of lobbying power of the tobacco control advocacy community at the time.

### **Cigarette Tax Increases Leading Up To 1977**

In 1958, South Carolina's cigarette tax was at three cents, where it had been since the tax was reduced from five cents in 1951. Between 1958 and 1976 the tax was increased only two times, from three to five cents, and then from five to six cents. Between 1970 and 1977, when the last increase in South Carolina's cigarette tax was passed, the tobacco industry and its allies became much more active in opposing increases in tobacco excise taxes. The most commonly used arguments against an increase involved the perceived risk to tobacco growers in the state, as well as loss of tax revenue from sales of tobacco decreasing. (This argument is factually incorrect: due to price elasticity, tobacco tax increases have always increased revenue.) Throughout the cigarette tax debates in the 1970s and 1980s, Harry Bell, then-president of the South Carolina Farm Bureau, was an instrumental ally of the TI in defeating proposed increases based on the concept that the tax increase would be "grossly unfair" to tobacco growers.<sup>100, 328</sup> In the 1970s, the tobacco industry regularly depended on tobacco growers and the farm bureaus of the tobacco growing states to defeat attempts to increase tobacco taxes in the region.<sup>329</sup>

In the early 1970s, the industry was prepared to face increasing efforts by state legislators, including in South Carolina, to pass tobacco tax increases, based on an expected decline in sharing federal tax revenues with state and municipal governments that took place between 1972 and 1975, prompting many state legislatures to consider tax increases to fill budget shortfalls.<sup>28,</sup><sup>330</sup> To counter tax increase attempts in South Carolina, the Tobacco Tax Council (TTC) hired Sterling Smith as their lobbyist. Martin Ryan Haley and Associates, a consulting company hired in 1974 by the TI and TTC cooperatively to assess the effectiveness of their operations nationwide, attributed the lack of proposals to raise the cigarette tax in South Carolina between 1971 and 1974 to Smith's lobbying efforts: "Where three or four tax increase bills were usually introduced in the past, since the retention of a lobbyist there have been no bills."<sup>28</sup>

### **1977 Successful Cigarette Tax Increase**

In 1977, the General Assembly passed a one-cent increase in the cigarette tax over the veto of Governor James B. Edwards (R, Governor from 1975 to 1979).<sup>331</sup> This increase was an anomaly in that it was proposed by a Senator from the tobacco growing region of the state, Sen.

John C. Lindsay (D, Chesterfield, Dillon, Lee and Marlboro Cos.) and was supported by tobacco farmers<sup>53, 332, 333</sup> and the Commissioner of Agriculture, G. Bryan Patrick, who was later described by the TI as a “good friend.”<sup>72</sup> The likely reason for this uncharacteristic support was that much of the revenue from the extra cent was dedicated to funding agriculture research in the state.<sup>53, 334</sup> Senators from tobacco-growing districts, other farm leaders and the TTC, however, opposed the increase.<sup>114, 333</sup> The bill passed, but was vetoed by Governor Edwards. The House and Senate both achieved the two-thirds vote required to override the Governor’s veto, and this new rate became effective July 1, 1977.<sup>114, 331</sup>

There was very little discussion in the tobacco industry literature available from that time about active industry opposition to this bill aside from TTC’s lobbying efforts through Smith, although the TI and the Tobacco Merchants Association (TMA) were tracking the bill’s progress. It is possible that the industry was distracted by the proposal of S 217, the state’s first major attempt to pass a Clean Indoor Air Act, which they did actively oppose throughout the course of the 1977 legislative session. Similarly, the small tobacco control community in the state at that point was exclusively focused on the issue of smoke-free air.

### **Tobacco Industry Prevents Further Tax Increases, 1978-1989**

During the years immediately after the passage of the 1977 tax increase, the infrastructure of the tobacco industry’s political influence in the South Carolina General Assembly grew stronger and more formal. With the hiring of John Bankhead as the TI’s Southeast Area Manager in 1976 and lobbyists John Gregg McMaster for the TI and Sterling Smith for the TTC, the industry was very well prepared to face any oncoming attempts to increase the cigarette tax.<sup>72</sup> The TI’s Tobacco Action Network (TAN) provided grassroots opposition that was also instrumental in defeating cigarette taxes once they were introduced in the legislature.<sup>54, 335</sup> Additionally, a 1985 report from the TI explained that South Carolina’s coalition of agriculture-related organizations “have maintained an active role in opposing ... tax increase legislation.”<sup>53</sup>

The development and maintenance of relationships with the Farm Bureau and Commissioner of Agriculture was another method that the TI used to leverage the tobacco-growing community in the state to defeat cigarette tax increases.<sup>72, 115, 336</sup> The TI noted in a 1985 internal study that the Farm Bureau and the Department of Agriculture in South Carolina “rely heavily” on the TI for economic impact studies on tobacco “for use in their efforts to debate anti-tobacco legislation.”<sup>53</sup>

The 1983 defeat of H 2050, a bill proposing to increase South Carolina’s cigarette tax by two-cents per pack, provides an excellent example of the industry’s use of all these tactics to successfully prevent further increases in the cigarette excise tax. TI’s John Bankhead was notified quickly by lobbyist John Gregg McMaster of the pre-filing of the bill before the session even began.<sup>100</sup> The bill was being fast-tracked by the usually tobacco-tax hostile House Ways and Means Committee in order to fill a projected budget shortfall of \$89 million, but the TI was able to act fast and mobilize their support network to oppose the bill.<sup>100</sup> Bankhead hypothesized that the bill would be “difficult to defeat considering the state’s revenue shortfall,” but was “hopeful that our early start toward putting together a strong coalition of groups to oppose the increase will have an effective impact on the legislature.”<sup>72</sup> Health groups were not active in

pushing the bill, and there was not an active advocacy coalition in favor of the increase.

The TI’s ties to individual legislators was instrumental in their successful opposition to this legislation. The Vice-Chairman of the House Ways and Means Committee, Rep. T.W. Edwards (D, Spartanburg), had received campaign contributions from the TI that year,<sup>72</sup> and Rep. Alex Harvin (D, Clarendon), a member of the House Ways and Means Committee, personally called Bankhead to keep him apprised of progress on the bill.<sup>100</sup> Given the difficult budget situation, Rep. Harvin’s dire assessment that “the tracks were greased’ against the opponents of the increase,”<sup>100</sup> the TI was confident in its ability to defeat the bill.

The TI’s planned response to H 2050 consisted of leveraging all of the industry’s allies, coordinated by Bankhead, Smith and McMaster (Table 40). This coordinated response included many of the elements that the TI would use successfully in other instances of tobacco tax increases or clean indoor air legislation during the 1980s.

The TI used some of its traditional arguments against tobacco tax increases to oppose the bill. They asserted that the cigarette tax increase would “erode the tax base” provided by cigarettes to the state, citing that a 10 percent increase would decrease sales by two percent; the unfairness of the taxes on tobacco, claiming that “for low fixed-income persons, a significant tax increase would take away this affordable pleasure”; it would harm tobacco farmers; and interstate smuggling would result in additional sales revenue losses.<sup>339</sup> While it is true that a tax increase is shown to reduce demand for cigarettes, they do not reduce revenue; the commonly used argument about the risks of interstate smuggling have also been proven false.<sup>340</sup>

<b>Table 40:</b> Example of Tobacco Institute Leveraging of Allies to Defeat Tobacco Taxes, Action on H 2050, 1983	
<u>Ally</u>	<u>Role in Opposition to Tax Increase</u>
Tobacco Area Legislators	- Wrote letters of opposition sent to House members. <sup>100</sup> - Met with Bankhead, Smith and McMaster to “plot legislative strategy” the day before the bill was expected to be heard on the House floor. <sup>31</sup>
Farm Bureau	- President Harry Bell sent out letters of opposition to House members. <sup>100, 102, 103</sup> - Mailed a special newsletter to its 86,000 members across the state to generate grassroots opposition. <sup>31, 104</sup>
Commissioner of Agriculture	- Commissioner Bryan Patrick sent letters of opposition to Republicans in House and Senate. <sup>100</sup> - Incoming Commissioner Les Tindal also sent letters of opposition to Senate and House. <sup>100, 116</sup>
Women Involved in Farm Economics (W.I.F.E.)	- Set up a phone tree to encourage grassroots opposition. <sup>31</sup>
Vendors and Distributors	- Smith made contacts with tobacco vendors and distributors in their state to request legislative contacts in opposition to the increase. <sup>100</sup>
TAN	- TAN Action Request sent to all Brown & Williamson field sales employees and Philip Morris volunteer coordinators, requesting grassroots opposition to the legislation. <sup>57, 337, 338</sup>

The bill was committed to the House Agriculture Committee on January 11, 1983, only 28 days after it was reported out of the Ways and Means Committee pre-session, on the suggestion of tobacco-area legislator Rep. John Rogers (D, Marlboro County).<sup>53, 103</sup> The Chairman of the House Agriculture Committee, Rep. “Bubba” Snow (D, Georgetown and Williamsburg Cos.), had received an unspecified amount of campaign contributions from TI that year.<sup>72</sup> Bankhead visited with Snow the next morning, after which Bankhead reported to Mozingo that “this tax bill for all practical purposes is dead.”<sup>103</sup> An article in *The State* described the assignment of the bill to that committee as a “fatal blow.”<sup>116</sup> Indeed, the bill never moved out of the Agriculture Committee, and died with adjournment of the session on June 22, 1984.<sup>341</sup> The legislature instead opted to pass a one percent increase in the sales tax to bring in new revenue.<sup>341</sup>

The rapid defeat of a bill that even Bankhead thought would get to the Senate illustrates the effectiveness of the tobacco industry’s coordinated strategy in the state during the 1980s. The key elements in their success included: early notification of the proponents’ strategies through their lobbyists and legislative ties, rapid and coordinated planning of the industry’s response, and effective and quick leveraging of all the allies at their disposal including both grassroots and peer-to-peer efforts. This strategy allowed the tobacco industry to handily defeat all proposed cigarette tax increases through 1989.

Despite the resounding success of the industry’s efforts to defeat H 2050, Bankhead acknowledged in January 1983 that even though that bill was dead, “the tax increase issue is not.”<sup>103</sup> Indeed, in each legislative session between 1983 and 1989, at least one proposal to increase the cigarette tax appeared and was defeated by the TI, often “at the discussion stage,” despite significant budget shortfalls.<sup>53, 110, 342, 343</sup> According to a state analysis from the TI in 1987, the new Governor Carroll A. Campbell (R, 1987-1995) had “pledged and repledged not to increase taxes,” and concluded that “it appears that the state legislature should not be under pressure to raise taxes in the near future,” despite the budget shortfall.<sup>110</sup>

The industry was very confident during this time in its ability to defeat increases in the tobacco taxes. In 1985 and again in 1987, the TI determined that, “with respect to state bills to restrict smoking or increase the cigarette tax, the prognosis is excellent for the industry.”<sup>53, 110</sup> The TI “States at a Glance” forecast for 1988 says of South Carolina: “tobacco taxes present a perennial problem for the industry when the legislature formulates its budget package,” but that “success in defeating tax proposals is anticipated again in 1988.”<sup>344</sup> The health groups in the state were largely absent from the debate on the cigarette tax, with their only organized tobacco control efforts focused on clean indoor air ordinances and legislation; the industry noted that their legislative influence was “lacking.”<sup>53</sup>

### **Tobacco Control Groups Put Tobacco Tax in the Back Seat, 1990-1999**

Between 1985 and 1990 organizations involved in tobacco control gradually became more organized as the Clean Indoor Air Coalition, coming together around attempts to pass local clean indoor air ordinances and eventually a statewide Clean Indoor Air Act, which passed in 1990. At the time, this group primarily involved the voluntary health organizations, particularly the ACS and ALA, as well as the South Carolina Public Health Association and the Division of Health Promotion in DHEC.<sup>158</sup> After the passage of the Clean Indoor Air Act, these groups joined with

others to form the “Tobacco Free SC” coalition as part of the state’s application for NCI’s ASSIST program, subsequently forming the Alliance for a Smoke-Free South Carolina under the ASSIST grant.

During the efforts to pass the 1990 Clean Indoor Air Act, the health groups decided that to pass their bill without having preemption language added, they would need to compromise with the tobacco industry. Tobacco control groups made a “gentlemen’s agreement” with the tobacco industry lobbyists: they would not pursue a tobacco tax increase nor additional local clean indoor air ordinances for approximately three years and would accept the removal of the private sector clauses—restaurants and bars—from the bill, if the tobacco industry allowed the Clean Indoor Air Act to pass without explicit preemption.<sup>158, 345</sup> While this agreement did not bind the tobacco control advocates within ASSIST from pursuing a cigarette tax increase, they determined that it was not a realistic policy priority to pursue.<sup>158</sup> They held this position through 1999, and any efforts between 1990 and 1999 to increase the cigarette tax did not involve advocacy from the tobacco control community.

In 1990, the South Carolina Medical Association sought to pass a 43-cent increase in the cigarette tax, to 50 cents per pack<sup>160</sup> so smokers would pay a larger share of the state’s costs to treat tobacco-related diseases.<sup>346</sup> They hoped to get the plan introduced in the 1991 legislative session; a proposal was introduced, but was later withdrawn by its sponsor.<sup>347</sup> In the same session, a five-cent increase was allowed to pass in the House only because Speaker Pro Tempore David Beasley (Democrat who switched to the Republican party after 1991 session,<sup>348</sup> Darlington) requested that tobacco area lawmakers give up their opposition so that Representatives could attend a scheduled reception and dinner.<sup>349</sup> This increase was removed by the Senate, and in 1991, both Governor Campbell and Speaker of the House Bob Sheheen had pledged to not allow any new taxes, so it is unlikely that the tax would have passed a governor’s veto.<sup>350, 351</sup>

This near-passage of this tax increase, however, did represent a turning point in the cigarette tax debate. Several lawmakers in favor of the tax used anti-smoking rhetoric in support of the bill, as well as the interest in better funding for health care and Medicaid programs. Even the opposition noticed a change in the House’s attitude towards a cigarette tax. Speaker Pro-Tem Beasley (later Governor from 1995 to 1999) noted that, “Each year, we’ve lost votes [against the cigarette tax increase]. ... There’s no question there’s a change in sentiment out there about tobacco.”<sup>352</sup> Unfortunately, the tobacco control groups did not capitalize upon this changing attitude to increase the tax or pass other tobacco control legislation between 1991 and 1995.

In 1993, the South Carolina Medical Association was again actively supporting a substantial increase in the cigarette tax, with a mail piece to legislators encouraging a 25-cent increase.<sup>353</sup> The Alliance for a Smoke-Free South Carolina joined the South Carolina Medical Association in supporting proposed increases, but once the proposals introduced in 1993 failed, the tobacco control community did not even mention the tobacco tax as a policy priority until 1999.<sup>353</sup>

The 1993 cigarette tax debate marked the beginning of an effort by the South Carolina Policy Council, a conservative policy research organization that was allied with the tobacco

industry on the tobacco tax issue from 1999 through 2008,<sup>79, 98, 354-358</sup> to have legislators sign a no-tax increase pledge.<sup>359</sup> This type of effort hindered cigarette tax campaigns from this point through the 2008 legislative session, because it provided legislators with an easy excuse for not voting to increase the cigarette tax, despite health and budgetary arguments in its favor.

These continued defeats of a new tax, along with Governor Campbell's continued promise to veto any tax increases, led *The State* to report that by 1994, "raising the nation's [then] fourth-lowest cigarette tax isn't even discussed seriously."<sup>345</sup> The article also cited the industry's well-funded lobbying efforts and the fear of attacking agriculture as keys to the industry's success.<sup>345</sup> Governor Beasley (R, 1995 to 1999) continued his opposition to increased cigarette taxes from the House to the Governor's role. In addition, after the 1997 disbanding of the Alliance for a Smoke-Free South Carolina, there were almost no coordinated efforts by the tobacco control community to influence tobacco control policy-making at the state level. After 1993, there were no significant attempts to increase the tax until 2002, almost a whole decade of stagnation on the issue because of effective tobacco industry lobbying combined with a conservative hesitancy about tax increases in the legislature and a disorganized and timid tobacco control community.

### **More Serious Attempts to Pass a Tax Increase Thwarted, 2000-2005**

Raising the cigarette tax re-entered the public health debate in South Carolina in August 1999, when the lobbyists for the ACS, ALA and AHA in South Carolina met at the 5<sup>th</sup> National Conference on Tobacco or Health in Orlando, Florida, and began casually discussing the need to cooperate on a cigarette tax increase in South Carolina. When the lobbyists returned from the conference, they developed a bill in cooperation with the South Carolina Medical Association, which would have raised the cigarette tax to 50 cents, and attempted to find a sponsor for it in the 2000 legislative session.<sup>145</sup> Due to the weakness of the tobacco control lobby at that point and the long dormancy of issue in the legislature, the group could not find a sponsor for the bill. Nancy Cheney, the American Cancer Society's Government Relations Director for South Carolina, explained that the coalition was "totally laughed at, basically," for proposing an increase.<sup>145</sup>

After the 2000 legislative session, in which the health groups worked together to secure funding for health care from the MSA, they formed the South Carolina Tobacco Collaborative ("the Collaborative") as the reconstituted tobacco control coalition in the state, which continued through 2008 to gradually gain advocacy power. Increasing the state's cigarette tax was one of the Collaborative's top priorities since its formation.<sup>145, 217</sup> While the Collaborative since its founding was the tobacco control community's coordinating body on the tobacco tax increase, lobbying was conducted under the auspices of the Collaborative's organizational members, specifically the ACS, ALA, AHA and South Carolina Cancer Alliance.

### ***2002: Medicaid Cuts Mobilize Medical Community for Tobacco Tax Increase***

In 2002 the medical and healthcare consumer advocacy community succeeded in raising the issue of a cigarette tax increase in the public debate and at the statehouse. The medical and consumer advocacy community rallied around a cigarette tax that year due to the proposed 2002-03 budget, which gutted the state's Medicaid program, in part in response to what legislators saw

as inappropriate use of the funds for undocumented immigrants or income ineligible residents.<sup>360</sup> Throughout the 2002 debate, the tobacco control community was still not powerful enough nor coordinated enough to effectively join the debate.<sup>145</sup>

The gutting of the Medicaid funding led Sue Berkowitz with S.C. Appleseed Legal Justice Center and others to form an advocacy coalition with the South Carolina Medical Association and the American Association of Retired Persons (AARP) to join forces in calling for a 44-cent tobacco tax increase in March 2002.<sup>360, 361</sup> They were soon joined by more than 30 other health-related agencies and organizations in a coalition of interest groups that pushed for an increased tax.

This group found a sponsor for their proposed increase in Sen. Verne Smith (R, Greenville Co.), who was also instrumental in securing funding for the tobacco control program that same legislative session. Sen. Smith proposed an increase in the cigarette tax by 22 cents to fund Medicaid.<sup>362</sup> Within two weeks, on April 16, 2002, a poll was conducted by the state's three teaching hospitals showing that 76 percent of South Carolina's voters would support a 22-cent cigarette tax increase going towards Medicaid.<sup>363</sup> The statehouse received an inundation of calls and letters from healthcare advocates in support of the increase.<sup>364</sup>

However, this popular support did not offer the bill any momentum. Only two days later, on April 18, 2002, it was reported that Governor Jim Hodges (D, 1998 to 2002) had killed the cigarette bill by telling Democratic Senators not to support it the night that the poll had been released.<sup>364</sup> Hodges had long pledged not to raise taxes, and explained to Senators that in that reelection year he did not want to sign a tax increase nor veto an increase that would help the poor, encouraging the legislature to fund Medicaid in other ways.<sup>364</sup> In response, more than 400 families, politicians and healthcare officials held a rally in front of the statehouse the following week to show support for the proposed 22-cent increase.<sup>253</sup>

Despite this show of support, the Senate rejected Sen. Smith's 22-cent increase, instead electing to approve the withdrawal of \$97 million from the Healthcare Trust Fund's principal to fund Medicaid for that year alone.<sup>365</sup> In May, the House similarly voted to table a 51-cent increase proposed in the House version of the budget bill by a 55 to 50 vote.<sup>366</sup> The amendment had been proposed by Representatives James Smith (D, Richland Co., Policy Score 9.7), Joe Neal (D, Richland and Sumter Cos., Policy Score 9.3) and Joel Lourie (D, Richland Co., Policy Score 10.0, and in 2008 a prominent Senate ally for the tax increase and youth smoking prevention funding), as a last-minute attempt to avoid using the Senate plan of raiding the Healthcare Trust Fund as a one-year fix.<sup>367</sup> Members of the House cited the fact that it was an election year as a reason for voting against the amendment, despite the popular support for the increase.<sup>365</sup>

The defeat of the cigarette tax proposal in 2002 appeared to have been an election-year issue; supporters of the tax as a sustainable funding source for Medicaid continued their push in the 2003 legislative session. The coalition of health-related organizations began pushing for a 52-cent tax increase in the lead-up to the 2003 session.<sup>368</sup> In November 2002, the state's business community joined supporters of the cigarette tax when the South Carolina Chamber of Commerce and the Palmetto Business Forum, two of the most influential business organizations



in the state, announced they were in favor of increasing the tax for Medicaid funding.<sup>368</sup>

Rep. Lourie also proposed a 58-cent increase during a special session on the budget in December 2002 that was primarily used to build momentum for increasing the tax during 2003's regular session.<sup>369</sup> In an interesting twist, Gov. Hodges proposed a budget only weeks before leaving office that was balanced primarily by raising a gasoline tax and the cigarette tax, both measures he had advocated against prior to the election that he lost.<sup>370</sup> This proposal was not included in the final budget, but by the end of the special session, *The State* reported that “virtually everybody was convinced that the Legislature was going to raise the state’s ... cigarette tax next year.”<sup>371</sup>

Republican Mark Sanford won the election for Governor in 2002, following the Republican majority win in the House and Senate in 2000, which continued through 2008. The newly conservative control of both branches of government created increased difficulty for tax increase proposals.

### ***2003: Stronger Coalition Pushes for Tobacco Tax***

With this potential tax increase on the horizon, RJR took out an ad in *The State* on January 9, 2003, listing reasons to oppose a cigarette tax. Their arguments included: South Carolina smokers already paid \$156 million a year in “excise and sales taxes and litigation settlement payments;” a disproportionate burden of the tax on poor households; and increased risk of out-of-state or illegal cigarette sales, threatening the existing revenue from cigarette taxes.<sup>372</sup> *The State*, which had consistently been and was through 2008 in favor of a cigarette tax increase, published an editorial on the opposing page countering the premises behind these arguments in the paid advertisement.<sup>372</sup> There was broad editorial support for the cigarette tax increase by 2003.

Leading up to the debate on the cigarette tax in the legislature, another poll was commissioned by the still-unnamed coalition of groups supporting the cigarette tax, led by Berkowitz of Appleseed Justice. This poll, released on January 9, 2003, again showed overwhelming popular support for an increase, this time with 77 percent supporting a 53-cent increase to fund Medicaid.<sup>373</sup> It additionally showed that a majority of smokers also supported such an increase (53 percent).<sup>373</sup>

It was only at this point, in late January 2003, that the voluntary health groups came out in support of the cigarette tax, emphasizing that some of the money should go towards youth smoking prevention.<sup>374</sup> They released this statement in association with the release of the national study by Campaign for Tobacco-Free Kids on tobacco settlement spending on tobacco prevention programs.<sup>374</sup> Nonetheless, tobacco control groups were still not engaged members of the coalition, because the main coalition representatives refused to use the argument that the increased tax would lead to reductions in youth smoking because, “It opens up a line of attack. This is not about smoking.” according to Blue Cross’s Ed Sellers.<sup>375</sup> The voluntary health groups lent their names to the coalition, but were not outspoken members and were never mentioned in media coverage of the push for the increase in the 2003 legislative session.

Despite this popular support and momentum in the legislature, the cigarette tax increase faced a hurdle based on “no-tax” pledges that many legislators and then-Governor-elect Mark Sanford (R, elected 2003) had signed, in addition to opposition from Senate President Pro Tempore Glenn McConnell (R, Charleston Co., Policy Score 3.7).<sup>376</sup> Sen. McConnell had said that he would oppose a cigarette tax increase because it would unfairly burden smokers with the responsibility of paying for Medicaid.<sup>376</sup> (In the 2004 election cycle, ongoing at the time, Sen. McConnell received \$3,500 in campaign contributions from Philip Morris, Lorillard and RJR combined, and received a total of \$4,900 between 1996 and 2004 from tobacco manufacturers.) However, even Sen. McConnell had said that a cigarette tax might be the exception to the no-tax pledge.<sup>376</sup> Similarly, Gov. Sanford, in his first State of the State address, left open the possibility that he could support a cigarette tax increase.<sup>377</sup> However, he consistently insisted that any increase in the cigarette tax be tied to a reduction in another tax. Many legislators and lobbyists viewed Sanford’s stance as “the kiss of death for a cigarette tax increase.”<sup>377</sup>

Sen. Verne Smith introduced a bill to increase the tax by 53-cents, which would have brought South Carolina to the then-national average of 60 cents.<sup>378</sup> Senate Finance Committee Chairman Hugh Leatherman (R, Darlington and Florence Cos., from the state’s tobacco growing area), had already taken the position that the General Assembly would need to find a new and recurring way to finance Medicaid, but did not commit to the cigarette tax being the best way to do it.<sup>378</sup> House Ways and Means Committee Chairman, Bobby Harrell (R, Charleston and Dorchester Cos.) was personally opposed to any tax increase, but acknowledged that there was support for an increase on his committee.<sup>378</sup>

A House *ad hoc* committee was formed to address Medicaid reform and promptly rejected a 22-cent increase proposal in March 2003, instead proposing to fund Medicaid by refinancing the securitized settlement bonds.<sup>379</sup> On the same day the House rejected the tax increase proposal, 250 advocates met for a rally in support of increasing the tax in front of the statehouse for the second year in a row.<sup>379</sup> By March 2003, the broad coalition in support of the tax increase that had been developing over the previous two years, led by S.C. Appleseed Justice and the South Carolina Medical Association, had adopted the name “Cigarette Tax for Health Care Coalition” and was widely covered in the media.<sup>379</sup> Throughout the legislative session, this coalition lobbied legislators and sent emails to its broad grassroots network to ask them to urge legislators to vote in favor of a tax increase for Medicaid.<sup>380</sup>

After the Republican House had rejected the tax increase proposal, Gov. Sanford came out in support of a cigarette tax increase to fund Medicaid.<sup>381</sup> Sanford had previously told legislators that he supported their plan to finance Medicaid through a refinancing of the tobacco settlement bonds, but one week later he surprised legislators with his own proposed tax increase instead. In this first major policy initiative of his tenure as Governor, Sanford expressed support for a 53-cent increase, in exchange for a gradual rollback of the state’s income tax, from seven to five percent over 15 years.<sup>382</sup> Sanford explained that his proposal was meant as a “bridge” between the likely clashing House and Senate views on the tax increase.<sup>382</sup> Republican leadership in the House, however, jumped on the cigarette tax as the means to shut down what they saw as the new Governor trying to “one-up” them.<sup>383</sup> In what became a long-running feud between House Republicans and Republican Governor Mark Sanford, then-Speaker of the House David Wilkins openly opposed Sanford’s plan, going to extraordinary lengths to defeat the cigarette tax

increase.<sup>380, 384</sup> The House did not pass a tax increase, defeating the proposal by a 71 to 37 vote, and instead the *ad hoc* committee's plan to fund Medicaid through refinancing the securitized bonds passed through the House based on the "steamroll" tactics of the leadership.<sup>385</sup> Some lawmakers said that the effort against the cigarette tax was "the most exercised the leadership and speaker [had] been in the ... nine years [prior]."<sup>386</sup>

After this resounding defeat in the House, the Senate had yet to take up Sen. Smith's tax increase bill. The Cigarette Tax for Health Care Coalition continued to advocate strongly for the proposal. However, the Senate could not pass an increase that met Gov. Sanford's tax decrease requirement and passed a budget without an increase in the cigarette tax.<sup>387</sup> Gov. Sanford responded to the deletion of the cigarette tax increase with a press conference with 200 nurses, hospital administrators and other supporters to encourage support for his plan and worked with legislators who were still debating the budget bill.<sup>388</sup> However, now that the tax increase was not included in either version of the budget, House and Senate leaders held a press conference the same day explaining that they did not support a tax increase that session, instead opting to reform the Medicaid system before fully funding it.<sup>388</sup> The Senate did vote 32 to 13 not to table the stand-alone 53-cent increase sponsored by Sen. Smith, but it was with only five days left in the session.<sup>389</sup> A federal grant to fund Medicaid for the following fiscal year further neutralized cigarette tax supporters.<sup>389, 390</sup> With the federal grant temporarily solving the need to fund Medicaid, the Cigarette Tax for Health Care Coalition expressed that they did not care where the money for Medicaid came from, indicating that they were not particularly tied to the cigarette tax increase as a policy goal.<sup>145, 375, 389</sup>

With the defeat of the "purely dollars-and-cents message" around the cigarette tax, and the sentiment that the medical and consumer advocacy groups would not push for a tax increase if Medicaid funding came from another source, the Collaborative decided to take a more outspoken stand about the public health benefits of increasing the cigarette tax.<sup>375</sup> By this point, the Collaborative had established itself as an independent nonprofit organization, but still did not have significant name recognition, funding or clout. ACS, ALA and AHA all began using the Collaborative banner to combine their advocacy efforts to increase a cigarette tax in the 2004 legislative session.<sup>375</sup>

#### ***2004: Tobacco Control Enters the Cigarette Tax Debate***

The Collaborative played a substantial role in the cigarette tax debate for the first time in 2004. Leading up to the session, the Collaborative held a public forum on November 12, 2003, to gain support for a 93-cent increase, focusing on the positive health effects of raising the cigarette tax.<sup>375</sup> The group drew on resources from a Robert Wood Johnson SmokeLess States policy initiative, the "Southern Neighbors Project," which was a \$500,000 multi-state public awareness campaign in the seven main tobacco-producing states to support cigarette tax increase campaigns. Christie Johnson, formerly with the DHEC Tobacco Division, was hired part-time to direct Southern Neighbors-related activities in South Carolina under this grant during 2004.<sup>391</sup> While small in comparison with the well-established Cigarette Tax for Health Care Coalition, the Collaborative succeeded in getting news coverage of their proposed 93-cent stand-alone increase, using the message that it should pass without political considerations of income taxes or Medicaid spending.

The Collaborative worked with the Cigarette Tax for Health Care Coalition during the 2004 legislative session, as both groups were promoting the same tax increase bills. Nonetheless, the split into two distinct tax increase coalitions created a rift between the healthcare consumer advocate group and the voluntary health organizations.<sup>145</sup> The Cigarette Tax for Health Care Coalition pushed for a 63-cent increase, while the Collaborative pushed for a 93-cent increase.<sup>392</sup> The Coalition of healthcare consumer advocacy groups rallied their efforts in 2004 around a new logo with a piggy bank smoking a cigarette and frowning, with the slogan “Smoking Taxes Everyone: Make Cigarettes Pay Their Fair Share,” making a stronger health argument than the group had before, pointing out that smokers incur greater healthcare costs than others (Figure 17).<sup>392</sup> The group still focused their arguments for a cigarette tax increase around securing funding for the state’s Medicaid program, but the new focus on the healthcare costs of smoking was meant to counteract the argument that tobacco taxes unfairly targeted smokers.<sup>393</sup> The Collaborative focused their efforts on raising the cigarette tax to the national average in order to reduce smoking rates. The two groups held their kick-offs one day apart, on November 11 and 12, 2003, attempting to garner media attention and support for the tax for the upcoming session.<sup>145</sup>



## **Make CIGARETTES PAY Their FAIR Share**

Figure 17: Piggy Bank Logo from 2004 Cigarette Tax for Health Care Coalition

Governor Sanford’s proposed tax reform plan, presented in November 2003, included raising the cigarette tax by 61 cents and reducing the income tax correspondingly.<sup>394</sup> The House Ways and Means Committee surprisingly decided to use Sanford’s budget as their model when it began considering the budget in February 2004.<sup>395</sup> However, despite a \$180 million deficit to fill in the budget, it was an election year, which made it more difficult to pass any tax increase. Despite news coverage of the Collaborative’s call for a 93-cent increase, the Governor’s office indicated that it was unlikely to pass in the House and House Republicans were still focused on fixing Medicaid before increasing a tax.<sup>396</sup> The legislature and the Governor avoided discussion of a cigarette tax increase during budget debates in 2004, and the media coverage of both campaigns’ tax increase efforts failed to generate political momentum.<sup>397</sup>

By March 2004, the Governor and legislative leaders had flown to Washington to request and receive another year’s federal bail-out for the Medicaid program, again deflating the broader, Medicaid-based coalition’s efforts to pass a tax for funding of Medicaid.<sup>398</sup> Relations between the Governor and House Republicans deteriorated further during this session over a veto override on a major economic development bill, over which Sanford threatened to sue the legislature.<sup>399</sup> This controversy decreased the chances of a tobacco tax increase passing in that session as well. No tax increase bills were ever seriously considered during the 2004 legislative session, despite increased advocacy by the tobacco control community joining the existing medical and healthcare consumer advocacy coalition in a call for a cigarette tax increase.

Several efforts by the regional Southern Neighbors Project served to educate legislators and garner media coverage of the cigarette tax issue, laying the groundwork for increased traction for the cigarette tax campaign in upcoming sessions. The Southern Neighbors campaign provided funding for direct mail and phone banking to 38,000 South Carolina households during June 2004.<sup>400</sup> Additionally, the grant funded cross border sales reports written by RTI International which served to neutralize tobacco industry arguments that a cigarette tax increase above the regional average would increase cross-border sales. These arguments had been particularly successful with South Carolina legislators, because more than half of South Carolina's counties are border counties.<sup>401</sup> The results of these reports were presented to South Carolina legislators and the media through a colloquium on the issue hosted by the Collaborative for legislators, the state Board of Economic Advisors and the Governor's Office.<sup>400, 401</sup> After the release of these reports, the cross-border sales argument was minimally used in the South Carolina legislature.<sup>401</sup>

## **Near Success Comes with Increased Funding and Strategic Planning, 2006 to 2008**

### ***Increased Advocacy Funding***

South Carolina's cigarette tax became the lowest in the nation when North Carolina increased its tax from 5 to 30 cents in 2005. Neighboring tobacco-growing states had already increased their historically low taxes, with Virginia increasing from 2.5 to 20 cents and Kentucky increasing from 3 to 30 cents in 2004. North Carolina increased their tax again in 2006 from 30 to 35 cents, creating increased focus from national tobacco control groups on South Carolina's 7-cent cigarette tax.

To increase the Collaborative's capacity to effectively advocate for a cigarette tax increase after unsuccessful attempts in the 2003/2004 legislative session, advocates appealed to national partners for assistance in forming a well-funded and coordinated campaign to raise the cigarette tax. The Campaign for Tobacco-Free Kids (CTFK) responded by providing funding for a public relations campaign and a tax campaign coordinator, Kelly Davis, a local public relations professional with a background in public health policy issues who acted as the point-person for all parties involved in the cigarette tax increase campaign. While Davis was paid directly by CTFK, she and the campaign were housed within the Collaborative. CTFK's funding went to increase the non-lobbying resources of the Collaborative. With ACS as the funding agent for the public relations grant, the ACS was able to provide increased funding for grassroots lobbying and campaign support with their own funding.<sup>391</sup> The strategy of housing the campaign within the Collaborative increased the Collaborative's ability to advocate for the tax as an organization through public education efforts such as op-eds, which contributed to increasing the Collaborative's name recognition. However, direct lobbying of the legislature was still done under the name of individual member organizations' names, particularly the voluntary health groups and the South Carolina Cancer Alliance. This set up provided name recognition for the Collaborative without raising concerns about "lobbying" with the organization's funding from DHEC.

The newly-funded tax increase campaign, which began in 2006 and increased in intensity and success in the 2007/2008 legislative session, marked a distinct shift from the tobacco control

community’s relatively passive activity on tobacco control in previous years. Funding for a coordinated public relations campaign, focused on media, legislative activity and grassroots outreach was provided by the ACS, as well as other public health groups (Table 41). CTFK continued to provide funding to the ACS and staff the campaign through Kelly Davis. The political climate surrounding the proposal of a cigarette tax increase was already charged from the debates about the issue in 2003 and 2004, and the issue was still a controversial point between the Republican Governor Sanford and the Republican House leadership. The marked increase in public and legislative support for a cigarette tax increase in the 2007/2008 legislative session was a success for tobacco control advocates. By using nationally proven tactics, such as focusing the issue on reducing tobacco use as opposed to a specific revenue plan, advocates were able to defeat a coordinated tobacco industry opposition campaign in the legislature. A 50-cent cigarette tax increase with \$5 million dedicated to tobacco control and the remainder split between Medicaid funding and small business health insurance assistance was passed out of the General Assembly in 2008, but vetoed by the Governor.

<b>Table 41: Contributions to Cigarette Tax Increase Campaign by Organization (2007/2008 Legislative Session)</b>			
<u>Organization</u>	<u>2007</u>	<u>2008</u>	<u>Total</u>
Campaign for Tobacco-Free Kids	\$120,479	\$121,246	<b>\$241,725</b>
American Cancer Society	\$26,227	\$46,000	<b>\$72,227</b>
South Carolina Cancer Alliance	\$20,900	\$19,000	<b>\$39,900</b>
American Heart Association	\$1,285	\$10,432	<b>\$11,717</b>
South Carolina Tobacco Collaborative	\$7,131	\$250	<b>\$7,381</b>
American Lung Association	\$1,245		<b>\$1,245</b>
<i>Grants:</i>			
Robert Wood Johnson Foundation (Paid Media, through Tobacco-Free Kids)	\$64,549		<b>\$64,549</b>
Pfizer (Paid Media, secured by ALA)	\$15,000		<b>\$15,000</b>
<b>Total</b>	<b>\$256,816</b>	<b>\$196,928</b>	<b>\$453,744</b>
Notes: - Amounts shown here exclude in-kind contributions and lobbyists’ fees. - This funding began in 2006, at a total of \$195,790, but accurate data was not available on the breakdown of contributions for that year. Source: South Carolina Tobacco Collaborative <sup>402</sup>			

### ***Building the Campaign Organization***

The campaign was run through the Collaborative’s Cigarette Tax Strategy Group, which was composed of representatives from the voluntary health groups, the South Carolina Cancer Alliance, DHEC, March of Dimes, CTFK, United Way Association of South Carolina, Save the Children and the ACS’ Cancer Action Network.<sup>403</sup> The campaign also recruited a broad coalition of allies (Table 42). Each of these organizational allies signed a “Resolution in Support of a

**Table 42: Cigarette Tax Increase Organizational Supporters (2008 Legislative Session)**

Adult/Pediatric Allergy and Asthma Center  
Allergy and Asthma Consultants, LLC  
Anderson County Healthy People 2010  
Auntie Karen  
Carolina Peace  
Children's Respiratory Center, PA  
DocLink  
Greenville Family Partnership - Tobacco Free Kid Collaborative  
Greenwood Advocates for Tobacco Education  
Lovelace Family Medicine  
Living Water Foundation  
March of Dimes  
National Multiple Sclerosis Society  
SC African American Tobacco Control Network (SCAATCN)  
SC Asthma Alliance  
SC College of Emergency Physicians  
SC Dental Hygienist Association  
SC HIV/AIDS Council  
SC Nurses Association  
SC Perinatal Association  
SC Public Health Association  
SC Recreation and Parks Association  
Tobacco Free Wateree Coalition  
Touchpoint Communications  
United Way Association  
Woodruff Family Medicine  
Yul Brynner Head and Neck Cancer Foundation, Inc.

Source: WorthTheChange.org<sup>406</sup>

Cigarette Tax Increase” which allowed the Collaborative to use the organizations' names in support of a substantial increase in the cigarette tax.<sup>404</sup> The organizations would then receive advocacy alerts on the tax campaign from the Collaborative, which they could then send on to their membership and supporters, expanding the campaign's grassroots reach. Many of the organizations preferred to join as supporters, but not necessarily act as active participants in the campaign itself, as members of the Cigarette Tax Strategy Group.<sup>405</sup>

### ***2006-2008 Public Education Media Campaign***

The campaign focused the bulk of its budget from 2006 to 2008 on a public awareness campaign conducted through print and radio media (Table 43). A limited number of ads were funded outside of the campaign budget by ACS; these ads ran in local media and focused on specifically listing legislators' names in local media to encourage them to vote for the cigarette tax increase (Figure 18).<sup>407</sup> The majority of the campaign's paid media were statewide radio ads with messaging on the need to reduce youth tobacco use and the state's status of lowest cigarette tax in the nation. (Figure 19 is an AHA-sponsored print ad which corresponded with a similarly-themed radio ad). Both print ads were designed using ad templates used nationally by CTFK adapted for use in South Carolina.<sup>408</sup> The “superhero” ad in Figure 19 was run statewide, but with a particular focus on the districts of opponents of the tax increase bill.<sup>409</sup> Cathy Callaway with the ACS Cancer Action Network at the national level, criticized the ads as “soft push,” and hoped that the campaign would “beef up” the ads more in the future, with more aggressive arguments.<sup>320</sup>

Table 43: Cigarette Tax Increase Campaign Spending on Paid Media (2007/2008)				
Year	Total Spent on Print Ads	Total Spent on Radio Ads	Total Paid Media	Total Campaign Resources Available
2007	\$75,927	\$126,401	\$202,328	\$256,816
2008	\$25,952	\$113,200	\$139,152	\$196,928
Total	\$101,879	\$239,601	\$341,480	\$453,743

Note: Radio and print ads under this campaign began in 2006, but complete spending details were not available for that year.  
Source: South Carolina Tobacco Collaborative<sup>402</sup>



## Tax cigarettes before cigarettes hook them.

If increasing South Carolina's cigarette tax saved just one child, it would be worth it. But the fact is, increasing the cigarette tax is a proven, effective way to reduce youth smoking. More than 8,000 South Carolina kids get hooked on cigarettes each year, and one in three will die prematurely as a result. Our leaders can save thousands of South Carolina kids and raise millions for programs they need by voting to increase the cigarette tax to fund tobacco prevention and other health programs.

Call Representative (name here) at (phone number). Ask (him/her) to support H.3567.

Because Our Kids Are Worth Every Penny.

Figure 18: Example of Legislator-Directed Ad



## Raise revenue, save lives, be a superhero.

You don't have to be a superhero to save lives -- just a legislator who supports cigarette taxes to fund tobacco control, prevention and cessation. Tobacco use is the leading cause of heart disease and the nation's and South Carolina's No. 1 killer. Raising cigarette taxes and discouraging tobacco use saves thousands of lives each year -- and reduces the more than \$1 billion in costs associated with health care and loss of productivity each year in SC. Don't miss this opportunity to use your power to protect the health of your community. Raise revenue by increasing cigarette taxes, save lives and be a superhero to those who value health.

## Heart Disease and Stroke. You're the Cure.

Figure 19: Example of Health Messaging Ad



Additional efforts were coordinated through Kelly Davis, who used her public relations background to secure broad editorial board support for a cigarette tax increase, with the vast majority of editorials published using the Collaborative's youth tobacco use reduction argument as their justification for support. The Collaborative's lobbying force, consisting of one lobbyist from each of the three voluntary health organizations as well as two contract lobbyists acting under the name of the voluntary health groups, was charged with advocating for a significant cigarette tax increase as their primary tobacco control goal. This focus generally caused the lobbyists for the health groups to prioritize the cigarette tax increase legislation over activities at the state level on clean indoor air or securing a back-up source funding for the DHEC Tobacco Division, as an alternative to the \$5 million included in the 2007/2008 cigarette tax increase bill. Grassroots outreach was conducted through the voluntaries' networks, in the form of advocacy alerts, phone banks and personal contacts,<sup>408</sup> although these were not leveraged or expanded as much as national partners had hoped.<sup>320</sup>

### ***Obstacles to the Cigarette Tax Increase Campaign***

The primary obstacle to a cigarette tax increase between 2006 and 2008 was Governor Sanford's continued insistence on revenue-neutrality, which guaranteed a veto for any tax increase not offset by a corresponding decrease in another tax. Sanford had consistently held this position since his first year in office.<sup>410</sup> Lobbyists for the voluntary health groups recognized this as the primary hurdle to a tax increase in South Carolina, because it made veto-proof support in the legislature a requirement for success.<sup>79</sup>

Groups with ties to the tobacco industry, specifically Americans for Tax Reform, the South Carolina Association of Taxpayers and South Carolinians for Responsible Government, continued ongoing efforts to have elected officials sign no-tax increase pledges, leveraging the conservative aversion to increased taxation already prevalent in the South Carolina General Assembly. Americans for Tax Reform, the national group founded by Grover Norquist in 1985 that began the no-tax pledge movement in 1986, had ties to the tobacco industry dating back to 1986 when it worked with RJR to oppose tobacco taxes and received funding from Philip Morris as early as 1991 and continuing through the 1990s.<sup>411-419</sup> Americans for Tax Reform became involved in South Carolina's tobacco tax debate in 2003.<sup>382</sup> Americans for Tax Reform worked with state taxpayer coalitions in each state to have candidates sign their no-tax increase pledge, including the South Carolina Association of Taxpayers, which itself was directly tied to the tobacco industry. The South Carolina Association of Taxpayers received \$60,000 from RJR in 2007 for "grassroots activity" and had been an ally of the tobacco industry in South Carolina since 1999, specifically on issues related to the then-proposed federal lawsuit against the tobacco industry.<sup>147</sup> It was also listed as part of Philip Morris's Field Action Team in 2001.<sup>420-423</sup> The South Carolina Association of Taxpayers began requesting no-tax pledges from legislators to oppose a cigarette tax increase as early as 2003 and continued to do so through 2008.<sup>381</sup> It secured the signature of the Governor, as well as approximately 30 percent of both the House and the Senate on American's for Tax Reform's no-tax pledge (Table 44), which reads: "I, \_\_\_\_\_, pledge to the taxpayers of the \_\_\_\_\_ district of the State of \_\_\_\_\_ and to all the people of this state, that I will oppose and vote against any and all efforts to increase taxes."<sup>424</sup> Advocates found it very difficult to overcome opposition to the cigarette tax increase based on the legislature's philosophical aversion to tax increases in general.

**Table 44:** South Carolina Policymakers Who Signed the Americans for Tax Reform “Taxpayer Protection Pledge”

<p><i>Statewide:</i>  Governor Mark Sanford  Lieutenant Governor Andre Bauer  Comptroller Richard Eckstrom</p>	<p><i>House (41 of 124, 33%)</i>  Jimmy Bales  Bruce Bannister  Eric M. Bedingfield  Kenneth A. Bingham  Don C. Bowen  Bill Bowers  Joan Brady  Harry Cato  Converse Chellis, III  Daniel T. Cooper  Bill Cotty  Ralph Davenport  Tracy Edge  Marion Frye  Gloria Haskins  James Harrison  Chip Huggins  Shirley Hinson  Glenn Hamilton  Herb Kirsh  Bob Leach  Lanny Littlejohn  Dwight Loftis  Jay Lucas  James H. Merrill  Rex Fontaine Rice  William E. Sandifer, III  Wallace Scarborough  Phil Shoopman  Gary Simrill  Doug Smith  Garry R. Smith  J. Roland Smith  Murrell Smith  J. Adam Taylor  Michael Thompson  Thad Viers  Robert Walker  Brian White  W.D. Witherspoon  Annette Young</p>
<p><i>Senate (14 of 46, 30%)</i>  Kevin L. Bryant  John Courson  Dick Elliott  Michael Fair  Larry Grooms  John Hawkins  Jake Knotts  John Yancey McGill  Harvey Peeler  Greg Ryberg  Randy Scott  Nikki G. Setzler  David Thomas  Daniel B. Verdin</p>	
<p>Source: American’s For Tax Reform<sup>424</sup></p>	

South Carolinians for Responsible Government was loosely tied to Americans for Tax Reform through its participation in the “State Policy Network” group of think tanks associated with Americans for Tax Reform. South Carolinians for Responsible Government’s Advisory Board included Oran P. Smith of the South Carolina Business and Industry Political Education Committee and Don Weaver, the President of the industry-tied South Carolina Association of Taxpayers. Both Weaver and Smith attended a Philip Morris Summit Meeting in 2001 for Philip Morris’s Field Action Team, and in 2007 Weaver received \$15,235 for “grassroots activity” from RJR.<sup>147, 425, 426</sup> South Carolinians for Responsible Government was particularly close with Governor Sanford, who used the group to target legislators who opposed his policies in the 2006 election.<sup>427</sup> South Carolinians for Responsible Government lobbied against the cigarette tax increase during the 2007/2008 legislative session.

The tobacco industry also mounted a coordinated opposition campaign to the cigarette tax increase beginning in 2006. RJR and Philip Morris publicly held different opinions on the issue. RJR was the leader in public opposition to the bill, funding the public relations/lobbying campaign against all increases. Philip Morris publicly supported an increase in the cigarette tax up to what it termed the “Southeast Average” of 36 cents; according to health advocates, Dwight Drake, Philip Morris’s long-time lead lobbyist testified to this effect in a subcommittee hearing on the cigarette tax.<sup>407</sup>

### ***2006 Campaign: Raising the Profile of the Cigarette Tax Increase for Tobacco Control and Health***

2006 was an election year for the South Carolina General Assembly. To prove public support for the cigarette tax increase, the Collaborative partnered with the South Carolina Hospital Association to conduct a voter opinion poll on the issue. The group selected Public Opinion Strategies of Washington, D.C., to conduct the poll, because it was often used by South Carolina’s Republican leadership.<sup>402</sup> The poll found that 71 percent of South Carolina’s registered, likely voters supported a significant tax increase, especially if revenue went towards healthcare and youth smoking prevention. It also showed that voting for a cigarette tax increase was safe in an election year, with the majority of respondents indicating that they would support a candidate who voted for an increase.<sup>428</sup> The results of this poll were released at a news conference on February 9, 2006, and were conveyed to House leadership by the polling team as well as health group lobbyists and the Campaign for Tobacco-Free Kids’ Vice President for Research, Danny McGoldrick.<sup>402</sup>

Despite these compelling poll results, legislators continued to view the cigarette tax as a sensitive issue during the election year. Rep. Rice, one of tobacco control’s main allies on cigarette tax and youth smoking prevention funding in the House, sponsored H 4888, a 30-cent increase, with a gradual further increase over the following two years to 40 cents. This bill also would have allocated four percent of the revenue to youth smoking prevention and cessation. Rep. Paul Agnew (D, Abbeville and Anderson Cos., Policy Score 9.3) also filed a tax increase bill, H 4850, for a 32 cent increase with the revenue going towards a health insurance fund for small businesses and working families. Rep. Rice’s H 4888 was amended in subcommittee to allocate some of its potential revenue to offsetting the state’s income tax, in an attempt to bring it in line with Governor Sanford’s flat tax, revenue-neutral requirement for any cigarette tax increase bill.<sup>402</sup>

Despite the low increases that both of these bills represented, the Collaborative chose to support both efforts to increase the cigarette tax, while publicly pushing for a higher increase amount.<sup>408, 429-431</sup> Both bills were assigned to the same House Ways and Means subcommittee chaired by Rep. Rice, and both passed out of the subcommittee on April 6, 2006. These were the first freestanding cigarette tax increase bills to pass out of a Ways and Means subcommittee since the successful increase in 1977. The bills, however, were both defeated in the full Ways and Means Committee in April 2006.<sup>402</sup>

The Collaborative took advantage of the bills’ progress to increase editorial board support and public awareness of the issue. The cigarette tax increase public relations campaign began

their coordinated print and radio ads in 2006, which continued to run through the 2008 session, focused on generating constituent support and engagement in the issue. CTFK sponsored a website ([www.worththechange.org](http://www.worththechange.org)) for the campaign in hopes of generating and mobilizing grassroots support.

### *Tobacco Industry Opposition in 2006: RJR's Axe the Tax Event*

The tobacco industry responded forcefully to the increased advocacy on the tobacco tax by the health groups. The most prominent and widely reported opposition activity in 2006 was when RJR spent \$6,000<sup>447</sup> on an “Axe the Tax” event to launch their opposition campaign on March 21, 2006. The event was held at a bar with live country music in West Columbia and featured scantily clad women and company representatives offering free cigarettes to smokers and free beer to nonsmokers in exchange for signatures on a petition urging lawmakers not to increase the cigarette tax. Young women, most wearing short skirts and white tank tops with “Axe the Tax” written across their chests, also stood by a large petition board on the wall with pens in hand.<sup>432</sup> On March 22, 2006, RJR officials presented the petition to lawmakers, which had only 100 signatures, according to a company spokesperson.

The company’s overt sponsorship of the event and the tactics used created a backlash in the media and among some legislators. Some legislators publicly criticized the company for what they called misleading information on the cards distributed at the event, which listed six bullet points opposing the increase. One of the points indicated that the state’s smokers “already pay the state \$164 million through the purchase of cigarettes,” but did not explain that \$73 million of that total came from the cigarette manufacturers’ MSA payments, not from taxes paid by smokers. Additionally, the cards claimed that there was already a “budget surplus of almost \$1 billion,” which Ways and Means Committee Chairman Dan Cooper (R, Anderson Co.) criticized in the media.<sup>432</sup>

RJR’s prominent opposition to the increase may have contributed to the bills’ failure in that legislative session, but the Axe the Tax event was referenced in the media in upcoming years as a polarizing moment that generated support for a cigarette tax increase.

### ***2007/2008 Legislative Session: Tobacco Control Advocates Pass Cigarette Tax Increase in General Assembly***

The cigarette tax campaign, in addition to increased funding, coordination and media activity, had many factors acting in its favor in the 2007/2008 legislative session. By the beginning of the 2007/2008 session, the Governor and key legislators of both parties seemed to agree that the cigarette tax should be increased and had made public declarations to that effect.<sup>433</sup> <sup>434</sup> Medicaid groups continued to push for the increase as a separate campaign, increasing the expectation that there was a consensus that the tax should be raised. The voluntary health groups’ lobbying power had increased between 2006 and 2007 due to their role in promoting local smoke-free ordinances and state-level clean indoor proposals. Editorial boards overwhelmingly supported the tax increase, and public opinion polls continued to show broad public support for a substantial increase.

The Collaborative continued the same strategy they had used in 2006 to garner public and legislative support for the bill during the 2007/2008 legislative session, but with greater focus, funding and an additional grasstops component. They again focused on media relations and securing editorial board support, generating more than 40 favorable editorials and 50 news articles in 2007 alone, as well as paid media coordinated with action alerts. During the 2007/2008 session, the Collaborative, with assistance from CTFK, wrote and placed op-eds by their executive director, Renee Martin, as well as prominent physicians and the president of the United Way Association.<sup>403</sup>

Health advocates emphasized that they wanted to increase the tax as high as possible, but did not allow their strategy to hinge on any particular increase amount. Nonetheless, advocates, particularly Lisa Turner with the AHA, worked with Rep. Seth Whipper (D, Charleston Co., Police Score 8.7) to draft their ideal bill to increase the tax by 93 cents per pack. The Collaborative launched their 2007/2008 campaign on February 21, 2007, in association with Whipper's filing of his bill at a press conference emphasizing the youth prevention benefits of a significant cigarette tax increase.<sup>403</sup> This "Christmas tree bill" was used to broaden the larger cigarette tax campaign's base of organizational support through building relationships with organizational allies outside of the Collaborative by directing revenue from the proposal towards their interests.<sup>401</sup> For example, the support of the South Carolina Recreation and Parks Association and the Farm Bureau Federation, and in turn the lobbying support of their respective lobbyists, was recruited by advocating for their causes in association with support of Sen. Whipper's tax increase bill. These organizations' support was then translated to support the broader campaign to increase the tax under other bills.<sup>401</sup>

Multiple cigarette tax increase proposals were introduced in the House in 2007 in addition to Whipper's bill. The House Ways and Means Committee subcommittee responsible for the bills held extensive public debate on the issue. However, only one of the many proposed bills advanced to the full Ways and Means Committee, H 3567, sponsored by Subcommittee Chairman Rep. Rice. This bill would have increased the tax by 33 cents per pack, to 40 cents, with a corresponding reduction in the state's grocery tax, meeting Gov. Sanford's revenue-neutral requirement, and dedicated all of the revenue to expanding Medicaid coverage (Table 45).

The Ways and Means Committee amended the bill, decreasing the increase in the tax to 30 cents and including the dedication of 5 percent of the new tax's revenue to youth tobacco prevention and cessation programming in DHEC. This version was adopted by the full House on April 25, 2007, but further amendments during the lengthy debate on the bill removed tobacco control and Medicaid funding provisions from the bill. The remaining bill, as passed by the House, was more in line with the Governor's revenue neutral requirement, using all potential revenue from the increase to actively offset the state's grocery tax. These changes were sponsored and supported by Speaker of the House Bobby Harrell, who had opposed the cigarette tax increase proposals in the early 2000s as Chairman of the House Ways and Means Committee. Rep. Rice, who had coordinated the Ways and Means version of the bill, spoke against the amendments.<sup>435</sup> The House passed the bill on May 1, 2007, and it was sent to the much more tobacco-control sympathetic Senate for consideration.

The Senate Finance Committee promptly amended and approved the bill, reporting it favorably to the full Senate on May 15, 2007. The Finance Committee proposed significant changes to the bill. The first, proposed by Sen. Mike Fair (D, Greenville Co., Policy Score 8.0), increased the tax increase to 45 cents. An additional amendment distributed a portion of the revenue for income tax relief in an attempt to placate Gov. Sanford and allocated \$5 million recurring dollars to DHEC's Tobacco Division for prevention and cessation programs. This allocation to the Tobacco Division remained in the bill through final passage and never received any significant opposition in the House or the Senate, indicating a general willingness in the legislature to fund tobacco prevention if a revenue source is available.

In the final weeks of the 2007 session, the Collaborative's campaign mobilized their grassroots and media partners to encourage the Senate to debate and pass the amended bill. A small rally of approximately 30 advocates from around the state was held in the lobby of the statehouse to encourage passage before the 7 cent tax hit its 30-year anniversary.<sup>403</sup> Health group lobbyists secured a "special order motion" that moved the cigarette tax bill to a priority slot on the Senate's agenda, but the Senate did not debate the bill until the night before the session ended on June 29. When debate was adjourned, the bill was left in interrupted debate status until the beginning of the 2008 session in January 2008. After the end of the 2007 session, the Collaborative used the passing of the last tax increase's 30<sup>th</sup> anniversary to generate favorable media coverage for passing the increase in 2008.<sup>403, 408</sup>

As the 2008 session began, H 3567 was referred back to the Senate Finance Committee by President Pro Tempore Glenn McConnell. McConnell indicated that he wanted any amendments debated in committee, not the Senate floor.<sup>403</sup> While the bill was in the Senate Finance Committee, revenue-neutrality was eliminated from the bill, ensuring the Governor's veto; the grocery tax the House had proposed to offset was already addressed by the legislature in the 2007 Appropriations Act.<sup>436</sup> The Finance Committee, chaired by Sen. Hugh Leatherman (R, Darlington and Florence Cos., Policy Score 9.0), established a "Cigarette Tax Special Subcommittee" to hear proposals for how to spend the revenue from the tax increase. Despite receiving \$5,200 between 1996 and 2006 from tobacco companies, Sen. Leatherman was a strong proponent of tobacco control funding and cigarette tax increases. The subcommittee was chaired by Sen. Thomas Alexander (R, Oconee and Pickens Cos., Policy Score 7.5), a tobacco control ally supportive of funding for youth prevention and cessation from a portion of the revenue.<sup>403</sup> For three months various proposals were considered; tobacco control advocates provided the subcommittee with their briefing materials and lobbied the Committee staff.

During the subcommittee hearings on the tax increase bill, a proposal from a new coalition of prominent groups came together to propose changes in the healthcare system in the state through the cigarette tax increase. The Covering Carolina Collaborative, whose members were the powerful South Carolina Chamber of Commerce, South Carolina Medical Association, South Carolina Alliance of Health Plans (led by the Blue Cross Blue Shield of South Carolina) and South Carolina Hospital Association, proposed that the subcommittee approve a version of the bill dedicating all of the revenue from an increase in the cigarette tax increase toward providing affordable health care for vulnerable South Carolinians.<sup>437</sup> Due to the Covering Carolina Collaborative's powerful sway in the statehouse, the subcommittee responded favorably to this group's proposal and the Collaborative tacitly joined forces with this group, despite the fact that

the Covering Carolina Collaborative's plan did not explicitly include any money for tobacco control. The Collaborative and the Covering Carolina Collaborative began to attend each others' strategy sessions on the tax, tying their strategies to one another, and the groups were occasionally confused in the media.<sup>401, 438</sup>

The Senate Finance Committee delayed debate on the bill through February and March, waiting until after the election filing deadline on March 31. Legislators would know then if they were going to be opposed in the upcoming election, before taking action on the bill, indicating continued resistance to the issue during an election year despite repeated polling indicating broad public support.<sup>403</sup> The subcommittee reported the bill to the full Senate Finance Committee on April 1, 2008, maintaining the increase at 50 cents, with \$5 million to tobacco control and the remainder evenly divided between Medicaid and a health insurance premium assistance plan modeled after the Covering Carolina Collaborative's proposal.<sup>403</sup> The full Finance Committee defeated this proposal and Sen. John Land (D, Calhoun, Clarendon, Florence and Sumter Cos., Policy Score 9.7), proposed to dedicate all of the funds to expanding Medicaid, except the \$5 million allocation for tobacco control, which stayed in the bill through passage. Sen. Land's amendment passed by one vote in the Committee. Senators Leatherman and Alexander were instrumental in securing the \$5 million allocation to tobacco control programming.<sup>405</sup>

The Senate delayed debate on the bill further by waiting to discuss the amendments until May 6, 2008. In the intervening month, Sen. Alexander, chair of the subcommittee responsible for the cigarette tax bill, and Sen. Land had worked together to develop a compromise amendment which was more similar to the subcommittee's version of the bill. The Senate debated this version of the bill at length over two days, with numerous defeated amendments, and eventually passed the bill 30 to 11. The full Senate version dedicated the additional revenue from a 50 cent increase to expand Medicaid funding, and continued to include the \$5 million for tobacco control.

Senate President Pro Tempore McConnell voted against the second reading of the bill as amended, explaining his opposition in the Senate Journal (the body's public record): "While I agree that reducing smoking is a good idea, I think the government using its power to tax is a slippery slope to using taxation to punish unpopular activities. Also the Bill as written is not revenue neutral."<sup>439</sup> The other opposition to the bill in the Senate reflected aversion to expanding the Medicaid system during a year with existing budget shortfalls. Nonetheless on May 8, 2008, the Senate speedily passed a third reading of the bill, sending it to the House for reconsideration.

For the last month of the campaign, CTFK, coordinating with the Robert Wood Johnson Foundation, AHA and ACS, provided an infusion of \$100,000 to the ACS in the form of a rapid response grant to offset some of ACS' non-lobbying costs to free up funding for 11<sup>th</sup> hour lobbying of the House's Republican leadership. Only \$30,000 of this grant was spent during 2008, for a six-week consulting contract with a prominent Republican grasstops consultant, Richard Quinn and Associates, which conducted patch-through calls by prominent individuals to Republican leadership in the House.<sup>2</sup>

Despite tobacco control advocates' focus on grasstops contact with Republican leadership in the House, Speaker of the House Bobby Harrell orchestrated several unsuccessful attempts to

bring the bill back to revenue neutrality or kill it.<sup>403</sup> Over Harrell's opposition, the House passed the Senate version of H 3567 on May 21, 2008, with one minor amendment adding a \$1 million allocation to the South Carolina Department of Agriculture to appease the Farm Bureau lobby, proposed by Harrell.<sup>403</sup> The Senate rapidly approved the bill and sent it to the Governor the next day, the Thursday before Memorial Day.

Legislators and advocates all understood that a veto by Gov. Sanford was inevitable, due to the lack of revenue neutrality in the bill's final version. In South Carolina, a vetoed bill can be overridden by a two-thirds majority vote in first its house of origin, followed by the other house. In the Senate, H 3567 has passed with a veto-proof margin of 33 to 11. In the House, the margin was less clear, since Speaker Bobby Harrell had used House rules to avoid members having to take a recorded vote.<sup>440</sup> While some of the House's votes to amend the bill were close, such as the vote on tabling an amendment that would have made the proposal revenue neutral by offsetting income taxes by a narrow vote of 60 to 58, a more telling vote may be the failure of Rep. Harry Ott's (D, Calhoun, Lexington and Orangeburg Cos., Policy Score 9.3) proposal to recommit the bill, which failed by a vote of 84 to 31.<sup>441</sup> Only 82 votes would be necessary to override the Governor's veto in the House.

#### *Governor Sanford Vetoes Cigarette Tax Increase*

Over Memorial Day weekend, while the Governor considered H 3567, the Collaborative sent advocacy alerts and worked with editorial boards to solidify public support for the bill. Gov. Sanford released his expected veto the Tuesday after Memorial Day, on May 27, 2008. His veto message explained that he had vetoed the bill despite his administration's support for raising the cigarette tax, because he viewed the bill as creating additional, unfunded spending for the new and expanded programs it created. His primary complaint was that as the programs expanded, revenue from cigarette taxes would decline, creating a funding gap for the new programs.<sup>442</sup> During the press conference releasing his veto message, Governor Sanford played a tongue-in-cheek video asking people to smoke more cigarettes as a way to raise tax revenue for children's health care, which he later posted on his YouTube page. While this was one of the tobacco industry's primary arguments against the tax increase bill, it is not clear that Sanford vetoed the bill due to industry influence as opposed to personal political preferences. Sanford's veto message concluded with an appeal to Speaker Harrell to send him "a cigarette tax increase tied to offering a flat tax option for South Carolinians that would encourage productivity and investment for our economy, and I will sign it immediately."<sup>442</sup>

The Collaborative had expected the customary one to two days before the House would consider a veto to advocate and lobby for an override,<sup>144</sup> and had developed a direct mail piece in support of the bill that they intended to distribute upon the Governor's veto announcement.<sup>403</sup> However, in an unusual move, the House went back into session one hour after the Governor's veto announcement to take up the veto. A contentious nearly four-hour debate followed, during which Speaker Bobby Harrell, in an unusual floor speech, pushed forcefully for sustaining the veto in favor of allowing him to propose a new tax increase the following year that did not expand Medicaid.<sup>403, 443</sup> The Collaborative had little to no opportunity to leverage their substantial media support, and their lobbyists were caught off-guard by the rapid progression of the bill. The House voted to sustain the veto by a 54 to 57 vote, far from the 82 needed to



<b>Table 45: Changes in Cigarette Tax Bill (H 3567) in the 2007/2008 Legislative Session</b>							
	<b>Original Proposed Bill</b>	<b>House Ways and Means Report</b>	<b>House</b>	<b>First Senate Finance Committee Report (5/16/07)</b>	<b>Second Senate Finance Committee Report (5/7/08)</b>	<b>Senate (Sen. Land and Sen. Alexander Compromise)</b>	<b>Concurred and Sent to Governor</b>
<b>Amount of Increase (New Tax Amount)</b>	33 cents (40 cents)	30 cents (37 cents)	30 cents (37 cents)	45 cents (52 cents)	50 cents (57 cents)	50 cents (57 cents)	50 cents (57 cents)
<b>Revenue Neutral?</b>	Maybe	Maybe	Yes	Maybe	No	No	No
	Bill separately reduced the state grocery taxes	Bill separately reduced the state grocery taxes	Directly offset Grocery tax	Bill separately reduced state grocery taxes			
<b>Dedicated to Tobacco Control</b>	None	5% of tax revenue to DHEC for youth smoking prevention and cessation (Estimated at \$2,681,750)	None	\$5 million recurring allocation to tobacco control Smoking Cessation Trust Fund	\$5 million recurring allocation to tobacco control Smoking Prevention and Cessation Trust Fund	\$5 million recurring to DHEC for smoking prevention and cessation program	\$5 million recurring to DHEC for smoking prevention and cessation program
<b>Plan for Remaining Revenue</b>	Expand Medicaid coverage to children under 18, whose family income is less than 200% the federal poverty level	\$1 million to Department of Agriculture for research and promotion of healthy lifestyles with SC-grown food	\$1 million to Department of Agriculture	\$90 million to Healthcare Trust Fund	Medicaid Trust Fund to expand Medicaid coverage	Half to Medicaid Trust Fund to expand coverage	\$1 million to Department of Agriculture
	Remaining funds used as match for federal Medicaid funding to provide funding for individuals 19 and older with incomes under 100% the federal poverty level	DHEC receives 1 cent of the increase for cleanup of underground gasoline tanks	Remaining funds dedicated to Groceries' Sales Tax Relief Fund to reduce sales and use tax on food, carrying over unexpended funds for the same use			Half to Healthcare Trust Fund for the creation of a new Palmetto Healthcare Premium Assistance Program for small business insurance assistance	Half to Medicaid Trust Fund to expand coverage
		Up to \$70 million to expand Medicaid for <18, under 100% poverty level					Half to Healthcare Trust Fund for small business insurance premium assistance
		Remaining funds used as federal match for expanding Medicaid to >19, 100% poverty level					

override the veto.<sup>444</sup> However, according to an article in *The State* the next day:

That vote belies how close the House came to overriding the veto. Both supporters and opponents of the tax said the House was about four votes short of overriding the veto, with at least eight pro-tax lawmakers absent. As it became clear the bill would fail – and leadership strong-armed wayward Republicans – many lawmakers decided to vote to kill the tax.<sup>445</sup>

The House's sustaining of Sanford's veto was unusual not only because of the pace of the debate in the House, but also because of the longstanding feud between Governor Sanford and the General Assembly, particularly the House. For example, the legislature overrode 56 of Sanford's 69 budget vetoes in 2008.<sup>446</sup> The bill's entanglement with the broad debate over Medicaid spending and healthcare reform, a controversial topic within the legislature, weakened the political viability of the bill. While tobacco control advocates were careful not to directly tie their advocacy for the bill to any revenue plan, by joining strategy sessions with the Covering Carolina Collaborative and failing to connect with Speaker Harrell through grasstops efforts earlier in the legislative session they were complicit in the political vulnerability of the cigarette tax increase bill.

#### *Tobacco Industry Opposition to H 3567*

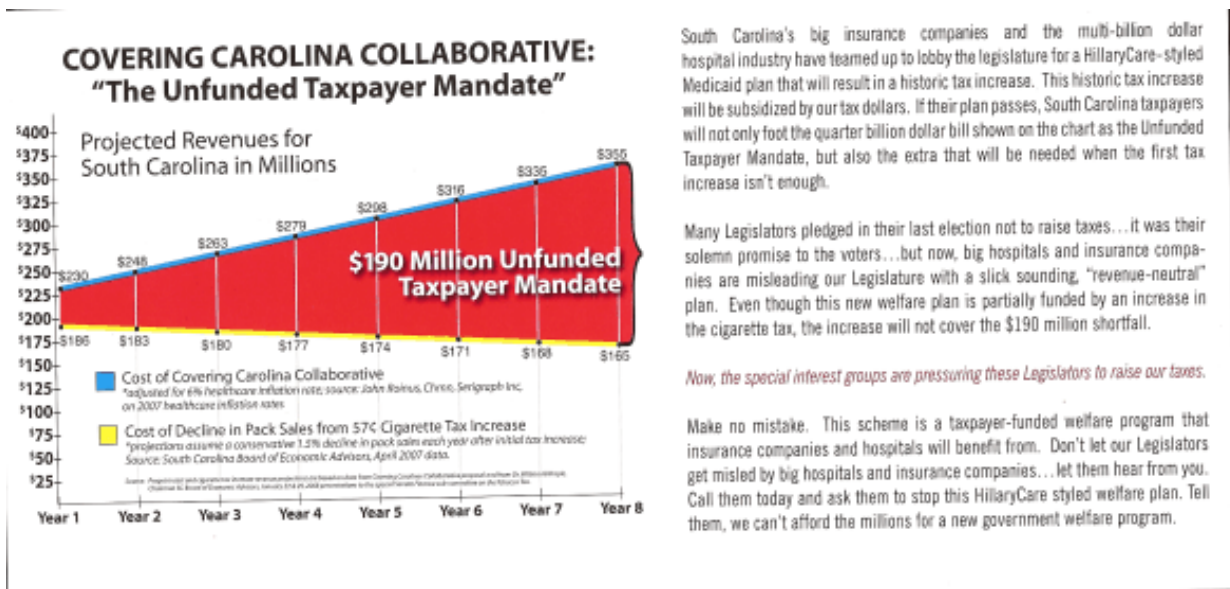
While H 3567 failed to become law due to the Governor's veto and the Speaker's opposition to Medicaid expansion, it did represent an instance in which the tobacco control lobby and advocacy network was able to pass a bill over active tobacco industry opposition. As with the 2006 anti-tax campaign, the majority of the public opposition to the bill was provided by RJR, with Philip Morris publicly unopposed to an increase to the "Southeastern Average."<sup>447</sup> RJR again received negative press coverage for their efforts in opposition to the bill, perhaps reflecting the success of the Collaborative's campaign with editorial boards across the state.

Perhaps due to the negative press coverage of RJR's overt role in the 2006 "Axe the Tax" petition's bar event, the company took a lower public role to oppose the tax increase in the 2007/2008 legislative session. Instead of providing the opposition themselves, the company used the ostensibly independent third-party group South Carolina Association of Taxpayers, which had a longstanding relationship with the tobacco industry,<sup>420-423</sup> to conduct an advertising campaign against the bill.<sup>447</sup> In early March 2008, as H 3567 sat in Senate subcommittee, 10,000 postcards were sent to Republican activists by the South Carolina Association of Taxpayers outlining opposition to the bill (Figure 20). The specific argument was that by funding Medicaid increases and employee health insurance assistance, the bill represented a "\$190 million unfunded taxpayer mandate."<sup>447</sup> The postcard used the common tobacco-industry angle of demonizing the hospital industry to defeat tax increases, claiming that the "hospital industry and insurance company special interests want Legislators to raise your taxes!"<sup>447</sup>

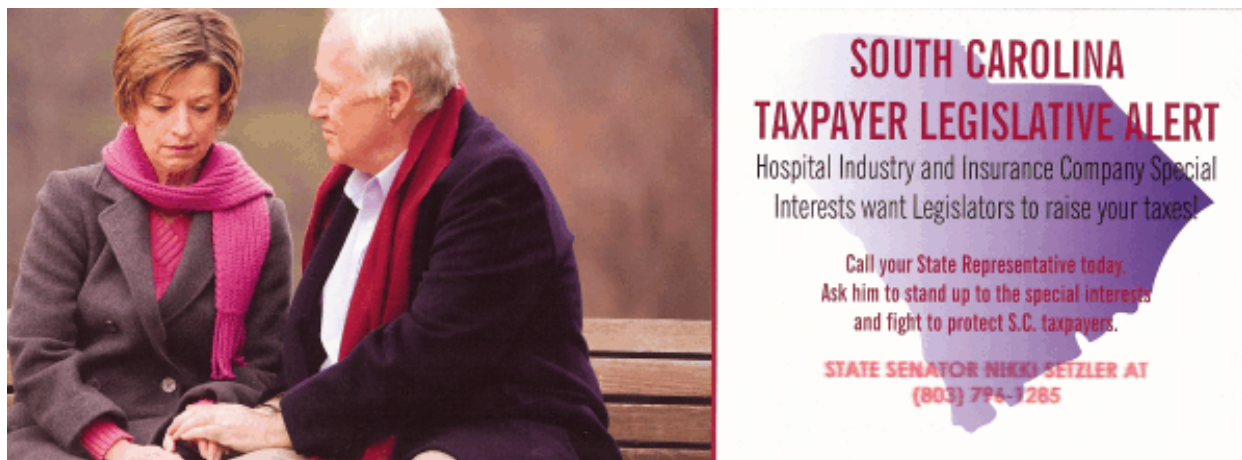
While the mailer did not mention tobacco companies in any way, Senate staffers and tobacco control advocates realized that the chart on the postcard was identical to the one being used by RJR's lobbyists during the subcommittee's consideration of the bill.<sup>447</sup> When the South Carolina Association of Taxpayers' President Don Weaver, who personally cooperated with

Philip Morris' Field Action Team in 2001,<sup>425, 426</sup> was asked if RJR had paid for the postcards, he responded, "We got some donations. ... We get a lot of corporate donations, let's put it that way."<sup>447</sup> According to RJR's lobbying report to the South Carolina Ethics Commission, the company contributed \$60,000 to the South Carolina Association of Taxpayers and a separate \$15,235 to Weaver alone in 2007 for issue-focused "grassroots activity."<sup>147</sup>

When the story of RJR's support for the mailings broke, media coverage was very critical of the company. This backlash was similar to the negative coverage the company received from their support of the "Axe the Tax" campaign in 2006. However, the Covering Carolina Collaborative's plan to tie the cigarette tax increase to broader healthcare reform and Medicaid expansion opened the cigarette tax campaign up to industry-sponsored attacks based on the "greedy hospital" argument, which had been used successfully by the tobacco industry to defeat cigarette tax initiatives in Missouri,<sup>448</sup> California<sup>449</sup> and Oregon.<sup>90</sup>



Side 1



Side 2

Figure 20: RJR-Sponsored Mailer Against H 3567

## Conclusion

Over the 30 years from 1977 and 2007, the tobacco industry was able to leverage its considerable allies and forceful lobbying position to prevent the South Carolina General Assembly from passing a cigarette tax increase. However, with the disbanding of the TI and TTC, the loss of their tobacco-grower allies, and the development of a well-funded tobacco tax increase campaign, the industry was unable to prevent the legislative passage of a cigarette tax increase in 2007/2008. Efforts by RJR to use third-party allies to oppose the bill were watered down by negative media coverage when the company's sponsorship was revealed.

The results of the 2007/2008 legislative session's cigarette tax campaign left the Collaborative and its lobbyists at a loss for how to craft a cigarette tax increase bill that would be veto proof. The Collaborative appeared to have resoundingly defeated the tobacco industry in the South Carolina General Assembly for the first time, but they had still failed to secure a cigarette tax increase. Ted Riley, contract lobbyist for ACS, AHA, ALA and the South Carolina Cancer Alliance, explained the conundrum of the tobacco control lobby on cigarette taxes:

I call it a leadership vacuum of no real support at the top from the House or the Governor. ... Whatever we do, if we have, as the majority party [Republicans] want, zero to go into Medicaid ... you lose the minority party [Democrats]. ... And if you go all to Medicaid or any to Medicaid, even fifty-fifty, then you'd lose a lot of the majority party. And the problem with that is the Governor, unless it's revenue neutral, is going to veto any plan. And then it takes two-thirds to override him. So wherever we come down again, we're back to needing a coalition of the majority party and minority party, at least enough of them to override the Governor.<sup>79</sup>

The key element in securing a veto override appeared to be the House leadership, particularly Speaker Bobby Harrell. As June Deen, lobbyist for the ALA, explained it: "Until the leadership wants it [a cigarette tax increase] ... we're not getting it."<sup>144</sup>

CTFK planned to continue funding the Collaborative's cigarette tax campaign and Kelly Davis as coordinator during the 2009 legislative session. Speaker of the House Bobby Harrell appeared to be more supportive of a cigarette tax increase going into the 2009 session, but it was unclear if he would support an increase that was not modeled after his revenue plan. Because it is unlikely that any cigarette tax increase legislation that would pass out of the General Assembly would be revenue neutral, a successful cigarette tax increase would require a veto-proof margin in the legislature, mandating support from Speaker Harrell and other legislative leadership.

While the prospect for a cigarette tax increase campaign in the 2009/2010 legislative session appeared daunting, the remarkable success of the Collaborative's tax campaign in 2007/2008 showed that the tobacco industry can be defeated through effective lobbying and public relations efforts by tobacco control advocates in a historically tobacco-growing state.

## CLEAN INDOOR AIR AND PREEMPTION

The concept of limiting smoking behavior in the interest of protecting the health of

nonsmokers has been a key element of the tobacco control movement for decades. In the early 1970s, the organization Action on Smoking and Health began asking for separate smoking and nonsmoking sections in restaurants and government buildings.<sup>450</sup> Up until the mid-1980s, the banner of the nonsmokers' rights movement was carried primarily by activist groups as opposed to the voluntary health groups, with the exception of the American Lung Association, which joined the cause in the early 1970s.<sup>451</sup> With the publication in 1986 of the U.S. Surgeon General's report<sup>452</sup> on the health consequences of involuntary smoking and the National Academy of Sciences' report<sup>453</sup> on the health effects of "environmental tobacco smoke," as well as successive policy victories led by individual and group activists in several states, the large established health groups started joining the cause.<sup>451</sup>

The clean indoor air movement in the U.S. has largely consisted of the passage of local and state regulations limiting the locations where one can smoke. Arizona passed a statewide Clean Indoor Air Act in 1973, eliminating indoor smoking in a few public places, health facilities and government buildings, that was led by a sympathetic legislator.<sup>454</sup> The landmark Minnesota Clean Indoor Air Act was passed in 1975, which created nonsmoking sections in public places, including workplaces and restaurants, in the state, and was considered comprehensive at the time.<sup>83</sup>

The tobacco industry was caught off-guard by the Minnesota Clean Indoor Air Act, but was not surprised again. Through the Tobacco Institute (TI), opposition was mounted to every subsequent attempt to regulate indoor smoking at the state level.<sup>83</sup> In the 1978, a national survey conducted for the TI identified the new focus on nonsmokers' health, the logical basis for clean indoor air laws, and concluded that concern over secondhand smoke was the "most dangerous development to the viability of the tobacco industry that has yet occurred."<sup>455</sup>

In South Carolina, the earliest smoking restriction took place in 1973, when the South Carolina State Board of Health restricted smoking in its offices.<sup>456</sup> On January 9, 1974, the first attempt to pass a statewide Clean Indoor Air Bill was introduced by Rep. Sherry Shealy Martschink (R, Charleston),<sup>457</sup> who in 1977 appeared before the ACS' National Commission on Smoking and Public Policy.<sup>458</sup> According to documents from the TI and the Tobacco Merchants Association, this bill, H 2402, was similar to the 1973 Arizona Clean Indoor Air Act, and was nearly identical to a law that passed in Nebraska that same year.<sup>459</sup> Both the Nebraska and South Carolina bills would have regulated smoking in elevators, art museums, buses and libraries, although allowing for designated smoking areas.<sup>86, 460</sup> This bill was killed in the House Judiciary Committee.<sup>461</sup>

The proposal of H 2402 in 1974 likely prompted the TI to establish a lobbying presence in the state. In 1976, the TI hired John Gregg McMaster, who began to coordinate activities opposing tobacco control legislation with Sterling Smith, who had already been hired as the Tobacco Tax Council's lobbyist in South Carolina to oppose cigarette tax increases. By the end of 1976, the TI had developed a coordinated lobbying organization in South Carolina, under the leadership of its Southeast Area Manager John Bankhead, which it maintained through its dissolution in 1998.

During the early 1970s, secondhand smoke and the health debate surrounding it was

covered in South Carolina's leading newspapers. In fact, on June 5, 1973, William Kloepfer Jr., then-senior vice president of the TI, wrote a letter to the editors of the *Charleston News and Courier*, discouraging the notion that secondhand smoke is dangerous to health, claiming that "relatively little is really known" about tobacco's effects on the respiratory system.<sup>462</sup> The TI was engaged in a widespread public relations campaign to counteract emerging literature about the risks of secondhand smoke,<sup>463</sup> which continued into the 21<sup>st</sup> century.<sup>464-472</sup>

There were several significant attempts between 1977 and 1988 to pass a Clean Indoor Air Act, each time with increasing participation and organization from health groups, each of which was easily defeated by the tobacco industry (Table 46). It was not until the 1989/1990 legislative session that tobacco control advocates secured the passage of limited statewide indoor smoking restrictions.

### **1977: S 217 "Clean Indoor Air Act" Defeated by Tobacco Industry Efforts**

At the American Thoracic Society/American Lung Association Meeting in New Orleans, from May 16 to 19, 1976, the ALA presented "Nonsmokers' Rights" as one of its main Community Programs to be conducted throughout the U.S., with the intention of making smoking an anti-social act; this decision impressed a representative from Philip Morris who was in attendance and who reported back to Philip Morris a summary of the meeting.<sup>473</sup> As a part of this community program, by August 1976, the South Carolina Lung Association brought Karen DeCavalcante, the smoking and health consultant with the ALA in charge of the ALA's Nonsmokers' Rights efforts,<sup>474</sup> to South Carolina to help coordinate the development a Center for Nonsmokers' Rights in the state.<sup>154</sup> This Center, sponsored by the ALA, developed into a South Carolina "Campaign for Nonsmokers' Rights," led by Dr. Joseph C. Ross, then-head of the Department of Medicine at the Medical University of South Carolina at Charleston, and in 1977 named president of the American College of Chest Physicians.<sup>155, 475</sup> The campaign formed with the goals of educating the public about the risks of secondhand smoke and supporting statewide restrictions on public smoking.<sup>155</sup>

S 217, sponsored by Senators T. Dewey Wise (D, Charleston) and A. M. Sanders, was pushed primarily by the South Carolina Lung Association's "Campaign for Nonsmokers' Rights."<sup>156</sup> It would have called for the establishment of nonsmoking areas in any public, enclosed, indoor area or public meeting.<sup>476, 477</sup> S 217 was based primarily upon the language of the state's first local nonsmoking ordinance, which had passed earlier that year in Beaufort County.<sup>478</sup>

After one year in committee, on February 9, 1978, S 217 passed the Senate Medical Affairs Committee with an amendment that eliminated penalty provisions and was subject to a long debate on the Senate floor.<sup>53, 479</sup> However, towards the end of the second year of the two-year legislative session, the bill was recommitted to the Medical Affairs Committee, killing it.<sup>480</sup> The companion House bill, H 2925, was referred to the Labor, Commerce and Industry Committee and died there.

The TI and its allies were central to S 217's decisive defeat. In the midst of the debate of S 217 in the Senate, the TI's Vice President for State Activities Roger Mozingo said in a memo to

the Vice President/General Council of Lorillard, Arthur J. Stevens, that “on South Carolina S 217, we have been on top of that bill from day one. We are encouraged at present.”<sup>481</sup> Industry opposition included Brown & Williamson sales representatives in the state being asked to write their legislators to oppose the bill. The Brown & Williamson Sales Department representative, J. A. Broughton, who wrote the letter, described the bill as “the first step by anti-smoking forces in an attempt to totally prohibit smoking.”<sup>477</sup> Tobacco growers in the state were already being engaged to watch for and express their opposition to bills relating to indoor smoking.<sup>329</sup>

### **1978-1988: Continued Unsuccessful Public Health Push for a “Clean Indoor Air Act”**

In 1979, Rep. Richard Rigdon (R, Greenville), a freshman Representative that year,<sup>72</sup> proposed H 3178, which was committed to the House Medical, Military, Public and Municipal Affairs Committee. The bill was very similar to S 217 and was also primarily supported by the South Carolina Lung Association.<sup>478</sup> The Health Subcommittee of the Medical Affairs Committee held a hearing on the bill on February 26, 1980; all but two of the proponents of the bill were connected with the South Carolina Lung Association.<sup>482</sup> The opposition speakers were:

- Bryan Patrick, State Commissioner of Agriculture
- John Riddick, Executive Director of the South Carolina Restaurant Association
- Doug Jewell, President of the South Carolina Innkeepers Association
- Rep. “Bubba” Snow, an industry ally from the tobacco-growing region<sup>72, 103, 483</sup>
- John Gregg McMaster, TI lobbyist.<sup>482</sup>

The Health Subcommittee let the bill die.<sup>484</sup>

The tobacco industry was able to keep H 3178 in subcommittee through a mobilization of its grassroots network and intensive efforts by its lobbyists. Philip Morris employees in the state were monitoring the progress of the bill and attending South Carolina Lung Association meetings,<sup>485</sup> while the tobacco growing area’s Senators indicated that they would do whatever they could to make sure the bill did not get out of the Medical Affairs Committee.<sup>482</sup> This coordinated effort was repeated throughout the 1980s by the industry to thwart almost annual attempts to pass this type of legislation by the South Carolina Lung Association, with increasingly broad partnerships.

### ***S 545: Increased Public Health Advocacy and Tobacco Industry Organization***

The three voluntary health organizations, the American Cancer Society (ACS), American Lung Association (ALA, formerly the South Carolina Lung Association) and American Heart Association (AHA) began working together on clean indoor air in 1985. The agencies combined their efforts to encourage the proposal of a new “Clean Indoor Air Act” in the legislature.<sup>53</sup> This bill was sponsored by Senators Joe Wilson (R, Lexington County, in 2008 a U.S. Representative), Warren Giese (R, Richland and Kershaw Cos.), and David Thomas (R, Greenville Co.)—all junior Senators that session—and proposed to restrict smoking in public places and public meetings. TI lobbyist John Gregg McMaster described sponsors Wilson and Giese as follows:

Senator Giese is professionally and politically opposed to smoking. He ran a health study for the federal government looking into heart stress, etc. He is a tenured professor of physical education at USC [University of South Carolina] and while generally conservative in his views he is bold in his opposition to smoking by anyone. Also, Sen. Joe Wilson, also generally conservative, has exercised himself in this anti-smoking field and is vocal in his opposition to smoking.<sup>486</sup>

The bill was introduced at the end of the 1985 session, and carried over into 1986. A subcommittee of the Senate Medical Affairs Committee held a hearing on the bill before the session and tabled it.<sup>343</sup> When the bill was brought back to the full Committee on April 10th, it was gutted and replaced with language that consisted only of an authorization for the heads of state agencies to designate nonsmoking areas in state government buildings.<sup>343</sup> This new version of the bill was reported to the Senate floor, where it died with adjournment.<sup>487</sup> S 545's companion bill, H 3013 was proposed by Rep. Larry Koon (R, Lexington Co.), but this bill was assigned to the Agriculture and Natural Resources Committee, where although it was reported favorably out of subcommittee, it died.<sup>343, 487</sup> According to the TI, the Committee was “chaired by an industry friend, David Hawkins. Hawkins has said the bill will not see the light of day.”<sup>53</sup>

The South Carolina Lung Association actively lobbied the legislature for the passage of these two bills and, according to the TI, received “considerable press coverage across the state” because of the new executive director of the South Carolina Lung Association, John Heavener.<sup>343</sup> Blue-Cross Blue Shield, the South Carolina Commission on Alcohol and Drug Abuse (later renamed the Department of Alcohol and Other Drug Abuse Services, or DAODAS) and the Department of Health and Environmental Control (DHEC), which had already made all of its offices in the state smoke-free, also supported these bills and each testified at the Senate subcommittee hearing on S 545.<sup>53</sup>

The TI responded quickly and forcefully to S 545. The TI strategy to defeat this clean indoor air legislation was similar to the strategy successfully used by the industry to defeat cigarette tax increase proposals (Table 40). Lobbyists McMaster and Smith met with committee members and tobacco-area legislators to attempt to keep both bills in committee.<sup>343</sup> The TI leveraged its alliances with the South Carolina Farm Bureau and South Carolina Restaurant Association (later renamed the Hospitality Association of South Carolina), which actively lobbied against the bills,<sup>343</sup> the first time the South Carolina Restaurant Association was mentioned as an ally of the industry. Grassroots opposition was secured through W.I.F.E. and TAN members, who Bankhead urged to write or call their legislators and engage their friends and colleagues to do the same.<sup>343</sup> Even before the bill's defeat, Bankhead wrote in a memo titled “South Carolina: A State Analysis” that was broadly circulated around the tobacco industry that “with respect to state bills to restrict smoking ... the prognosis is excellent for the industry.”<sup>53</sup>

### ***South Carolina Clean Indoor Air Coalition***

The success of the industry in defeating S 545 and H 3013 did not deter the tobacco control advocates from continuing their attempts to pass this type of legislation. Instead, the state's most prominent public health groups joined forces in 1986 to form a “Clean Indoor Air Coalition” that included the ALA, ACS, AHA, South Carolina Public Health Association, DHEC



and South Carolina Hospital Association as its most active members.<sup>159</sup> The President of the Clean Indoor Air Coalition was Dr. Richard Boan,<sup>488</sup> Dean of Allied Health and Nursing at Midlands Technical College. This group focused its efforts on attempting to pass a statewide bill as well as supporting the local ordinances that eventually contributed to the passage of the 1990 Clean Indoor Air Act. The coalition formed primarily to develop grassroots support for a statewide clean indoor air bill, and was active in lobbying, testifying in committees and media relations on clean indoor air efforts between 1986 and 1991.<sup>159</sup> The TI noted that, while none of the public health groups had a lobbying presence in the legislature, their power was built through the publicity they were generating around the public smoking issue.<sup>53</sup>

By 1987, the TI concluded that, “In 1987, cigarette tax increases will not be a major concern in the legislature, but public smoking restriction bills will be.”<sup>110</sup> In response, the industry promoted weak bills that would provide alternatives to the Clean Indoor Air Coalition’s more comprehensive approach: S 381 and H 2074. While H 2074 would have slightly restricted smoking in public places, including restaurants and commercial establishments, it would have *required* smoking areas, even in one-room restaurants.<sup>489, 490</sup> S 381 would have provided enforcement for no-smoking areas voluntarily adopted by proprietors.<sup>490</sup> This bill was sponsored by Sen. Tom Smith (D, Florence), who worked to kill S 518, the “Clean Indoor Air Act” proposed in 1987, and became the lead Philip Morris lobbyist in the General Assembly in 1989 after leaving the legislature.

S 518, which was sponsored by Senators Wilson, Giese and Thomas—who had cosponsored S 545 in 1985—along with Sen. Bryan (D, Laurens), and was supported by the newly active Clean Indoor Air Coalition, would have created nonsmoking sections in restaurants with seating over 50, government buildings, retail stores, healthcare facilities, day care and educational facilities, public transportation (excepting taxis), public theaters and auditoriums, elevators and laundromats.<sup>491</sup> It also included language stating that designated smoking areas *allowed* under the bill “may not impinge upon smoke-free areas.”<sup>491</sup> Violation by smoker or proprietor was punishable by fine of \$10 to \$25.<sup>491</sup> This bill was amended in the Senate Judiciary Committee, which included future-Philip Morris-lobbyist Sen. Smith as a prominent member, to a much more industry-friendly version, *requiring* that both smoking and nonsmoking areas be designated, much like H 2074. This version of the bill was reported favorably out of the Judiciary Committee by a 7 to 3 vote, but died on the Senate floor.<sup>491</sup>

Despite the TI’s successful dilution of the Clean Indoor Air debate in the 1987/1988 legislative session, their 1988 forecast for the state continued to indicate that “smoking restriction legislation could present a more difficult activity” than suppressing a cigarette tax increase.<sup>344</sup> The difficulty of the industry’s task was compounded by what they saw as “impetus” being drawn from increased local activity,<sup>344</sup> a result of the Clean Indoor Air Coalition’s strategy.<sup>157, 158</sup>

<u>Session</u>	<u>Bill</u>	<u>Sponsor</u>	<u>Provisions</u>	<u>Result</u>
1973/1974	H 2402	Martschink	Prohibited smoking in elevators, art museums, indoor theaters, concert halls, buses and libraries used or open to the public; \$25 fine or community service	Died during Judiciary Committee hearings, did not get to vote

1977/1978	S 217	Wise and Sanders	Regulated smoking in any public, enclosed, indoor area or public meeting	Reported out of Medical Affairs committee; recommitted and died in the Medical Affairs committee with adjournment
	H 2925	Theodore, Cobb, Dreyfus, Goggins and Howard	Companion bill to S 217; Regulated smoking in any public place and public meeting	Died in Labor, Commerce and Industry committee with adjournment
1979/1980	H 3178	Rigdon	Prohibited smoking in public places and public meetings except in designated areas; Included penalty provisions and required proprietor enforcement.	Medical, Military, Public and Municipal Affairs Committee refused to take action
1983/1984	S 404	H.E. McDonald	Required persons in charge of public places to provide, when practicable, areas for smokers and nonsmokers; with penalty provision.	Died in Senate Judiciary committee
	H 3555	Gordon, Anderson, Archibald, Aydlette, Bennett, Branton, Busbee, Cooper, Cork, Derrick, Ferguson, Fielding, Gregory, Gullede, Harvin, Huff, Joe, Klapman, Martin, Matthews, McTeer, Miles, Phillips, Rigdon, Russell, Stoddard, Thraillkill, Washington, Williams and Woods	Prohibited public school students from smoking on elementary and secondary public school property in the state.	Died in House Education and Public Works committee
1985/1986	S 545	Wilson, Giese and Thomas	Regulated smoking in public places and public meetings; amended to only include allowance for state agencies to designate nonsmoking areas	Gutted in Medical Affairs committee and on Senate floor
	H 3013	Koon	Companion bill to S 545; Regulated smoking in public places and public meetings	Died in House Agriculture committee
1987/1988	H 2074	Kohn	Prohibited smoking in public places and public meetings except where designated; Included penalty provisions and proprietor enforcement through signage and action	Died in Medical, Military, Public and Municipal Affairs committee
	H 2160	Sharpe, Burriss, Derrick, Felder, Gregory, Huff, Jones, Klapman, Koon, McTeer, Rudnick and White	Prohibited smoking in state governmental buildings except where designated; Included penalty provisions and requirement to post signage and discourage violation	Died in Agriculture and National Resources committee
	S 381	Smith and Doar	“Proprietors Rights Act” providing enforcement for no-smoking signage posted by proprietors	Died in Judiciary committee
	S 518	Wilson, Giese, Bryan and Thomas	Restaurants with seating over 50, commercial establishments and publicly-owned buildings; Amended in Senate Judiciary to only allow store owners and governing bodies to create smoking and nonsmoking areas.	Reported favorably out of Senate Judiciary with amendments; died on Senate calendar with adjournment

## **Local Smoking Restriction Ordinances Provided Momentum for State Level Efforts**

In the 1970s and 1980s municipal governments nationwide began passing local clean indoor air ordinances, which generally focused on creating nonsmoking areas or completely eliminating smoking in government buildings and private workplaces. In response, the tobacco industry worked with its allies to oppose these ordinances using the same techniques it had used with success at the state and national levels. However, the industry soon found that they were generally less able to halt local clean indoor air ordinances than they had been at state or national levels.<sup>60</sup> The tobacco industry recognized the power of these local ordinances as early as 1986, when Brown & Williamson's chairman concluded that:

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 [the tobacco industry] can lose the battle over smoking restrictions as decisively in bits and pieces—at the local level—as with state or federal measures.<sup>492</sup>

The relative weakness of the tobacco industry at the local level was exhibited in South Carolina when, between 1977 and 1990, local communities in South Carolina passed 19 ordinances limiting smoking indoors (Table 48). This was an effort primarily led by the communities themselves and the statewide public health organizations generally became involved only after ordinances had been proposed.<sup>157</sup> After 1986, the Clean Indoor Air Coalition provided assistance with local ordinances and, in turn, drew grassroots support for statewide clean indoor air legislation from supporters of the local ordinances.<sup>158</sup>

### ***1977 Beaufort County Ordinance***

On March 31, 1977, Beaufort County passed the state's first ordinance regulating smoking in public places or publicly-owned buildings.<sup>478</sup> The ordinance established no-smoking areas in publicly-owned buildings in the county, with a penalty of a \$50 fine or 15 days in jail.<sup>493</sup> The ordinance also prohibited smoking in elevators, County Council chambers, county courtrooms, county public libraries, public meetings in public facilities, public waiting rooms in public facilities, and in buses.<sup>478</sup> According to a Beaufort County staff member, the ordinance faced little opposition and the no-smoking signs were generally obeyed.<sup>478</sup>

One month after the Beaufort County ordinance passed, Dr. Gordon B. Stine of the Charleston County Council introduced an almost identical proposal. In May 1977, the County Council rejected that proposal in favor of a weaker ordinance that encouraged regulation of smoking in public buildings, but did not require it.<sup>478</sup> A 1985 memo from Bankhead to TI Vice President Hurst Marshall suggests that Marion Fowler of the South Carolina Tobacco Warehouse Association helped defeat the more comprehensive ordinance.<sup>107</sup>

### ***1978 Failed Richland County Ordinance***

While the tobacco industry had not opposed the Beaufort County ordinance, the TI closely watched an ordinance in Richland County, which includes the capitol city of Columbia, in 1978

and defeated it. One day after the ordinance was killed, Bankhead wrote to Roger Mazingo, TI Vice President for State Activities, “Yesterday, the Richland County Commission voted overwhelmingly to table a public smoking ordinance which would have banned smoking in such places as libraries and public meetings. This action, which was taken without discussion or a hearing, essentially kills the measure.”<sup>142</sup> Henry McMaster (R), the South Carolina Attorney General in 2008 and TI lobbyist John Gregg McMaster’s son, “represented the Institute at the meeting.”<sup>142, 143</sup> A 1985 TAN action alert discussing a subsequent, successful Richland County smoking ordinance explains that this 1978 ordinance “was tabled because Columbia was being considered as a site for a new Philip Morris plant. This plant was later built in North Carolina.”<sup>494</sup>

### ***1985 Successful Richland County Ordinance: Public Health’s First Victory in the State Over a Full Tobacco Institute Push***

In May 1985, with the prompting of ALA, AHA and ACS, Richland County Councilmen Ray McKay and John Monroe made a second attempt to pass a clean indoor air ordinance in Richland County to restrict smoking in restaurants, healthcare facilities, county jails, retail stores, county-owned buildings, hospitals, public transportation, schools, elevators and other public places.<sup>53, 494</sup> This ordinance, frequently called the Clean Indoor Air Ordinance, was “patterned after similar [ordinances] being passed across the country.”<sup>495</sup> The ALA, AHA and ACS, in addition to the Blue-Cross and Blue Shield, South Carolina Commission on Alcohol and Drug Abuse (now DAODAS) and DHEC, who had come together to support S 545 that year, testified at the County Council during the long course of this ordinance’s consideration.<sup>53</sup> The efforts of the three voluntary health groups (AHA, ALA and ACS) were particularly strong on this ordinance; during debate on the ordinance, the County Council unanimously passed a resolution commending the voluntary health groups for their work to “protect the air quality in indoor public places.”<sup>342</sup>

The TI immediately started an aggressive campaign to defeat this ordinance. One week after the bill’s introduction, Bankhead and Mazingo sent out a TAN Action Request.<sup>494</sup> TAN activists wrote letters and called members of the County Commission to delay consideration of the ordinance.<sup>496</sup> There was a coordinated opposition effort by state-level lobbyists: TI state lobbyist McMaster was directly lobbying County Council members from May 1985 on, and TI’s other lobbyist, Sterling Smith, was in charge of grassroots opposition from businesses in the county.<sup>107, 497</sup> The TI also secured the help of the South Carolina Tobacco Warehouse Association, the Chamber of Commerce, Farm Bureau’s lobbyist Pete Gustafson, Jim Frye with Philip Morris, and John Lumpkin, a former South Carolina National Bank president and law partner of former Governor Robert McNair (D, 1965 to 1971).<sup>107, 497</sup> The TI hired Lumpkin to represent the organization locally until the ordinance was resolved.<sup>497</sup> The TI had even tried “through an intermediary” to get then-Governor Riley (D, 1979 to 1987) to intervene, but he refused to do so.<sup>486</sup>

This measure was the industry’s “major concern” in the state in 1985 because they thought that if it passed, they would see “similar activity in Charleston, Greenville and Spartanburg.”<sup>53</sup> Intensive efforts by the TI stalled the bill from May to October 1985, but Bankhead explained that both a “better-organized anti-tobacco coalition,” the nascent Clean Indoor Air Coalition, and

**Table 48: Local Clean Indoor Air Ordinances 1977-1989**

S - 100% smoke-free  
P - Partially smoke-free, required no-smoking areas, exemptions

Date Passed	Location	Clean Indoor Air Provisions											Other Provisions	Penalty Provisions (Where specified)	
		Public Government Buildings	Other publically-owned buildings	Public Meetings	Public Transportation	Elevators	Healthcare Facilities	Recreational facilities	Public schools	Restaurants	Retail Stores	Private Workplaces			
March 1977	Beaufort County	S	P	S	S	S								Required no-smoking areas in publically-owned buildings	\$50 fine or 15 days jail for smoker
March 1977	Manning	P												Prohibited smoking in the “Breedin Room” of the Town Administrative Building.	
March 1985	Orangeburg County	P	P											Exempted maintenance shop, public works maintenance facilities. Members of the public exempted in dining areas, restrooms, stairwells. Employees exempted in staff lounges and private offices.	
May 1986	Greenville County	P	P											Implementing rules required designation of specific hallways or break rooms as smoking areas.	
Sept. 1986	Beaufort County (Amended)	S	P	S	S	S								Provided enforcement for voluntary no-smoking areas of privately-owned buildings. Specified signage instructions. Increased penalties for areas already covered under 1977 ordinance.	Misdemeanor: Up to \$100 fine and/or 15 days jail for smoker and proprietor
Dec. 1986	Richland County	P	P		P	S	P		S		P			Exempts hair salons and food service establishments, patient rooms in healthcare facilities, taxis, public restrooms. Exempts “any reasonable area” set aside as a smoking area by person in control of public place.	
1987	Myrtle Beach			P										Promotes nonsmoking in city-owned buildings. Prohibited smoking in designated public meeting areas.	
April 1987	Hampton County	P	P				P		P					Allowed one smoking area per building.	Up to \$100 and 30 days jail for smoker and proprietor

Oct. 1987	Clemson	P	P										Allowed designated smoking areas	
Dec. 1987	Greenville	P	P	S	S	S	P	P	P	P	P	P	Retail stores over 1,000 sq ft covered, exemption for common area of shopping malls; Restaurants over 100 seats, office buildings over 1,000 sq ft covered. Only public areas of healthcare facilities covered. Exemptions for private social functions, taxis, private offices, on-stage performances, tobacco stores. Allowed smoking and non-smoking sections in all areas covered. Exemption for factories, warehouses and other workplaces “not usually frequented by the general public.”	
Jan. 1988	Spartanburg	S	S											
Jan. 1988	Charleston County	P	P										Allowed for separately ventilated smoking areas in publically-owned buildings. Specifically exempted County Jail and County Hall	Infraction: Up to \$200 fine for smoker, no penalty for proprietor
Aug. 1988	Lexington	P											Prohibited smoking in Town Hall. (Amended from broad public places restriction including restaurants and commercial establishments.)	
Oct. 1988	Chester	P	P										Restricted smoking to “designated areas of city buildings as recommended by employees,” prohibited smoking in City Hall front offices, police sub-station and council chambers.	
Jan. 1989	Mauldin	P	P										Required designated smoking areas in covered buildings.	
April 1989	York	P	P										Only covered York City Hall and federally-owned buildings	Up to \$200 fine and/or 30 days jail for smoker
Aug. 1989	Ridgeland	S	S											Infraction: \$20-\$200 fine for smoker
Sept. 1989	Rock Hill	S	S										Required city to provide smoking cessation program for public employees.	Violations handled as personnel matters
Sept. 1989	Beaufort			S	S	S							Allowed private businesses to go smoke-free but did not require it. Allowed separately ventilated smoking areas in publically-owned buildings and private businesses open to the public.	Misdemeanor: Up to \$100 fine and/or 15 days jail for smoker and proprietor
Jan. 1990	Greenville County (Amended)	P	P	S	S	S	P	P	P	P	P	P	Retail stores over 1,000 sq ft covered, exemption for common area of shopping malls; Restaurants over 100 seats, office buildings over 1,000 sq ft covered. Only public areas of healthcare facilities covered. Exemptions for private social functions, taxis, private offices, on-stage performances, tobacco stores. Allowed smoking and non-smoking sections in all areas covered. Exemption for factories, warehouses and other workplaces “not usually frequented by the general public.”	Misdemeanor

media coverage of the Senate subcommittee hearing on S 545 forced the County Council's Administration and Finance Committee to take the bill up in October.<sup>107</sup>

On October 8, 1985, the Committee amended the ordinance to exclude restaurants, nursing homes and nursery and day care facilities.<sup>107</sup> *The State* attributed the exclusion of restaurants to strong lobbying from the tobacco industry, which argued that the ordinance would hurt business and that "restauranters should not be put in the law enforcement business," common tobacco industry arguments to defeat clean indoor air ordinances.<sup>495</sup> After weakening the ordinance, the Committee reported the bill to the full County Council after two members, Boney and Herndon, switched their votes because of the amending out of restaurants. Once restaurants were deleted, merchants were the only remaining business group affected by the ordinance, who supported the ordinance.<sup>107</sup> TI lobbyist McMaster had tried to engage the Columbia Merchants Association to sway the county's merchants, but failed.<sup>107</sup>

After the bill was voted out of committee, McMaster drafted an amendment to exclude municipalities in the county, and Councilman Bob Coble, Mayor of Columbia from 1990 through publication date, agreed to propose the amendment if it looked like the ordinance would pass. Bankhead noted that this amendment would "dilute" the ordinance's impact "considerably."<sup>107</sup> On October 15, 1985, the County Council amended the ordinance to exclude beauty shops within department stores and add the amendment that McMaster had drafted stating:

This ordinance shall apply only to those areas lying outside the limits of any incorporated municipality that is partially or wholly within the boundary of Richland County, except for buildings owned by Richland County or any of its political subdivisions, other than buildings used in connection with the detention of prisoners.<sup>497</sup>

This amendment effectively excluded cities from the ordinance and the one county jail. After these amendments, the ordinance passed a second reading by a 6 to 5 vote. The ordinance still covered retail stores and department stores that did not serve food (exempting beauty shops within department stores), elevators, hospitals, schools, public theaters, movie theaters, auditoriums, public transportation (except taxis) and county-owned buildings.

Before the County Council could take a final vote, a substitute measure was offered that incorporated the restrictions of the original proposal (restaurants, nursing homes, nursery and day care facilities, and coverage in cities) but allowed proprietors to designate entire facilities as smoking-permitted. Because of this interruption, the Council voted 7 to 4 to defer action and sent both proposals back to the Administration and Finance Committee, which then officially deferred action for an unspecified amount of time on November 11, 1985.<sup>342</sup> Chances to defeat the bill "improved considerably" after this meeting, according to Bankhead.<sup>53</sup>

Over one year after these two proposals were sent back to committee, on November 18, 1986, the Administration and Finance Committee reported the "long-dormant ordinance" for final reading, but it was ruled invalid because of the year's inaction.<sup>343</sup> The originally stalled bill, which excluded restaurants, was re-introduced six days later and reported out of the Committee on a 4 to 1 vote.<sup>343</sup> A little over a week later, the full Council passed the second reading on a 6 to

5 vote that was identical to the final vote on December 30, 1986, passing the ordinance, and it went into effect on January 31, 1987.<sup>343, 495</sup> The final reading was tense. County Councilman Monroe, one of the sponsors of the ordinance, came from his sickbed to attend the meeting to vote on the final reading; according to McMaster, “he did not utter a word during the course of the hearing or the entire meeting, and his presence gave the proponents the predicted 6 to 5 vote.”<sup>486</sup>

The final version of the bill (Table 47) allowed smoking in public areas that were defined as “any reasonable area of a public place which has been set aside by a person, or his agent, having control of a public place for the purpose of smoking,” but did include a \$100 fine. The Richland County Detention Center was brought back under the ordinance after a short debate.<sup>495</sup> City Council Member Leone Castles attempted to get the ordinance to apply county-wide by re-including the incorporated cities, but was defeated.<sup>486</sup> Councilman McKay, one of the original sponsors of the bill, explained later that while he wished the ordinance could have been broader, he simply “[didn’t] have the votes on Council—believe me, I’ve counted ‘em, over and over.”<sup>495</sup>

<u>Provision</u>	<u>Original Proposal</u>	<u>1985 Amended Version</u>	<u>Final Version</u>
Smoking Restricted Areas:			
Restaurants	x		
Nursing Homes	x		
Nursery/Day Care Facilities	x		
Beauty Shops in Dept. Stores	x		
County Jails	x		x
Retail Stores	x	x	x
Healthcare Facilities	x	x	x
County-Owned Buildings	x	x	x
Schools	x	x	x
Elevators	x	x	x
Public Transportation	x	x	x
Other Publically-Owned Areas	x	x	x
Covered Incorporated Cities	x		



John Gregg McMaster listed factors that contributed to the ordinance's passage in a report on the final reading:

1. Our local newspapers supported the passage of the ordinance.
2. The newspapers generally played up the story from time to time during the past 18 or more months.
3. The Surgeon General's [1986] report [on the health risks of secondhand smoke] hurt us [the tobacco interests] very badly.
4. The general idea created by the press, et al. that smoking causes cancer and passive smoking is just as bad - all of this turned Council members against us.
5. Some members of our General Assembly, to wit, Senator Giese, is [*sic*] professionally and politically opposed to smoking. He ran a health study for the federal government looking into heart stress, etc. He is a tenured professor of physical education at USC and while generally conservative in his views he is bold in his opposition to smoking by anyone. Also, Sen. Joe Wilson, also generally conservative, has exercised himself in this anti-smoking field and is vocal in his opposition to smoking.
6. Smoking or not smoking is an emotional issue here just as it is in other states.
7. The real and correct message about passive or environmental tobacco smoke has not permeated the minds of our people [South Carolinians].
8. Many people in this area have quit smoking and they are the most vocal in opposition to smoking in any form.<sup>486</sup>

The passage of this ordinance despite substantial opposition from the TI is a good example of how the industry had less power at the local than state level. The TI employed almost all of the same tactics that it had used to defeat S 545 that same year at the statehouse, but failed to stop the passage of the local ordinance, although they did succeed in delaying passage and limiting its provisions significantly. As stated by McMaster, "The result obtained here was certainly not to our liking, but it was not because of a lack of effort in presenting our view."<sup>486</sup>

January 8, 1987, just after the ordinance passed, Donna Weathers, Director of Communications for the South Carolina Lung Association, sent out an action alert titled "Citizens of Richland County Unite!!" stating that only one week after the passage of the ordinance, it was "now in jeopardy," because, "due to lobbying specialists of the Tobacco Institute, a move is being made to rescind the ordinance."<sup>498</sup> There were 5 new members of the Council, and the TI lobbyists believed that "the 'unenforceable' argument [was] the best course to support" in a repeal effort, according to Dick Morgan, who replaced Bankhead for TI in South Carolina.<sup>499</sup> Morgan went on to explain that plans were to "set the repeal effort in motion as promptly as possible" after the ordinance became effective at the end of January 1987, although he indicated that the TI would wait on their "Council friends" to determine when to move on the repeal effort in the Council.<sup>499</sup> The repeal effort was never executed.

### ***Other Local Ordinances, 1986-1988***

By the end of 1986, the tobacco industry was starting to acknowledge the trend towards local clean indoor air ordinances. The TI report "State of the States" for 1987 said that the industry's outlook for that year with regard to state-level bills on smoking or the cigarette tax

“the prognosis is excellent for the industry,” but continued that “local issues, however, could become a growing concern.”<sup>110</sup> The TI’s 1985 projection that if the Richland County ordinance passed, they would see “similar activity in Charleston, Greenville and Spartanburg” proved true.<sup>53</sup>

### *City of Greenville*

The City of Greenville passed ordinance 1987-79 on December 15, 1987, and, according to the TI, “became the state’s first city to approve [a] broad [public places and workplace smoking] measure with fines up to \$200.”<sup>500</sup> The proposal, sponsored by Councilman Lloyd Walker, prohibited smoking in retail stores, restaurants, office buildings, and most other public places and workplaces.<sup>163, 490</sup> While the bill included several exemptions (Table 48), it was by far the most comprehensive clean indoor air ordinance proposal in the state at the time.

The ordinance passed with a 5 to 2 vote on November 23, 1987, and gave businesses sixty days to comply with the ordinance. The industry did not organize opposition to this ordinance, primarily because they had not known about it before it passed. On December 10, 1987, TI’s Dick Morgan wrote to Roger Mozingo, responding to Mozingo’s query to Morgan as to whether he had “any idea why we [the TI] didn’t know about this in advance.”<sup>59</sup> Morgan suggested that the TI did not have any organized network of company people or interested parties to report rumors or introductions at the local level, and that his first notice of the Greenville and Charleston County ordinances came from TI sources “after the fact.”<sup>59</sup> This statement suggests that TAN may not have been very effective in South Carolina.

The TI’s “States at a Glance” report in 1987 suggested that the “recent passage of a city smoking ordinance in Greenville ... is likely to spread the issue to Spartanburg and other cities in the state,” which proved true.<sup>344</sup> Spartanburg passed an ordinance restricting smoking in city-owned buildings in January 1988.<sup>490</sup>

### *Charleston County*

Charleston County Council proposed an ordinance on December 1, 1987, that would have prohibited smoking in county government offices and buildings, with some exceptions. It was amended to exempt private offices and allow county administrators to designate smoking areas and approved on January 19, 1988, by unanimous vote.<sup>490</sup> The bill included a fine of up to \$200 for violation.<sup>501</sup>

In 1986, the U.S. Surgeon General’s first report on secondhand smoke was released, and included the conclusion that “separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate” secondhand smoke exposure.<sup>452</sup> When the Charleston County Council discussed “potential health hazards” of secondhand smoke during the consideration of this ordinance,<sup>501</sup> the TI responded by sending “scientific consultant” Peter Binnie of ACVA (Air Conditioning & Ventilation Analysis) Atlantic, to the January 6, 1988 hearing on the ordinance.<sup>502</sup> ACVA Atlantic was a small company hired by the TI as an Indoor Air Quality consultant nationwide to promote the tobacco industry’s message that concerns over secondhand smoke exposure could be addressed through ventilation as nominally-independent

scientific experts, when in reality the organization was heavily funded by the TI.<sup>75, 503</sup> The final version of the Charleston County ordinance included language that indicated that the TI's scientific consultant was effective; the ordinance allowed for "adequately ventilated" lobbies, restrooms, snack bars and cafeterias to be partially designated as smoking areas and allowed smoking in private offices on a case-by-case basis if the County Administrator "has first determined that smoking in those locations will only minimally affect the adjacent working environment."<sup>163</sup>

### *Greenville County*

In August 1988, Greenville County began discussing an ordinance to supplement their 1986 ordinance for county-owned buildings. This new ordinance was similar to the City of Greenville's relatively comprehensive public place and workplace clean indoor air ordinance passed in December 1987. As proposed, the ordinance would have prohibited smoking in retail stores, restaurants, most other public places and most workplaces.<sup>491</sup>

As they had with the Charleston County ordinance, the TI sent an "Environmental Tobacco Smoke Consultant," Dr. Jack Peterson, to Greenville County's hearing of the proposed ordinance on September 13, 1988.<sup>502</sup> The Greenville County ordinance continued to be considered into 1989, when on December 5, 1989, it passed second reading, over one year after it went back to committee for consideration, and on January 16, 1990, an amended version passed 10 to 2.<sup>504</sup> The final version of this ordinance was exactly the same as the 1987 Greenville City ordinance, which had been passed without direct tobacco industry involvement. It was a broad ordinance covering restaurants and commercial areas as well as publically-owned facilities, but contained significant exemptions and the establishment of smoking areas in covered locations. The consideration of this ordinance overlapped with the legislature's consideration in the 1989/1990 legislative session of the 1990 Clean Indoor Air Act, which the tobacco industry was attempting to use to halt the steady stream of local clean indoor air ordinances that were passing around the state.

### **Clean Indoor Air Act of 1990: Weak Bill Passed at State Level**

As the momentum of local ordinances built, the Clean Indoor Air Coalition backed the introduction of two bills at the beginning of the 1989/1990 legislative session: S 138, sponsored by Senators Wilson, Bryan, Giese and Thomas, was introduced on January 12, 1989; its companion bill in the House, H 3303, sponsored by Rep. Lenoir Sturkie (R, Lexington Co.) and 20 other legislators was introduced January 24, 1989.<sup>159</sup> Both bills would have restricted smoking in most public places, including restaurants, and had penalty provisions for both smokers and proprietors. Neither bill included provisions covering workplaces at any point. The Clean Indoor Air Coalition drew much of their limited grassroots capacity for these bills from individuals active in pushing the local ordinances during the previous four years, despite the Coalition's limited role in those local efforts.<sup>157</sup>

Both bills were committed to their house's respective Medical Affairs Committees. A joint hearing by the Senate and House subcommittees considering the bills took place on March 1, 1989, hearing arguments from supporters and opponents. The Senate subcommittee chair,

previously held by the new Philip Morris lobbyist Tom Smith, was now Sen. Alex Macaulay (D, Oconee), who ordered the opponents and proponents of the bill to speak to each other and work out a schedule for hearing the bills. The result of this order was an agreement between Tom Smith, lobbyist for Philip Morris, and Diane Murray, executive director of the South Carolina Lung Association, to have one hearing on the bills before March 3, 1989, and to limit each side of the debate to ten speakers for no more than six minutes each to discuss the public health issues of tobacco smoke.<sup>505</sup> The limitation of the debate to public health concerns was a significant concession by the industry because it would eliminate the economic arguments (e.g., harm to tobacco growers and restaurants) that the industry had relied upon in the clean indoor air debates between 1977 and 1988. The proponents speaking were members of the Clean Indoor Air Coalition; the opponents included representatives from the South Carolina Farm Bureau, TI, South Carolina Restaurant Association and unspecified “individuals from the tobacco industry.”<sup>505</sup> The result of this joint committee meeting was that the two sides agreed to work on compromise language for a Clean Indoor Air Act.<sup>506</sup>

Compromising with the tobacco industry has never resulted in legislation that brings about positive health outcomes, as the industry would only agree to a proposal if it was certain that it would not lose business from it as compared with the status quo prior to legislation.

### ***Tobacco Control and Tobacco Industry Strategies on S 138 and H 3303***

The tobacco industry and the Clean Indoor Air Coalition adopted different tactics than they had in earlier debates about statewide clean indoor air laws, because of the local ordinances passed leading up to the 1989/1990 session and progress made in educating legislators about the risks of secondhand smoke during previous statehouse debates on clean indoor air. These factors made it likely that some form of statewide clean indoor air legislation would pass during the 1989/1990 session. The House had passed a rule in December 1988 making the House chamber smoke-free, and Sen. Tom Smith, who had led the charge against S 518 in the previous legislative session, was no longer a senator. (He had become Philip Morris’s top lobbyist in the state.<sup>507</sup>) A poll conducted in the summer before the 1989 legislative session by *The State* indicated that two-thirds of the South Carolina public supported limiting smoking in public buildings, restaurants and government buildings, and more than four out of five wanted to limit it in hospitals.<sup>508</sup>

Public opinion translated into legislative opinion. Further results from *The State*’s survey showed that “ninety-five lawmakers who completed the survey said they would support restricting smoking in public places, while 51 said they would oppose it. Even if all 16 lawmakers who didn’t complete the survey opposed such a law, it still would have support from more than half the lawmakers.”<sup>508</sup> In January 1989, less than two weeks after S 138 was introduced, Sen. Peden McLeod (D, Colleton), the chairman of the Senate Medical Affairs Committee, told *The State* that he believed his Committee would approve some sort of smoking restriction bill and that he thought the General Assembly would pass something that year.<sup>509</sup>

To capitalize on this legislative consensus for action, the South Carolina Lung Association provided each legislator with a report entitled “Smoking is Killing Your Constituency,” which included tables outlining the number of deaths attributable to cigarette smoking in each district

for 1984 to 1986. While many lawmakers appreciated the report, legislators from the Pee Dee tobacco-growing region generally questioned the statistics.<sup>509</sup>

Another variable entered into the debate on clean indoor air during the 1989/1990 legislative session: preemption. A preemptive state law is one that blocks the authority of local governmental entities from acting on their own to legislate on the same subject. The tobacco industry, recognizing that it is weaker at the local level than it is at the statehouse, strongly promoted preemptive state laws with weak nominal smoking restriction provisions as a means of cutting off the ability of localities to pass strong clean indoor air ordinances.<sup>510-512</sup> There are two general types of preemption: explicit preemption, in which the preemptive language is written clearly in the law, and implied preemption, in which a measure adopted by the state legislature could be argued in the courts to “occupy the field” in question and therefore prevent local regulation.<sup>512</sup> The industry started implementing this strategy beginning in the mid-1980s.<sup>513</sup> The Clean Indoor Air Coalition was well aware at the time that the tobacco industry would try to stifle the rush of local ordinances that had taken place leading up to and during consideration of these state-level bills in 1989/1990.<sup>157, 158</sup> In fact, the Coalition discussed the threat posed by industry advocacy for preemption with the media as early as January 1989.<sup>507</sup> However, the Coalition seemed only to be concerned about express, not implied preemption at the time.

The tobacco industry lobby in South Carolina viewed the likelihood of a statewide clean indoor air law passing in the 1989/1990 session positively and approached the debate over S 138 and H 3303 as an opportunity to enact preemption and other industry-favorable provisions. The TI noted in 1989 that while it was “conceivable” that they could “hold the line with the present law in 1990,” they thought that “the window of opportunity to establish desirable smokers’ rights and preemption is open far wider today than it will be in the future.”<sup>514</sup> Smokers’ rights provisions sought by the TI would have barred companies from discriminating based on smoking habits, but more importantly for the industry would reduce the denormalization of smoking and create the image of smokers as a persecuted minority group.<sup>61</sup> The TI emphasized the need for preemption in S 138 or H 3303: “Local ordinances continue to be introduced in key South Carolina locations. This shift to the local level speaks to the industry’s need to attempt to preempt such action at the state level.”<sup>514</sup> The TI was confident in its ability to do so, based on their correct perception that their lobbying capacity was much greater than that of the Clean Indoor Air coalition, which until 1990 had no lobbyist.

To facilitate the TI’s proactive strategy, Philip Morris lobbyist Dwight Drake drafted a “compromise measure” without consultation with the Clean Indoor Air Coalition despite an agreement to do so at the joint subcommittee hearing on the bills.<sup>514-516</sup> Drake sent the bill he drafted to members of the House Medical Affairs subcommittee hearing H 3303 in May 1989, presenting it as the requested compromise bill and explaining that it would be supported by Philip Morris and “other segments of the business and agricultural tobacco interests” if adopted.<sup>515</sup> Drake’s draft bill removed the provisions dealing with restaurants and retail stores, provided broad exceptions for the areas that remained covered and included explicit preemptions and smokers’ rights provisions.<sup>515</sup> No action was taken on this proposal during the subcommittee hearing, and both the Senate and House bills carried over into the 1990 session.<sup>504</sup> The health groups did not publicly respond to Philip Morris’ false-compromise bill.

The TI and individual companies' lobbyists made a concerted effort between the 1989 and 1990 sessions to meet personally with "sufficient numbers of subcommittee members to assure favorable vote on bill as amended" to reflect the Philip Morris-developed draft.<sup>514</sup> The TI described these amendments as a "successful countermove in that attention was shifted from the anti bill to the thrust of the amendments."<sup>514</sup> While the tobacco industry's lobbyists advocated for the adoption of Philip Morris's proposed preemptive language, the industry attempted to kill both bills completely as a contingency plan for their not being able to add preemptive language, using strategies that had been successful in defeating past attempts at clean indoor air legislation. Philip Morris lobbyist Tom Smith argued that clean indoor air legislation would harm tobacco growers and the state's economy by reducing tobacco use, and therefore income.<sup>517</sup> The South Carolina Farm Bureau's president, Harry Bell, spoke against the bills at the organization's annual dinner, saying, "Let's don't kill the goose that lays the golden leaf."<sup>518</sup> The RJR grassroots Smokers' Rights Group was encouraged to oppose the bills, through a "Choice Alert" in May 1989.<sup>519</sup>

### ***Health Groups Cooperate with Tobacco Industry on Substitute Bill***

During the bills' consideration in 1989, the likelihood that a comprehensive clean indoor air bill without preemption would pass shrunk significantly. The industry garnered media attention over their opposition to the bills, while at the same time presenting a "compromise" pro-industry bill that they would be willing to accept. Between the legislative sessions, the Clean Indoor Air Coalition and the tobacco industry reached a stalemate over the issue of preemption: the industry refused to accept a bill without preemption, and the Coalition refused to accept one with it, and legislators were expecting a compromise to be reached in the 1990 session.<sup>517, 520</sup>

The advocacy capacity of the Clean Indoor Air Coalition had not proven effective in countering the well-established industry lobby during 1989, so the three voluntary health organizations pooled their resources and hired tobacco control's first lobbyist in South Carolina, Moses Clarkson, as their "arbitrator/lobbyist" on the bill.<sup>516</sup> As Ruth Roberts, lead advocate for the ACS in South Carolina at the time explained of herself and Jack Claypoole, the lead advocate for the ALA:

We were learning as we went and we thought that we would be able to work on our own with a minimal amount of training and negotiate with the lawmakers, and without having to spend any money on lobbyists or try to get somebody to do it for free for the very simple reason that our budgets were very limited at that time for this area of work. As it turned out, the Coalition came to understand that after several failures we weren't going to make it if we didn't have professional help to deal with the legislators in South Carolina.<sup>157</sup>

Clarkson had served as the Chairman of DHEC's Board from 1980 to 1989, had been the Assistant Director of Industrial Relations with the powerful South Carolina Chamber of Commerce and had extensive legislative contacts and experience on issues related to both business and health.<sup>161</sup> ALA Executive Director Diane Murray hoped that Moses could "be more persuasive with the tobacco lobby than we were able to be" during 1989.<sup>516</sup>

Even with a lobbyist, the Clean Indoor Air Coalition faced a difficult situation entering the

1990 legislative session. Without a new strategy, there seemed to be two possible outcomes: have no bill pass that year at all due to the stalemate over preemption or allow the significantly more powerful industry lobby to push through their preemptive Philip Morris-written bill without health group input. However, the Coalition was not certain they would be able to kill a bill that the tobacco industry decided to push, and advocates thought it was necessary to take advantage of the momentum garnered from the local ordinances and legislative attention to the issue.

At this point, Clarkson proposed that the Coalition negotiate directly with the industry and offer a trade, to have at least some input on the bill and to ensure that a bill was passed that session. According to Ruth Roberts, the Coalition membership would never have thought of negotiating with the industry on their own or been able to effectively put together a meeting with the tobacco industry representatives if they decided to do so, “but Moses ... in an effort to get the bill passed, he said, let’s sit down with the industry and help them see that there’s really not anything very threatening” in the bill.<sup>157</sup> In negotiating with the tobacco industry, the Coalition was at a significant disadvantage. While the tobacco lobby did not mind if nothing passed that session, the Coalition was determined to capitalize on the local ordinances and ensure that explicit preemption was not passed by the industry acting on its own. This allowed the tobacco industry to make high demands of the health groups in exchange for little in return.<sup>158</sup> By giving passage of *a* bill that year over passing a *good* bill later, the Coalition set itself up for defeat in the long run.

To get the bill moving again, Clarkson and the Coalition agreed to allow the removal of all provisions on private businesses, including retail locations and restaurants, from the bill (Table 49). Additionally, according to Jack Claypoole, the compromise made with the industry included a public agreement by the health groups not to attempt to pass a tobacco tax increase.<sup>158</sup> This agreement was even mentioned in a Site Analysis completed for NCI for ASSIST by the Director of DHEC’s Center for Health Promotion, Fran Wheeler, and the ASSIST Project Manager, Karla Sneegas. They explained that Rep. Snow, from a tobacco-growing region and a staunch industry ally, had been “instrumental in reaching a compromise with the Clean Indoor Air Coalition because the Coalition did not pursue a tax bill affecting tobacco products.”<sup>111</sup> Additionally, the compromise was mentioned in a 1994 article in *The State*, which explained that the Clean Indoor Air Act had passed because “tobacco supporters in the Legislature agreed not to fight that bill after anti-smoking forces promised not to push for higher taxes.”<sup>345</sup>

In return, the tobacco industry agreed not to include explicit preemption language in the bill. This was not a sincere compromise on the part of the tobacco industry, because, according to Ruth Roberts they, unlike the tobacco control advocates, “understood that the Constitution gave them room for [implied] preemption whether it was in the bill or not.”<sup>157</sup> Given the industry’s confidence in their ability to argue implied preemption, Roberts conceded that the tobacco industry “really didn’t lose anything” in the so-called “compromise.”<sup>157</sup> However, as discussed below, the lack of explicit preemption in the bill proved important for tobacco control advocates in later years.

Through negotiations with the tobacco industry, the general tone of the bill was changed as well. A good example of this can be found in the changes made to the bill’s preamble, which

<b>Table 49: Provisions of the Clean Indoor Air Act of 1990</b>			
<u>Provision</u>	<u>As Introduced</u>	<u>Philip Morris-Proposed Compromise</u>	<u>Bill Passed as Act 503</u>
Restaurants	Seating more than 50 people	Deleted	Deleted
Retail Stores	Included grocery and department stores	Deleted	Deleted
Healthcare Facilities	Exception: private rooms	Exception: Private rooms, designated areas in public lobbies, employee break areas and cafeterias	Exception: Employee break areas
Public Schools	100% smoke-free	Exception: Private offices and teachers' lounges	Exception: Private offices, teachers' lounges
Pre-schools	100% smoke-free	Exception: Private offices and teachers' lounges	Exception: Private offices, teachers' lounges
Day-care facilities	100% smoke-free	Exception: Areas utilized exclusively by adults	Exception: Private offices, teachers' lounges
Government Buildings	100% smoke-free	Exception: At least 50% of public areas must be designated as smoking areas, employee work areas	Exception: Private offices, employee break areas; Excludes Statehouse and legislative office buildings, which determine their own status
Theaters, Arenas, Auditoriums	100% smoke-free	Exception: 50% of foyers, lobbies and other common areas required to be smoking areas	Exception: Foyers, lobbies, other common areas; permitted as part of a legitimate theatrical performance
Laundry Facilities	100% smoke-free	Exception: where designated by obvious and visible signs	Deleted
Elevators	100% smoke-free	100% smoke-free	100% smoke-free
Public Transportation	Exception: Taxis	Exception: Taxis	Exception: Taxis
Smoking Areas	<i>Allowed</i> in areas above; must be marked by conspicuous signs; smoking areas "may not impinge upon smoke-free areas"	<i>Required</i> when stated above, allowed in other exceptions; there must be "every effort to prevent designated smoking areas from impinging upon designated smoke free areas"	<i>Allowed</i> in exception areas above; there must be "every reasonable effort to prevent designated smoking areas from impinging upon designated smoke-free areas by the use of existing physical barriers and ventilation systems"
Penalty Provision	Misdemeanor; Fine \$10-\$25	Misdemeanor; Fine \$10-\$25	Misdemeanor; Fine \$10-\$25
Smokers' Rights	None	Forbids discrimination in employment practices, including hiring, promotion and termination, based on whether a current or potential employee is a smoker or a nonsmoker	No person is allowed to require any other person to submit to testing to determine if the person has nicotine or tobacco residue in his body
Preemption	Not explicitly included	Explicit preemption: "This Act expressly pre-empts the regulation of smoking by all government entities and subdivisions including boards and commissions to the extent that such regulation is more restrictive than the provisions of this Act. The provision of this Act shall apply and control in all referenced premises and vehicles in this state"	Not explicitly included



originally read:

Whereas, in the interest of promoting the public health, it is essential to make it possible for residents of this State to avoid the hazards of “second-hand” smoke while in public indoor places; and Whereas, the Clean Indoor Air and Promotion of Public Health Act of 1989 is an appropriate response to achieve this important public health objective.

The Philip Morris-proposed substitute version included industry “accommodation”<sup>70</sup> and “smokers’ rights”<sup>61</sup> language:

Whereas it is in the public interest to accommodate the interest of non-smokers to be free from undesired exposure to tobacco smoke, while protecting the rights of smokers to smoke in public indoor places; Whereas, the Clean Indoor Air and Promotion of Public Health Act of 1989 is an appropriate response to achieve this important public health objective.

The final, compromise version of the bill retained Philip Morris’ “accommodation” language:

Whereas, it is desirable to accommodate the needs of non-smokers to be free from exposure to tobacco smoke while in public indoor places; Whereas, the Clean Indoor Air Act is an appropriate action to achieve this important objective.

The imbalanced “compromise” the health groups made with the industry to secure the passage of a Clean Indoor Air Act without explicit preemption reflected the extent to which the tobacco industry was able to dominate the state-level policy-making process on tobacco control.

### ***Implications of the Compromise Clean Indoor Air Act***

Once the Clean Indoor Air Coalition and the tobacco industry lobbyists prepared a “compromise” bill, it replaced the language of both H 3303 and S 138. With the support of health and tobacco lobbyists, as well as the bills’ sponsors and legislators from the tobacco-growing region, both bills moved rapidly through the General Assembly. While earlier lobbying efforts had focused on H 3303, it briefly stalled in April 1990, and focus shifted to S 138, which then passed by wide margins in both houses. Governor Campbell signed it into law as Act 503 on May 30, 1990, and it took effect August 1, 1990.<sup>521</sup>

When S 138 passed, both tobacco industry and health groups considered it a win. In fact, the law was only a success for the tobacco industry. The 1990 Clean Indoor Air Act stalled effective local indoor smoking ordinances for four years, and was still stalling statewide regulation of indoor smoking in 2008. According to Jack Claypoole, the excitement over passing any sort of public smoking legislation in tobacco-growing South Carolina was enough of a reason to deal directly with the industry, and that by keeping explicit preemption out of the legislation they had considered the bill’s passage a tobacco control success.<sup>158</sup> The health groups justified their significant concessions by believing, incorrectly, that they would be able to incrementally improve the legislation in the immediately following years, and that it was important to capitalize on the momentum built up from the local ordinances and take advantage

of legislative willingness to address the public smoking issue.<sup>158</sup> The TI more realistically recognized the Clean Indoor Air Act as a significant victory, declaring that, “In 1990 South Carolina enacted the best package of pro-active legislation in the nation.”<sup>522</sup>

### ***Ambiguous Status of Preemption***

The purpose of the Clean Indoor Air Coalition’s deal with the industry had been to avoid explicit preemption in the final version of the bill. While they succeeded in doing so, the industry was confident that it had established implied preemption through the legislation. The Attorney General’s office issued two opinions supporting the industry’s position on the matter in 1990, one during the debate over the bill and one after its passage. The first opinion, requested by Rep. Richard Quinn (R, Lexington and Richland Cos.), a member of the House subcommittee considering H 3303, related to the Philip Morris-proposed substitution, which contained clearly explicit preemption language (Table 49), and was issued in February 1990. Not surprisingly, the Attorney General’s office concluded that “the preemption clause speaks for itself,” and would preempt any existing and future local ordinances relating to public smoking.<sup>523</sup> With the removal of this clause from the bill, health groups assumed that the Clean Indoor Air Act was not preemptive of local action.

Two local ordinances passed in August 1990, in Goose Creek and Oconee County, after the Clean Indoor Air Act went into effect, prohibiting smoking in publicly-owned buildings and government workplaces.<sup>521</sup> After passage of these ordinances, Sen. John C. Land (D, Calhoun, Clarendon, Florence and Sumter Cos., Policy Score 9.7) requested a second Attorney General opinion on the matter of preemption of local action on smoking restrictions. This second Attorney General opinion indicated that preemption still applied despite the negotiation out of the preemption clause, counter what the Clean Indoor Air Coalition had believed to be the case when they made their deal with the tobacco lobbyists. Specifically, the Attorney General’s office explained that when considering questions of “home rule,” or the ability of a locality to legislate on a matter, in the absence of an explicit clause related to preemption, it is necessary to consider the legislature’s intent when enacting the law. They concluded that “the General Assembly intended the Act to have statewide applicability and that the local political subdivisions would be prohibited, at least implicitly, from further regulation of smoking in public indoor places.” The conclusion that “local political subdivisions were preempted from further inconsistent regulation of smoking in public indoor areas” was based on the broad scope of the bill, the specific allowance for healthcare facilities to go beyond the limited coverage of the bill and the specific penalty clause.<sup>524</sup>

While this decision would seem to indicate that local ordinances would not be permitted under South Carolina’s law, Attorney General opinions do not have the force of law. The two ordinances passed in October 1990 were never overturned, and in 1993 and 1994 additional local ordinances passed relating to public smoking without ramifications. However, the impression that there may have been implied preemption in the bill, combined with the perception that the statehouse had filled the role of the municipality in acting on clean indoor air, halted the flurry of local clean indoor air ordinances until 1994. Tobacco control advocates did not push localities or the legislature to improve upon the Clean Indoor Air Act’s meager provisions until that time.

## **Subsequent Clean Indoor Air Developments (1990-1994)**

While the 1990 Clean Indoor Air Act was celebrated by members of the Clean Indoor Air Coalition, tobacco control advocates privately acknowledged the setbacks it created in momentum on tobacco control policy-making. The state Comprehensive Smoking Control Plan in 1993 declared that “the successful passage of the Clean Indoor Air Act gave hope to tobacco control advocates that policy advocacy is possible in a tobacco-producing economy.”<sup>169</sup> Fran Wheeler, Director of the Center for Health Promotion in DHEC and PI of ASSIST in South Carolina, explained tobacco control advocates’ private response to the Clean Indoor Air Act:

We acted like we were excited, and cheered and said hooray, and we were real proud of ourselves for getting anything done, but agreed not to race right out and try to get something changed immediately. Because we had stirred up the tobacco folks enough at that time, that we probably would have lost the whole thing. So, I do remember ... a conscious decision to just let it ride for a year or two before going back and trying to fix it.<sup>167</sup>

Given this position, in the years immediately following the passage of the Clean Indoor Air Act, no advocacy was undertaken by the tobacco control community for state or local clean indoor air legislation. The Clean Indoor Air Coalition’s deal with the industry backfired: incremental improvement to the Clean Indoor Air Act stalled, and the Alliance (which took the place of the Clean Indoor Air Coalition as the tobacco control advocacy group in the state during the 1990s) focused its state policy advocacy efforts almost exclusively on amending the state’s youth access law. What little activity the Alliance did on clean indoor air focused on voluntary smoke-free policies in restaurants, schools and healthcare facilities. There were, however, limited public policy actions on public smoking that occurred between 1990 and 1994 without significant help from the Alliance.

No policy change activity on Clean Indoor Air occurred at the state or local level in the 1991/1992 legislative session. However, during the 1993/1994 session, there were two notable developments: an amendment to the Clean Indoor Air Act to eliminate the exemption for smoking in offices at childcare centers—one of the many exceptions in the Act—passed through the General Assembly, and the city of Spartanburg passed a relatively broad clean indoor air ordinance, followed by several more limited ordinances in other cities and counties across the state. These bills were not planned or developed by the Alliance or its members, but were supported after the fact.<sup>525</sup>

### ***1994 Amendment of the Clean Indoor Air Act***

In February 1994, Sen. Darrell Jackson (D, Richland Co., Policy Score 9.3) successfully secured the passage of S 435, which ended smoking in offices at childcare centers, closing one of the exceptions inserted by the tobacco industry into the 1990 Clean Indoor Air Act.<sup>525</sup> Sen. Jackson was only able to pass this bill after negotiating with tobacco industry lobbyists; Sen. Jackson explained, “What I’ve found is you can never get anything (related to smoking) passed here without a coalition of the tobacco industry. ... In other words, they have to sign off on it. I’m not very optimistic as it relates to further restrictions on tobacco in this state.”<sup>743</sup>

When the bill was on the House floor for a second reading, the Alliance mobilized their grassroots network to support of the bill, and when the bill went to the Governor for consideration, they held a news conference on February 15, 1994, to announce the law and congratulate lawmakers, but did not play a more active advocacy role.<sup>170, 525, 526</sup> The Alliance closely monitored the progress of the bill, and used it to test their “ability to mobilize grassroots networks quickly, to monitor legislative affairs daily, and to arrange for public acknowledgment of favorable policy as it unfolded.”<sup>525</sup>

More aggressive attempts to improve the Clean Indoor Air law were easily defeated by the tobacco industry’s well-staffed and well-connected lobbying team in the 1993/1994 session. Rep. Sturkie (who had sponsored the House version of the 1990 Clean Indoor Air Act) introduced a bill, H 3113, in January 1993 that would have completely prohibited smoking in restaurants, with co-sponsors Corning, Jaskwhich, Shissias, Wells and Wright.<sup>527</sup> No state in the country at that point had a statewide 100% smoke-free restaurants law; 28 states had restrictions requiring nonsmoking sections.<sup>527</sup> This bill was never seriously considered in the statehouse. It was committed to the Committee on Agriculture, Natural Resources and Environmental Affairs Committee, chaired by Rep. Tom Rhoad (D, Bamberg), one of the state’s largest tobacco growers, where it died.<sup>345</sup>

During the consideration of H 3113, despite tobacco being only two percent of the state’s gross product in that year, the tobacco industry convinced legislators that “an attack on tobacco is an attack on farming.”<sup>345</sup> Speaker of the House Bob Sheheen explained that this tobacco psychology was the relevant factor in the difficulties health groups faced in tobacco control policy change at the statehouse.<sup>345</sup> Executive Director of the Alliance in 1994, Karla Sneegas, explained that the health groups “don’t have the money and the manpower that the tobacco industry has,” so they had not been able to keep up with the industry at the statehouse.<sup>43</sup> These factors only increased the Alliance/ASSIST’s focus on youth access as opposed to statewide clean indoor air; the program decided to tackle the “low-hanging fruit,” such as youth access, instead of clean indoor air.

### ***Local Ordinances in 1993 and 1994***

In May 1993, Spartanburg passed a local clean indoor air ordinance modeled after the 1987 Greenville ordinance, which at the time was the most comprehensive in the state.<sup>528</sup> The ordinance covered larger restaurants, retail stores and workplaces, but with broad exemptions and allowances for smoking areas. Early advocacy for the ordinance came from City Councilman Marshall “Pot” Lindsay, with the support of the local tobacco control coalition funded by the ASSIST grant, Spartanburg Coalition for Better Health, and several local business owners.<sup>525, 528</sup> The ordinance faced little policymaker or public opposition: the first reading of the ordinance passed by a 5 to 2 vote, with the only opposing votes coming from Council members Lindsay and Roy Henderson, both of whom opposed the Greenville-style ordinance because it was too weak.<sup>529</sup> The final reading of the ordinance was attended only by two members of the public, both supporters of the ordinance.<sup>530</sup>

The only prominent opposition to the ordinance came from the tobacco industry itself, using the argument that local action on clean indoor air had been preempted under the 1990

Clean Indoor Air Act. Leading up to the final reading on the ordinance, Philip Morris lobbyist Dwight Drake (still employed by Philip Morris in 2008) wrote a letter to Spartanburg City Attorney Spencer King explaining that the proposed ordinance went against the 1990 state Attorney General's opinion that local clean indoor air activity was prohibited under implied preemption in the 1990 Clean Indoor Air Act.<sup>531</sup> The City Attorney disagreed with this opinion, explaining that the state Supreme Court had released a recent ruling supporting the ability of localities to pass legislation where not explicitly prohibited by state law, using Home Rule arguments which were repeated over 10 years later to pass further clean indoor air ordinances in the state (discussed below).<sup>528</sup>

After Spartanburg's ordinance passed, three other less comprehensive ordinances were passed across the state: in Myrtle Beach in July 1993, Newberry County in June 1993 and Spartanburg County in July 1994. Each of these ordinances only prohibited smoking in buildings owned or operated by the city or county, with Spartanburg County's ordinance simply eliminating the exemptions from its 1988 ordinance.

These local ordinances and the Spartanburg City Attorney's determination that the 1990 Clean Indoor Act did not implicitly preempt local smoke-free action prompted the tobacco industry to re-evaluate the preemption status of South Carolina, and in 1995 the TI began an aggressive campaign to pass explicit preemption language.<sup>532</sup> The tobacco industry found what seemed to be an ideal vehicle for this preemptive language in the form of ASSIST's primary advocacy focus: youth access.

#### **ASSIST Focuses on Youth Access Regulation (1990-1994)**

South Carolina has one of the oldest youth access statutes in the country, dating back to 1889. Leading into the 1995/1996 legislative session, the law had been last updated in 1962,<sup>163</sup> making it a misdemeanor to sell, furnish, give or provide anyone under 18 with cigarettes or other tobacco with a fine between \$25 and \$100 and/or prison for two months to a year.<sup>163</sup> (It was not illegal for youth to buy or use tobacco until 2006.) According to the state's ASSIST grant application, there was "little, if any" enforcement as of 1990,<sup>159</sup> and in 1994, 63 percent of attempted youth purchases of tobacco were successful.<sup>297</sup>

In response to nationwide poor enforcement of youth access laws, in 1992, the U.S. Congress enacted the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) Reorganization Act, which included the Synar Amendment, named after its sponsor U.S. Rep. Mike Synar (D, OK). The Synar Amendment required states to document enforcement of youth access laws to be eligible to receive funding under their Federal Substance Abuse Prevention and Treatment block grants. Final regulations for the Synar Amendment were not completed until 1996,<sup>533</sup> creating confusion around its exact requirements that the tobacco industry leveraged to introduce explicit preemption in states across the country.<sup>534, 535</sup>

The TI was able to convince many states that the Synar Amendment required an explicit law mandating uniform application of youth access provisions throughout a state that was close to preemption.<sup>535</sup> In fact, the Synar Amendment did not require passing any state legislation. By passing preemptive youth access legislation, the TI often tried, and sometimes succeeded, in

preempting other local tobacco control efforts as well.<sup>536</sup> Indeed, South Carolina tobacco control advocates' awareness of the risk of preemption being added to tobacco control legislation was one of the explicit reasons why they were avoiding reopening the Clean Indoor Air Act; it seems, though, they were not aware of the industry's attempt to use *youth access* to preempt *clean indoor air* activity.<sup>167, 176, 177</sup> The Alliance viewed the Synar Amendment as an opportunity to pass their ideal youth access legislation, so they pursued statewide youth access legislation with enthusiasm. In the Alliance's 1993-1994 Annual Action Plan, they explained that "because of the Synar Amendment there is increased pressure to pass legislation that would ensure compliance with the Synar Amendment."<sup>179</sup> Youth access was "the primary policy intervention" of the Alliance from 1994 to 1996.<sup>170, 178</sup>

The Alliance was able to secure six sponsors for a bill tying youth access violations to retail licenses in 1993, but the bill did not progress out of subcommittee.<sup>170, 537</sup> During the 1993/1994 session the Alliance focused on building local coalition and grassroots support to leverage in the next session for a youth access bill.<sup>174</sup> \$23,611 was budgeted for that effort in 1993-94, which increased to \$47,427 in 1994-95.<sup>170, 179</sup>

#### **Act 445: Introduction of Implied Preemption in 1996**

Despite justified fears from the Alliance about the risk of preemption being added to amendments to the Clean Indoor Air Act, Sen. Wes Hayes (R, York, Policy Score 9.0) proposed a bill at the beginning of the 1995/1996 legislative session that would have simply allowed school boards to opt to make schools entirely smoke-free, closing the exemption in the 1990 Clean Indoor Air Act that allowed the option for private offices and teachers' lounges in public schools to be designated smoking areas. Rep. Gary Simrill (R, York, Policy Score 3.5) introduced an identical bill in the House in the form of H 3201.

The TI's top priority in South Carolina in 1995 was passing a preemptive bill using Synar Amendment legislation.<sup>534</sup> The proposal of H 3201, which opened up the Clean Indoor Air Act to amendments, was co-opted by the TI to become a Synar-related preemption vehicle in South Carolina (Table 50). In April 1995, the members of the House Agriculture Committee amended the bill to weaken its original intent of allowing school districts to create smoke-free campuses, by changing the language of the bill to allow local school boards to specify individual offices and lounges that could not be designated as smoking areas. The Committee then unanimously adopted a second amendment adding youth access provisions, ostensibly for compliance with the Synar Amendment, and an explicit preemption clause within the youth access section but written to explicitly preempt ordinances regulating tobacco "use,"<sup>538</sup> but exempted government entities that already had "a nonsmoking policy" enacted. This new version passed out of the Agriculture Committee and was adopted with only a small amendment (which restricted the grandfather clause of the Committee's preemption amendment by exempting only the specific ordinances already passed as opposed to the government entity language) by the House on April 26, 1995.<sup>539</sup> The bill was sent to the Senate and assigned to the Medical Affairs Committee.

On May 16, 1995, the restaurant and tobacco lobbies joined forces to fast track the

Table 50: Provisions of H3201/Act 445								
Category		Previous Laws' Provisions	As Introduced	House Agriculture Committee Amendment	House Version	Senate Medical Affairs Committee Amendment	Senate Amendment	Senate Amendment - Final Act 455
			Jan 1, 1995	April 19, 1995	April 26, 1995	May 18, 1995	May 23, 1996	May 28, 1996 - June 12, 1996
Clean Indoor Air		Allowance for smoking areas in teachers' offices and lounges	Allowed school boards to create smoke-free campuses	Allowed local school boards to specify offices and lounges that cannot be designated smoking areas	Unchanged from Committee amendment	Unchanged from House version	Allowed school boards to create smoke-free campuses	Unchanged from previous version
Youth Access	Sampling			Unlawful to provide samples to minors; Required proof of age request; Penalty: Civil Penalty, Fine of >\$100	Unchanged from Committee amendment	Unchanged from House version	Unchanged from House version	Same provisions as House version, with changed fines: 1 <sup>st</sup> violation: <\$25 2 <sup>nd</sup> : <\$50 3 <sup>rd</sup> and up: >\$100
	Synar Compliance Survey/Enforcement Efforts			Dept. of Revenue and Taxation provides enforcement, and conducts annual inspections with youth buys	Unchanged from Committee amendment	Unchanged from House version	Removed specific youth buy provisions, otherwise unchanged from House version	Unchanged from previous version
	Penalty Provisions for Youth Sales	Misdemeanor; Fine from \$25-\$100 and/or imprisonment from 2 months to one year						Misdemeanor: 1 <sup>st</sup> : <\$25 2 <sup>nd</sup> : <\$50 3 <sup>rd</sup> and up: >\$100 and/or imprisonment for sixty days to a year

Preemption	Clause	None.		Sections on youth access “must be implemented in an equitable and uniform manner throughout the State and enforced to ensure the eligibility for and receipt of federal funds or grants the State receives or may receive relating to the sections. To ensure that the sections are enforced equitable and uniformly, <b>a county, or municipality, a department, board, or an agency of a county or municipality, or a political subdivision or agency of the State may not enact laws, ordinances, or rules regulating the sale, use, display, distribution, and promotion of tobacco products</b> ” with the exception of government buildings as provided in the Clean indoor Air Act	Unchanged from Committee amendment	Deleted preemption clause.	Reinserted preemption: The sections on youth access “must be implemented in an equitable and uniform manner throughout the State and enforced to ensure the eligibility for and receipt of federal funds or grants the State receives or may receive relating to the sections. <b>Any laws, ordinances, or rules enacted pertaining to tobacco products may not supersede state law or regulation.</b> Nothing herein shall affect the right of any person having ownership or otherwise controlling private property to allow or prohibit the use of tobacco on such property”	Unchanged from previous version
	Existing Ordinances			Exempts government entities that had ordinances before August 1, 1990	Exempts ordinances in effect before August 1, 1990	N/A	Exempts all smoking ordinances in effect before the law became effective from the preemption clause	Unchanged from previous version



preemptive bill out of the Senate Medical Affairs Committee.<sup>540</sup> The responsible subcommittee voted in favor of the preemptive bill with only two weeks left in the session.<sup>541</sup> During subcommittee debate of the bill, Tom Sponseller of the Hospitality Association of South Carolina (still active in 2008) spoke in favor of the preemption clause, citing the need for an “even playing field” between restaurants.<sup>541</sup> These are arguments commonly used by restaurant associations to support the tobacco industry.<sup>70</sup> There were six industry lobbyists at both the subcommittee and subsequent Committee hearings for the debate.<sup>541</sup>

In contrast, neither DHEC nor DAODAS took a public position on the bill during the subcommittee hearings.<sup>541</sup> The only opposition to the preemptive bill was from the South Carolina Association of Counties.<sup>540, 541</sup> The Alliance’s focus on passing youth access legislation took priority over their opposition to preemption of clean indoor air. Tobacco control advocates felt they did not have the power to kill the bill had they wanted to, so instead they tacitly supported the passage of the bill when it had preemption added to it, and were actively supportive of the bill when it did not include preemption.

Despite the lobbying push by the industry in the Senate, the full Medical Affairs Committee eliminated the preemption provision from the bill with “practically no debate,” and reported the bill out of committee with no other changes.<sup>538</sup> In response, RJR lobbyist Fred Allen requested funds to do direct calls to four Senators, in an effort to pass their “ADAMHA [Synar] and smoking pre-emption bill” before the session adjourned in June 1995.<sup>542</sup> These efforts did not succeed, and the bill carried over to the 1996 session.

The bill, which then would have amended both the clean indoor air and youth access provisions but without preemption, stalled on the Senate calendar for most of the 1996 session despite lobbying support by tobacco control advocates. Then, at the end of May 1996, the tobacco lobby suddenly requested that Senators push through the bill. The bill’s passage out of the Senate was notable for two reasons: First, at the request of the tobacco lobby, the Senate worked until 8 p.m. to pass the bill on a day when they usually only work until 1 p.m., waiting through two short filibusters on bills that were not likely to pass anyway.<sup>543</sup> During the debate on the Senate floor, Senators Hayes, Wilson, Bryan and Moore amended the Medical Affairs Committee amendment by reinserting a preemptive clause, which was adopted by the full Senate and remained in the final version of the bill.<sup>544</sup>

Sen. Bryan proposed an amendment which returned the bill’s original language explicitly allowing school districts to create smoke-free campuses.<sup>544</sup> Tobacco control-sympathetic legislators were not able to defeat the preemptive amendment or stall the bills passage further, and finally let the bill pass with preemption.<sup>543</sup> Sen. Joe Wilson (R, Lexington, who had sponsored clean indoor air bills in the late 1980s) explained that “there were intense lobbying efforts, by very skilled lobbyists, and they were able to outmaneuver those of us who were trying to stop anything.”<sup>543</sup>

On May 28, 1996, the Senate passed the final reading of the bill, but first added an amendment that weakened the penalty provisions for youth access violations.<sup>545</sup> The existing punishment for selling or giving tobacco products to minors had been a fine of up to \$100 or imprisonment for up to one year. Under the amended H 3201, these penalties were divided into

three offenses, the first of which was notably weaker than the previous version at just \$25; the third offense resulted in the previous law's penalties.<sup>545, 546</sup>

The second notable element surrounding the passage of H 3201 was that the bill passed while tobacco control advocates in the state were all at the South Carolina Project ASSIST's Annual Action Planning Conference held at Seabrook Island, SC.<sup>286, 318</sup> This fact accounts for the notable lack of advocacy by the Alliance against a preemption clause being re-added to the legislation. The ability of the tobacco lobby to so thoroughly dictate the timing and content of H 3201 clearly illustrates the power that the industry had in the South Carolina General Assembly during the 1990s, particularly in contrast to the completely absent tobacco control community.

The Governor's office conducted an "informal poll" to gauge public opinion on the bill, and 693 people called to oppose the preemptive bill, asking for Gov. Beasley to veto it, and only one called in favor. Nevertheless, Beasley signed the bill into law, as Act 445.<sup>547</sup>

### ***Establishment of Preemption in Act 445***

The final preemption language included in Act 445 was, "Any laws, ordinances, or rules enacted pertaining to tobacco products may not supersede state law or regulation," placed in the youth access section of the law. (Ordinances that already existed were "grandfathered" into the law, and were able to continue to be enforced.) While this language was not as broadly preemptive as that originally adopted by the House Agriculture Committee (Table 50), the language was widely interpreted as either implied or explicit preemption of not only local youth access, but also local clean indoor air laws.

At the time, the fact that the preemption clause was located in and specifically referred to the youth access section of code was not recognized as limiting the preemption clause's applicability to local clean indoor air ordinances in relation to the Clean Indoor Air Act. The legislature, at the behest of the tobacco industry lobbyists, had clearly included preemption in an attempt to stop local public smoking ordinances from being passed. Rep. Charles R. Sharpe (R, Aiken, who subsequently received \$5,050 total in tobacco industry contributions between 1996 and 2006) included a "statement for Journal" upon the bill's final passage in the General Assembly to this effect:

As stated on the House floor during the consideration of the Senate amendments to H 3201, it was the intent of the House Agriculture Committee and of the supporters of this legislation that the rights of the private property owners and businesses to allow or prohibit the use, promotion and display of tobacco products would be governed by state law and would not be regulated by local ordinances. We allowed governmental entities to establish smoking policies in their buildings and have grandfathered existing ordinances. There are currently 270 municipalities and 46 counties in the State of South Carolina. To ensure that we have a uniform public policy we believe it essential that state law preempt local initiatives in the regulation of tobacco except as specifically provided for in H 3201.<sup>548</sup>

Due to the inclusion of preemption in this legislation, tobacco control advocates at the state level did not actively attempt to pass any local ordinances between 1996 and 2003. National

authorities on preemption and smoke-free air, such as Americans for Nonsmokers' Rights, included South Carolina as a smoke-free air preempted state through 2006 based on Act 445. Additionally, because of the Alliance for a Smoke-Free South Carolina's dissolution in 1997 and the lack of a cohesive, funded tobacco control coalition in the state through 2003, advocates did not actively attempt to further amend the Clean Indoor Air Act at the statehouse.

The only clean indoor air advocacy at the state level between 1996 and 2006 came in 1998, when Sen. Jackson (who had sponsored the 1994 amendment to the Clean Indoor Air Act) pushed to make the statehouse building smoke-free through a committee rule.<sup>549, 550</sup> Sen. Jackson's efforts were supported by the ACS, which launched a grassroots campaign to support the rule change,<sup>549</sup> and by DHEC's ASSIST program, which sponsored a bus to allow youth attending a DAODAS program to attend the hearing.<sup>313</sup> The State House Committee voted unanimously in favor of Sen. Jackson's proposal.<sup>550</sup> Between 1998 and 2006, no coordinated statewide clean indoor air policy change efforts were pursued by tobacco control advocates in the state.

This stagnation was challenged when local policymakers in Charleston started considering a public smoking ordinance in 1999 despite Act 445's preemption clause and was shattered when a wave of local clean indoor air ordinances began passing in 2006.

## **Local Workplace and Public Smoking Ordinances Pass Despite Assumed Preemption (1999-2008)**

### ***Summary of Local Ordinances***

After Act 445 passed in 1996, the voluntary health organizations and tobacco control allies abandoned advocacy on policy change for clean indoor air, due to the assumption that the bill was preemptive of local action and the perception that the legislature was hostile to incremental improvements to the Clean Indoor Air Act. However, starting in 1999, local policymakers in the Charleston area began to challenge the idea that localities could not pass smoking ordinances under Act 445. The city's legal counsel supported this effort by finding that Act 445's preemption clause did not apply to clean indoor air laws, defying the assumptions of tobacco control advocates and the tobacco industry at the time. While Charleston did not pass a local clean indoor air ordinance until 2006, due to amendments and delays promoted by the tobacco and hospitality industries, the Charleston City Council continuously considered some form of local ordinance to restrict smoking between 1999 and 2005.

News coverage of the Charleston ordinance's consideration and the determination by its legal counsel that preemption did not apply to clean indoor air ignited interest across the state in local smoking ordinances. Without prompting by state-level tobacco control advocates, campaigns led by local policymakers and local tobacco control coalitions cropped up across the state, despite the continued perception at the state and national level (and of many localities) that local smoking ordinances were preempted by state law. State-level advocates with the Collaborative and the DHEC Tobacco Division became involved in local campaigns between 1999 and 2005 only when requested by local advocates to do so, as in Charleston between 2003 and 2005.<sup>318, 551</sup> Beginning in 2004, advocates for a Charleston ordinance began to shift their

advocacy rhetoric on clean indoor air from a focus on the health of patrons, who voluntarily enter a public location, to the health of workers in all workplaces, who cannot opt to leave if smoking is allowed. In doing so, advocates gained considerable ground.<sup>318</sup> Promoting local clean indoor air ordinances as a workplace safety issue has been proven to be the best way to overcome common tobacco industry arguments in opposition.<sup>552</sup> News coverage of the Charleston ordinance and the rhetoric used by policymakers and advocates statewide similarly shifted tone.

Although local policymakers and Council members had begun to consider local smoking ordinances a possibility, state-level advocates were wary; the specter of a lawsuit based on the preemption clause in Act 445 deterred many localities from pursuing an ordinance. The tobacco industry had sued local governments around the U.S. over local tobacco control ordinances since the late 1970s, with mixed results. While the industry generally won when the court found explicit preemption, they generally lost on claims of implied preemption.<sup>553, 554</sup> Because the preemption status of the South Carolina law could have been interpreted in either way, it was unclear to municipalities, advocates, city attorneys and national tobacco control partners which way courts would rule. This ambiguity made many municipalities uncomfortable with opening themselves up to a lawsuit, and many chose to wait until the preemption issue was settled before pursuing addressing their concerns over clean indoor air (Myrtle Beach, for example).<sup>318</sup>

The Attorney General's office supported a preemptive interpretation of the clean indoor air regulations in the state. The Town of Mount Pleasant, in the Charleston area, was among the many localities considering the possibility of an ordinance in January 2006 and requested an opinion from the state Attorney General on preemption. The Attorney General's office released its opinion on January 26, 2006, concluding that in light of the 1990 Attorney General's opinions on the 1990 Clean Indoor Air Act's preemption status (implied preemption)—not Act 445 of 1996's preemption clause included in the youth access section of the code (which could have been argued as explicit preemption)—“the Town would not be authorized to enact an ordinance requiring smoke free restaurants ... as restaurants are not specifically provided as locations in which smoking is prohibited” in the 1990 Clean Indoor Air Act.<sup>555</sup> While this opinion and fear of a lawsuit deterred Mount Pleasant and many other localities from passing an ordinance at that time, it did not prevent Mount Pleasant or 11 other localities from later passing ordinances prior to resolution of the matter by the Supreme Court in 2008 in favor of the localities.

Early 2006 marked a turning point for local clean indoor air ordinances in South Carolina. Statewide and local tobacco control advocates had begun a well-funded public information campaign to support a clean indoor air ordinance in Charleston in January 2005, and advocates working on the Charleston campaign had begun to offer technical assistance to interested City Council members in nearby municipalities, particularly the small town of Sullivan's Island. As Sullivan's Island considered their ordinance between January and May 2006, the powerful Municipal Association of South Carolina determined to aggressively support localities considering local ordinances by assuring them that the organization would cover their legal expenses if they were sued over their ordinance.<sup>556</sup> This was not through a blanket commitment to all municipalities, but rather on a case-by-case basis to determine if the ordinance to be defended was sufficiently comprehensive.<sup>318, 556, 557</sup> Howard Duvall, Executive Director of the Municipal Association, explained that:

Usually when a Council was debating whether or not to jump into the smoking ordinance business they would contact the Association and say, “if we do this and get sued will you defend us?” There’s always those on Council that don’t want the smoking bans and their argument is this is going to cost us a lot of money to defend these. So, in order to diffuse that argument, we stepped in and said alright if you pass it we will defend it.<sup>556</sup>

It was Duvall’s personal decision to support the City and County Councils in this way based on his personal convictions about protecting nonsmokers from secondhand smoke as well as the organization’s focus on protecting Home Rule in all areas.

The importance of Home Rule to the Municipal Association was reflected in many local policymakers’ decisions to support local clean indoor air ordinances as well.<sup>556</sup> The state of South Carolina has well-protected statutory Home Rule provisions, providing the local level of government with the power to enact:

regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State, including the exercise of powers in relation to roads, streets, markets, law enforcement, *health*, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for *preserving the health*, peace, order, and good government in it.<sup>558, emphasis added</sup>

The South Carolina State Constitution, as amended in 1973, and implemented in 1975, provided an additional source of the Home Rule powers of municipalities, stating that:

The provisions of this Constitution and all laws concerning local government shall be liberally construed in their favor. Powers, duties, and responsibilities granted local government subdivisions by this Constitution and by law shall include those fairly implied and not prohibited by this Constitution.<sup>559</sup>

The concept of Home Rule had been a contentious issue in the state for many years. According to Duvall, the South Carolina legislature often attempted to maintain decision-making power at the state level on contentious issues: “The state legislature in modern years has not even played lip service to the local control or home rule, they don’t like us to use the term. ... They are very antagonistic towards local government.”<sup>556</sup> This tension over Home Rule made municipalities particularly interested in challenging the preemptive interpretations of the 1990 Clean Indoor Air Act and Act 445 of 1996, even in the face of a possible lawsuit.

The Municipal Association’s promise of financial support combined with local policymakers’ and Charleston advocates’ pushing lead to Sullivan’s Island becoming the first municipality in the state to pass a smoking ordinance since 1996. The town passed a comprehensive smoke-free workplace and public places ordinance in May 2006, but was sued over their ordinance in September 2006 based on the preemptive clause in Act 445. The Municipal Association stood by their decision and provided funds to help defend the Sullivan’s Island ordinance. Despite the Sullivan’s Island lawsuit, five municipalities (Liberty, Greenville,

Columbia, Beaufort County and Bluffton) passed ordinances of their own before the Sullivan’s Island ordinance was upheld at the trial court level in December 2006. Greenville, the third municipality to pass an ordinance and the largest at the time, was also sued over their ordinance in early December 2006, and three municipalities (Charleston, Aiken County and Hilton Head Island) passed ordinances while both lawsuits were pending. Remarkably, three additional localities (Mount Pleasant, Surfside Beach, and the City of Clemson) passed ordinances after the March 2007 trial court ruling on the Greenville ordinance which declared that the ordinance *was* preempted by state law, the opposite conclusion of the trial court in Sullivan’s Island; both cases were appealed to the Supreme Court. This amounted to 12 local ordinances regulating smoking in workplaces and public places passing between May 2006 and January 2008, despite the known threat of a lawsuit over the preemption clause in Act 445 (Table 51).

Additional key factors in the passage of the 11 local ordinances following Sullivan’s Island’s original ordinance between October 2006 and January 2008 were the 2006 Surgeon General’s report and increased advocacy by statewide tobacco control advocates. The June 2006 Surgeon General’s report on “The Health Consequences of Involuntary Exposure to Tobacco

<b>Table 51: Local Clean Indoor Air Ordinances Passed Before the Supreme Court Rejected Preemption</b>		
<u>Local Ordinance</u>	<u>Passage Date</u>	<u>Implementation Date</u>
Sullivan’s Island	May 16, 2006	July 20, 2006
<i>Suit against Sullivan’s Island over ordinance filed September 5, 2006</i>		
Liberty	October 9, 2006	November 9, 2006
Greenville	October 30, 2006	January 1, 2007
*Columbia	November 8, 2006	October 1, 2008
Beaufort County	November 27, 2006	December 27, 2006
<i>Suit against Greenville over ordinance filed December 5, 2006</i>		
Bluffton	December 12, 2006	January 12, 2007
<i>Sullivan’s Island ordinance upheld in trial court on December 20, 2006</i>		
Charleston	January 23, 2007	July 23, 2007
Aiken County	February 20, 2007	June 1, 2007
Hilton Head Island	February 20, 2007	May 1, 2007
<i>Greenville ordinance overturned in trial court on March 8, 2007 Official enforcement of Greenville ordinance halted</i>		
Town of Mount Pleasant	June 12, 2007	September 1, 2007
Town of Surfside Beach	July 24, 2007	October 1, 2007
<i>Supreme Court of South Carolina hears Greenville appeal January 8, 2008</i>		
City of Clemson	January 14, 2008	July 1, 2008
<i>Supreme Court rejects preemption argument by upholding Greenville ordinance March 31, 2008</i>		
* Columbia’s ordinance was not enforced until legal clarification of preemption was reached.		

Smoke”<sup>560</sup> definitively concluded that “there is no risk-free level of exposure to secondhand smoke,” and encouraged the elimination of smoking in indoor spaces in order to fully protect nonsmokers from exposure to secondhand smoke.<sup>560</sup> The release of this report supported the health argument that advocates, mayors, and City and County Council members interested in passing restrictions on indoor smoking used to stress the importance of acting on secondhand smoke regulations despite concerns about preemption. After the release of this report and the passage of Sullivan’s Island’s ordinance, advocates with the Collaborative became more active in their support of clean indoor air ordinances despite preemption. National organizations such as Americans for Nonsmokers’ Rights (ANR) changed their perception of South Carolina’s preemption status from “preempted” to “unclear” and began to offer technical assistance. Local advocates from the Charleston region expanded their advocacy for local smoke-free ordinances from Charleston to areas across the state under a grant from the Robert Wood Johnson Foundation. All of these factors combined to allow 12 local ordinances to pass in the state under assumed preemption.

The first 12 local clean indoor air ordinances were instrumental in challenging the preemptive interpretation of Act 445, leading to the eventual determination by the Supreme Court in March 2008 that the 1996 preemptive clause did not apply to the clean indoor air ordinances, officially allowing cities and counties across the state to enact clean indoor air ordinances more restrictive than the provisions of the 1990 Clean Indoor Air Act. Between the Supreme Court’s March 2008 ruling and December 2008, nine additional municipalities passed local clean indoor air ordinances, and in December 2008 many more localities were considering ordinances. While over half of the 12 ordinances that passed before the Supreme Court ruling were not 100% smoke-free comprehensive ordinances, providing exemptions for bars or other categories of businesses, all but one of the nine ordinances passed after the preemption ruling were 100% comprehensive smoke-free ordinances. Three of the original 12 ordinances were amended after the Supreme Court ruling on preemption to eliminate exemptions. The 21 local ordinances passed between May 2006 and December 2008 (Table 52) marked a distinct shift from the inactivity on clean indoor air that followed the 1996 statewide law, and represented a clear success for tobacco control advocates and their allies.

While clean indoor air ordinances are largely self-enforcing, there are inevitably a few recalcitrant businesses that refuse to comply until forced to do so. Small fines alone are usually not a successful deterrent, nor is limiting enforcement authority to Police Departments. The suspension or revocation of a business license or permit as an available penalty has proven to be a powerful deterrent of noncompliance with clean indoor air ordinances, if the agencies charged with enforcement are willing to use it. Private citizen enforcement powers avoid the problems found with lax enforcement by official agencies. Fourteen of the 21 local ordinances in South Carolina as of December 2008 included “private nuisance” provisions, which under South Carolina law may be enforced by private citizens (Table 52). Making a violation a public nuisance creates broad opportunities for both official and private citizen enforcement because a court can fashion the most effective remedy for violations, including financial and incarceration penalties for contempt of court orders to obey the law. However, this enforcement tool is ineffective if the public is not adequately informed of its availability to them.

The enforcement provisions of the Greenville ordinance exemplified all of the enforcement resources needed for effective deterrence of violations: large fines for both smoker and proprietor, enforcement responsibility not limited to the Police Department, suspension of business licenses for repeat offenders, and private enforcement powers for employees and citizens supported by the public nuisance provision. While almost all of the subsequent ordinances and amended penalty provisions of earlier ordinances were modeled after Greenville's ordinance, the majority failed to maintain the high fine amounts in found in the Greenville ordinance.

### ***Tobacco Control Advocacy Approaches on Clean Indoor Air Ordinances Prior to Preemption Ruling***

After the Sullivan's Island ordinance passed, the Collaborative, the local tobacco control coalitions they fund, and DHEC representatives all conducted advocacy and education that contributed to the passage of the subsequent local clean indoor air ordinances. Lobbying and technical assistance was also provided by a partnership between the South Carolina African-American Tobacco Control Network (SCAATCN) and Smoke-Free Action Network (SFAN), which grew out of the Charleston ordinance campaign into a statewide smoke-free ordinance advocacy effort funded by the Robert Wood Johnson Foundation. The Collaborative and the SCAATCN/SFAN partnership took very different approaches to advocacy on clean indoor air ordinances from early 2006 through the March 2008 Supreme Court ruling on preemption.

While working on the Charleston smoke-free campaign in 2004 (as discussed below), Dianne Wilson of SCAATCN and Dan Carrigan (who later created the SFAN), became resources for communities in the state that were working to pass smoke-free ordinances, specifically Sullivan's Island, Beaufort County and Bluffton. This technical assistance role led them to apply for a Robert Wood Johnson Tobacco Policy Change grant in August 2006, and SCAATCN was awarded \$81,000 to continue to push for a comprehensive ordinance in Charleston and other ordinances around the state from January through December 2007, during which time five clean indoor air ordinances passed. After the Charleston ordinance passed in January 2007, this funding was used to provide Carrigan and Wilson's salaries to provide support for the four additional local ordinances passed in the state in 2007, as well as work on preemption issues at the state level. The Robert Wood Johnson Foundation, through Americans for Nonsmokers' Rights (ANR), awarded SCAATCN an additional \$137,000 as a supplement to their tobacco policy change grant in March 2007 for additional staff salary, travel, material development, and the retention of a community organizer for African-American communities across the state to promote the passage of additional local clean indoor air ordinances.<sup>319</sup>

Under this grant, SCAATCN and SFAN took a hands-on approach to the passage of local clean indoor air ordinances. When they heard through the media or contacts around the state that an ordinance was being considered, they would contact the member considering the ordinance directly, provide them with the model 100% smoke-free ordinance (developed by ANR) and consult with them on their draft. Wilson and Carrigan would also testify at local City and County Council hearings about the importance of passing comprehensive ordinances despite preemption concerns. SCAATCN/SFAN adopted a "go do it yourself" attitude towards passing local clean indoor air ordinances and were personally involved in advocacy for many of the ordinances.<sup>318</sup>



**Table 52: Local Clean Indoor Air Ordinances in South Carolina (May 2006-December 2008)**

S - 100% smoke-free  
P - Partial coverage, exemptions in provision, see far right column  
A - Amended in on (Date)  
\* Considered 100% comprehensive for workplaces, restaurants and bars by Americans for Nonsmokers' Rights in December 2008

Location	Passage Date	Implementation Date	Clean Indoor Air Provisions											Penalty/Enforcement Provisions			Unique Clauses/Exemptions	
			Public Buildings	Public Transit	Taxi Cabs	Elevators	Healthcare Facilities	Day Care Facilities	Public Schools	Retail Stores	Private Workplaces	Restaurants	Bars	Outdoor Areas	Fine	Public Nuisance		Enforcement
<i>State Level Clean Indoor Air Act of 1990 As Amended Through 2006</i>			P	S		S	P	A	P						Misdemeanor: \$10-\$25 fine for proprietors and smokers		Requires Proprietors to post signage	Allowed for private offices in Public Buildings, Public Schools and Healthcare Facilities to be smoking areas
Sullivan's Island	5/16/06	7/20/06								S	P	S	S	Reasonable distance from entry	Original: \$500 and/or 30 days jail A (5/20/08, 11/18/08): Infraction, \$25 fine, for smokers, proprietors; suspension of business licence for repeat violation	A	Police and Fire Depts. / other code enforcement employees	Originally included exemption for retail tobacco stores, removed through amendment; Provided Workplace Exemptions for areas already covered under statewide law
Liberty	10/9/06	11/9/06							S	P	S			Reasonable distance from entry	\$500 fine and/or 30 days jail for smokers and proprietors		Police and Fire Depts. / other code enforcement employees	Exempts Bars that do not serve sit-down meals, retail tobacco stores and Workplaces already covered under statewide law

Greenville*	10/30/06	1/1/07	S	S	S	S	S	S	S	S	S	S	S	10 ft. from entry / Also covers amphitheaters, zoos, sports facilities, parades, outdoor dining areas	Infraction: \$50 fine for smokers, \$100 (1 <sup>st</sup> violation) and \$200 (2 <sup>nd</sup> violation) fine for proprietors; suspension of business licence for repeat violations	X	Requires provisions of the ordinance to be distributed to all business proprietors and public education campaign/ Individual citizen and employee enforcement / Building Codes Division / Fire Dept. / Proprietors required to enforce ordinance	Exempts Retail Tobacco Stores, Private and semi-private rooms in nursing homes, Private clubs with zero employees
Columbia*	11/8/06	10/1/08								S	S	S	A	Reasonable distance from entry	Original: Misdemeanor with \$500 fine and/or 30 days prison for Proprietors only A (5/21/08): Infraction for proprietor and smoker, \$25 fine	X	Original; Proprietor responsibility	Exemption for retail tobacco stores; Bars amended in 5/21/08
Beaufort County*	11/27/06	12/27/06	P	S		S	P	S	P	S	S	S	S	25 ft. from entry	\$500 and/or 30 days jail for proprietor and smoker		County Sheriff's Office	Exemption for retail tobacco stores; Maintained exemptions for private offices in areas covered by state law
Bluffton	12/12/06	1/12/07	P	S		S	P	S	P	S	S	P	P	Reasonable distance from entry	\$500 fine and/or 30 days jail for proprietor and smoker		Police Dept. / code enforcement employees	Exemption for retail tobacco stores; Maintained exemptions for private offices in areas covered by state law; Allowed for separate smoking only areas with HV AC systems, entrances, exits and restrooms
Charleston	1/23/07	7/23/07									P	S	S	Reasonable distance from entry	Original: Up to \$500 fine and/or 30 days jail A (4/22/08): Infraction, \$10-\$25 fine for proprietors and smokers; business license revoked for repeat offenses	A	Police Dept. / code enforcement employees / requires Police Dept to conduct education programs and issue warnings A (4/22/08): Included individual citizen enforcement	Exempts cigar bars and retail tobacco stores, and Workplaces covered under statewide law

Location	Passage Date	Implementation Date	Clean Indoor Air Provisions											Penalty/Enforcement Provisions			Unique Clauses/Exemptions	
			Public Buildings	Public Transit	Taxi Cabs	Elevators	Healthcare Facilities	Day Care Facilities	Public Schools	Retail Stores	Private Workplaces	Restaurants	Bars	Outdoor Areas	Fine	Public Nuisance		Enforcement
Aiken County*	2/20/07	6/1/07	S	S	S	S	S	S	S	S	A	A	A	10 ft. from entry A: Also covers amphitheatres, zoos, sports facilities, parades, outdoor dining areas	Original: Up to \$200 fine or 30-days jail; business license revoked for repeat offenses A (9/16/08): \$10-\$25 fine for smokers and proprietors; business license revoked for repeat offenses	A	Original: Law enforcement officers and code enforcement officers / Individual citizen enforcement / Health Department, Fire Marshal and designees / Proprietor responsibility to enforce A (9/16/08): County building official and deputy building officials / Individual enforcement / Public education campaign required	Original: Extensive exemptions for separately ventilated smoking rooms in restaurants and bars, allowed smoking in all restaurants and bars which were 18+ establishments, allowed employees-only smoking areas in workplaces, outdoor dining areas, all private clubs, and nursing homes Original: Included coverage of common areas in multi-unit housing Amended (9/16/08) with Greenville ordinance language on clean indoor air provisions, with the exception that private clubs exempted can have up to three employees as opposed to Greenville's zero.
Hilton Head Island	2/20/07	5/1/07								S	P	S	S	Reasonable distance from entry	Civil penalty: up to \$500 fine for proprietor and smokers	X	Sheriff's office / code enforcement employees	Exempts businesses comprised of one individual, not colocated in a business or structure with other businesses or offices, retail tobacco stores, specifically exempts Workplaces covered under statewide law
Mount Pleasant	6/12/07	9/1/07								S	P	S	S		Up to \$100 fine for proprietors and smokers		Police Dept / code enforcement employees / Police Dept required to conduct education programs and issue warnings	Exempts areas covered under statewide law

Surfside Beach*	7/24/07	10/1/07	A	A	A	A	A	A	A	S	A	S	S	Original: 30 ft. from entry A (11/11/08): 10 ft. from entry / Original: Also covered smoking on beaches and beach walkovers, recreational facilities and public parks A (11/11/08): Also covers amphitheaters, zoos, sports facilities, parades, outdoor dining areas	Original: Up to \$100 fine for smokers and proprietors A (11/11/08): Infraction \$10 -\$25 fine for smokers and proprietors; business license revoked for repeat offenses	A	Original: Proprietor responsibility to enforce / Police Dept. / Police Dept required to conduct education programs and issue warnings A (11/11/08): Town administrator / Individual citizen enforcement / building codes division, fire department / proprietor responsibility to enforce/ requires public education campaign	Original: Exempted areas covered under statewide law A (11/11/08): Clean Indoor Air sections amended to reflect Greenville-style language, including Greenville's exemptions, exemption for sidewalks added	
Clemson	1/14/08	7/1/08								S	P	S	S	Entrance or exit from a building covered	\$100 fine for proprietor and smoker		Proprietor responsibility to enforce / Police Chief / building codes officer and Fire Marshall / Individual citizen enforcement	Exempts private offices in workplaces, areas covered under statewide law, retail tobacco stores, Private Clubs and Private Smoking Clubs	
<b>Preemption Rejected:</b> Supreme Court upholds Greenville ordinance																			
Walterboro *	5/27/08	8/1/08	S	S	S	S	S	S	S	S	S	S	S	10 ft. from entry / Also covers amphitheaters, zoos, sports facilities, parades, outdoor dining areas	Infraction:\$10-15 fine for smoker and proprietor; business license revoked for repeat offenses	X	Individual citizen enforcement / Building Codes Division / Fire Dept. / Proprietors required to enforce ordinance / Public education campaign required	Based on Greenville ordinance: Exempts Retail Tobacco Stores, Private and semi-private rooms in nursing homes, Private clubs with zero employees	
Beaufort*	5/27/08	5/27/08	S	S	S	S	S	S	S	S	S	S	S	10 ft. from entry / Also covers amphitheaters, zoos, sports facilities, parades, outdoor dining areas	Infraction:\$10-15 fine for smoker and proprietor; business license revoked for repeat offenses	X	Individual citizen and employee enforcement / Building Codes Division / Fire Dept. / Proprietors required to enforce ordinance / Public education campaign required	Based on Greenville ordinance: Exempts Retail Tobacco Stores, Private and semi-private rooms in nursing homes, Private clubs with zero employees	

Location	Passage Date	Implementation Date	Clean Indoor Air Provisions												Penalty/Enforcement Provisions			Unique Clauses/Exemptions
			Public Buildings	Public Transit	Taxi Cabs	Elevators	Healthcare Facilities	Day Care Facilities	Public Schools	Retail Stores	Private Workplaces	Restaurants	Bars	Outdoor Areas	Fine	Public Nuisance	Enforcement	
Richland County*	6/17/08	10/1/08								S	S	S	S	Reasonable distance from entry	Infraction: Up to \$500 fine for proprietor and smokers		Proprietor responsibility to enforce	Exempts retail tobacco stores
Aiken*	7/14/08	7/14/08	S	S	S	S	S	S	S	S	S	S	S	10 ft. from entry / Also covers amphitheatres, zoos, sports facilities, parades, outdoor dining areas	Infraction:\$10-15 fine for smoker and proprietor; business license revoked for repeat offenses	X	City manager / Individual citizen enforcement / Building Codes Division / Fire Dept. / Proprietors required to enforce ordinance / Public education campaign required	Based on Greenville ordinance: Exempts Retail Tobacco Stores, Private and semi-private rooms in nursing homes, Private clubs with zero employees
North Augusta*	7/21/08	8/1/08	S	S	S	S	S	S	S	S	S	S	S	10 ft. from entry / Also covers amphitheatres, zoos, sports facilities, parades, outdoor dining areas	Infraction:\$10-15 fine for smoker and proprietor; business license revoked for repeat offenses	X	City administrator / Individual citizen enforcement / Building Codes Division / Fire division / Proprietors required to enforce ordinance / Public education campaign required	Based on Greenville ordinance: Exempts Retail Tobacco Stores, Private clubs with zero employees, Nursing homes
Camden*	7/21/08	9/22/08	S	S	S	S	S	S	S	S	S	S	S	10 ft. from entry / Also covers amphitheatres, zoos, sports facilities, parades, outdoor dining areas	Infraction: Up to \$50 fine for smokers and \$100 (1 <sup>st</sup> violation) and \$200 (2 <sup>nd</sup> violation) fine for proprietors; business license revoked for repeat offenses	X	City manager / Individual citizen and employee enforcement / Building Codes Division / Fire Dept. / Proprietors required to enforce ordinance / Public education campaign required	Based on Greenville ordinance: Exempts Retail Tobacco Stores, Private and semi-private rooms in 7nursing homes, Private clubs with zero employees

Lexington*	9/2/08	10/2/08	S	S	S	S	S	S	S	S	S	S	S	10 ft. from entry / Also covers amphitheatres, zoos, sports facilities, parades, outdoor dining areas	Infraction:\$25-100 fine for smoker and proprietor; business license revoked for repeat offenses	X	Town administrator/ Individual citizen enforcement / Building Codes Division / Fire Dept. / Proprietors required to enforce ordinance / Public education campaign required	Based on Greenville ordinance: Exempts Retail Tobacco Stores, Private and semi-private rooms in nursing homes, Private clubs with zero employees
Supreme Court Upholds Sullivan's Island Ordinance - Requires Penalty Provision Amendments																		
Isle of Palms	9/23/08	1/1/09								S	P	S	S	Reasonable distance from entry	Infraction: Up to \$50 fine for smokers and \$100 (1 <sup>st</sup> violation) and \$200 (2 <sup>nd</sup> violation) fine for proprietors; business license revoked for repeat offenses		Police Dept / code enforcement employees / Police Dept required to conduct education programs and issue warnings	Exempts areas covered under statewide law
Easley*	11/10/08	1/1/09	S	S	S	S	S	S	S	S	S	S	S	10 ft. from entry / Also covers amphitheatres, zoos, sports facilities, parades, outdoor dining areas	Infraction:\$10-\$25 fine for smoker and proprietor; business license revoked for repeat offenses	X	City administrator/ Individual citizen enforcement / Building Codes Division / Fire division of public safety. / Proprietors required to enforce ordinance / Public education campaign required	Based on Greenville ordinance: Exempts Retail Tobacco Stores, Private clubs with zero employees, Nursing home

This direct, do-it-yourself attitude was contrasted by the Collaborative's approach towards local smoke-free advocacy between 2006 and March 2008. The Collaborative opted to avoid direct involvement with local policymakers and instead attempted to empower local tobacco control advocates to lead their own local campaigns. Instead of seeking out cities and counties that were considering local ordinances, the Collaborative tended to respond to requests for technical assistance from their existing local coalitions. This focus on capacity building and funding for local coalitions was tied to the Collaborative's role in distributing local coalition grants from DHEC's CDC funds. The Community Partnership Grants the Collaborative provided to local coalitions could be used to build clean indoor air ordinance campaigns, as was done in Greenville, Columbia and Surfside Beach.<sup>315, 561</sup> The Collaborative avoided actively campaigning or lobbying local governments themselves, both because of their role as capacity-builder for coalitions statewide and because the Collaborative felt uncomfortable engaging in the more assertive advocacy style of SCAATCN/SFAN because of their funding ties to DHEC.

In its technical assistance role, the Collaborative provided websites and publicity for local clean indoor air campaigns and printed cards with the coalition name or clean indoor air campaign logo to drive people to campaign websites. While the Collaborative did not directly engage policymakers in individual ordinance campaigns, the organization did develop briefing books on local clean indoor air ordinances in 2006, which it sent to leaders in each municipality in the state, highlighting the Surgeon General's report and encouraging the consideration of smoke-free ordinances.<sup>315</sup> Member organizations of the Collaborative also engaged their limited grassroots networks through action alerts to encourage local volunteers to become involved in clean indoor air efforts.<sup>144</sup>

Both the Collaborative and SCAATCN/SFAN engaged non-traditional partners in their clean indoor air efforts, contributing to their combined success at the local level prior to the Supreme Court ruling on preemption. SCAATCN/SFAN engaged the National Association for the Advancement of Colored People (NAACP), Trident United Way (a prominent nonprofit organization providing services to low income communities in the Southeastern "Lowcountry" region of South Carolina<sup>562</sup>) and the League of Women Voters in their early efforts to pass local ordinances in the state. Similarly, the Collaborative developed an innovative alliance with the Musicians and Songwriters' Guild of South Carolina. Musicians from the guild wrote a song for the Collaborative about secondhand smoke and were featured in ads describing secondhand smoke as discrimination against service industry workers and musicians that play in bars and restaurants. In early 2008, the Collaborative sent a packet including a smoke-free-themed calendar developed through their alliance with the Musicians and Songwriters' Guild to each municipality in the state, requesting that they consider a smoke-free ordinance.<sup>315</sup>

The Collaborative also developed a small but innovative public relations campaign, "Shot of Truth," through their alliance with the Musicians and Songwriters' Guild to engage service industry workers in local clean indoor air campaigns across the state and counter common opposition arguments for exempting bars and restaurants from clean indoor air legislation. The campaign was paid for with the Collaborative's limited unrestricted funds.<sup>315</sup> The strategy consisted of four ads (Figure 21) featuring belittling statements about service industry workers and the web address "SHOTofTRUTH.com." Once directed to the website through the ads, interested individuals were provided with an explanation of the ads, and a request to add their

email address to a smoke-free advocacy database:

Sure they're arrogant statements. Of course they're offensive. But that doesn't make attitudes like these any less prevalent among policymakers. The fact is employees in nearly every other American industry have received legislative support in their fight for a safe, smoke-free workplace. So what makes service industry workers any less worthy in the minds of lawmakers? It's simple: we believe servers, musicians, entertainers, and other service industry workers deserve the same rights as CEOs. If you agree, enter your email address below. You'll have the chance to forward messages on to elected officials and take a stand against second class citizenship.<sup>563</sup>



**Figure 21:** Shot of Truth ads developed by the Collaborative to support local clean indoor air ordinances.

The local empowerment strategy of the Collaborative and the assertive policymaker-focused strategy of SCAATCN/SFAN combined to provide the support needed to pass the 11 ordinances following the filing of the lawsuit against Sullivan's Island and prior to the Supreme Court ruling on preemption. The differences between the groups' approaches to clean indoor air ordinances, combined with personality conflicts, caused a rift between the two groups that occasionally hindered progress on local clean indoor air ordinances. Nonetheless, the independent efforts by each group combined to promote the passage of 12 ordinances between October 2006 and March 2008, before the preemption issue was definitely resolved. The two groups joined forces in 2008, putting aside differences to create a joint advocacy coalition to support clean indoor air ordinances.

#### *DHEC Policies towards Smoke-Free Advocacy*

DHEC representatives, from the Tobacco Division or from the agency's network of regional staff, played a limited, behind-the-scenes role in promoting the passage of local clean indoor air ordinances between 2002 and 2007. DHEC staff's role in the early local ordinances, as approved by agency leadership, consisted of "facilitating meetings, providing data and helping to organize local constituents who wanted to be involved."<sup>286</sup> More up-front activities, such as direct contact with policymakers or providing support through speaking at City and County Council meetings in their authoritative role as health professionals, were not permitted for DHEC employees until March 2007, and after that point remained limited in scope. Even in their permitted participation in the nine ordinances passed before March 2007, DHEC employee participation was generally characterized by fear of the perception of "lobbying" for policy change at the local level, often hindering their ability to effectively play even their permitted background role.<sup>318</sup>

The agency position on employee advocacy for policy change at the local level was not defined through an explicit agency policy, but rather was a result of the agency's state-level



policies on employee contact with policymakers. At the state level, DHEC's position on policy issues was determined by the agency's Senior Leadership Team and communicated to the legislature only through the agency's two legislative liaisons to ensure that legislators hear one consistent message on its positions.<sup>564</sup> This protocol for engaging with lawmakers on policy change was ingrained in the agency culture and influenced local and regional DHEC staff's engagement with local clean indoor air ordinances by creating a general reluctance among staff to be seen as lobbying on any issue in their professional role.<sup>275</sup> While the actual agency limits on their participation would have allowed regional DHEC staff to engage actively in behind-the-scenes support for local ordinances, even in that role many members of the staff seemed to “err on the side of caution.”<sup>275</sup> According to Sharon Biggers, Director of the DHEC Tobacco Division, this may have been because regional staff “did not want to have any type of appearance of stepping over the line or not following protocol.”<sup>275</sup>

The DHEC policy on staff engagement with local clean indoor air ordinances changed in March 2007 to give DHEC employees explicit permission to speak at City and County Council hearings in support of clean indoor air, primarily using the 2006 Surgeon General's report on the health risks of secondhand smoke<sup>560</sup> as the basis of their support.<sup>244</sup> According to Biggers, as local ordinances began to pass with regularity across the state, health directors of DHEC's health regions across the state “felt strongly that they wanted to be able to take a position [on local clean indoor air ordinances] and have a statement to say about the local ordinances that were happening in their areas.”<sup>275</sup> The regional health directors took their concerns to Assistant Deputy Commissioner for Health Services Dick Hatfield, who oversees DHEC's health regions, who in turn took the health directors' concerns to the agency's Senior Leadership Team.<sup>275</sup> In response to the request, the DHEC Commissioner's office allowed regional staff to use a statement that had been issued in 2006 at the request of Lisa Turner, then with the ACS, for use in lobbying for a state-level clean indoor air bill (discussed below); in 2006, the statement had been the first time that the Commissioner had taken a public policy stance on tobacco control issues since the ASSIST program. The statement could be read by regional DHEC staff at City and County Councils.<sup>275</sup>

The South Carolina Department of Health and Environmental Control (DHEC) is committed to promoting and protecting the health of the public and environment in the state. In keeping with our vision of healthy people living in healthy communities, the agency strives to seize opportunities confirmed through science and research that meet the agency's mission. Secondhand smoke exposure has been identified as a leading health hazard by the U.S. Surgeon General, U.S. Centers for Disease Control and Prevention (CDC), and numerous other leading health and environmental groups. In partnership with CDC, DHEC focuses on the goal of elimination of the public's exposure to secondhand smoke. DHEC supports efforts to protect the state's citizens from the proven dangers of secondhand smoke exposure.<sup>565</sup>

Allowing regional staff to play a direct policy advocacy role, albeit limited to the scope of the statement, marked a distinct increase in the public support of the agency for tobacco control policies. However, state-level and regional DHEC staff legally could have done much more to support tobacco control policy change measures for public health.

The Institute of Medicine<sup>566</sup> in 1988 recognized policy development as one of the core functions of public health, emphasizing the need for public health practitioners to involve themselves in developing and implementing policy changes to improve public health.<sup>173</sup> While DHEC Commissioners during the beginning of ASSIST in the early 1990s, most notably Mike Jarrett, were outspoken about their desire to engage in tobacco prevention policy change efforts, agency employees' between that time and 2006 were significantly more limited in their public support for policy change. In 2004, the Tobacco Division began pushing for voluntary adoption of model smoke-free policies across the state, contributing to a climate in which the wave of clean indoor air ordinances began passing in 2006. However, advocacy for local policy change at the community-wide level even after the March 2007 statement of support was approved was significantly more limited than state law allowed DHEC employees to be on lobbying for policy change.

The section of the South Carolina Code of Laws defining “lobbyist,” Section 2-17-10(13)(a), specifically excludes:

any duly elected or appointed official or employee of the State, the United States, a county, municipality, school district, or a political subdivision thereof, or a member of the judiciary when appearing solely on matters pertaining to his office and public duties unless lobbying constitutes a regular and substantial portion of such official’s or employee’s duties.<sup>558</sup>

Similarly, Section 8-13-100(11)(b) of the South Carolina Code of Laws explicitly states that state law:

does not prohibit a public official, public member, or public employee from participating in, voting on, or influencing or attempting to influence an official decision if the only economic interest or reasonably foreseeable benefit that may accrue ... is incidental to the public official’s, public member’s, or public employee’s position or which accrues to the public official, public member, or public employee as a member of a profession, occupation, or large class to no greater extent than the economic interest or potential benefit could reasonable by foreseen to accrue to all other members of the profession, occupation, or large class.<sup>558</sup>

The only limitations on public advocacy by a public official in South Carolina were that the employee not use his office “to influence a governmental decision in which he, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated has an economic interest,”<sup>558</sup> and that public funds cannot be used to influence the outcome of an election or a ballot measure.<sup>558</sup>

While agency support strengthened for tobacco control policy change advocacy, the voluntary health organizations should push the DHEC Senior Leadership Team to support a stronger role for the agency in addressing the health impacts of tobacco use through community-wide local clean indoor air policy change activity. There is a legitimate legal lobbying line that public employees are not able to cross. As agency policy on tobacco control stood in 2008, DHEC leadership (and in turn the Tobacco Division and regional DHEC employees working with local tobacco control coalitions) stood well behind that line. The state's health agency

should do everything in its power to address the leading cause of preventable death in the state, and one way to do so would be to get closer to the legal lobbying line on clean indoor air policies at the local level.

### ***Tobacco Industry Opposition to Local Ordinances Under Assumed Preemption***

The tobacco industry opposed the first 12 local ordinances, primarily by mobilizing the restaurant and bar industries, and raising concerns over possible preemption. In general, tobacco industry opposition to local clean indoor air ordinances has been less overt than their opposition to statewide clean indoor air laws, and this was the case in South Carolina. The tobacco industry has a long history of using hospitality associations to be their public front against local tobacco control action by promoting the false assertion that ordinances prohibiting smoking in restaurants and bars would lead to a loss of profits.<sup>70, 75, 552, 567-569</sup> The industry was able to use the Hospitality Association of South Carolina, its Executive Director Tom Sponseller, and its local chapters to act as the primary opposition to local clean indoor air ordinances throughout early iterations of the Charleston ordinance and other municipalities across the state from 1999 to 2006. However, in mid-2006, the Hospitality Association conducted a poll of its membership, which revealed that the association was actually split 50-50 on the issue of local clean indoor air ordinances.<sup>77</sup> After that point, Sponseller and the Association adopted an officially neutral position towards local clean indoor air ordinances.

The loss of this ally, combined with the release of the 2006 Surgeon General's report, decreased the industry's ability to stop local ordinances. The tobacco industry worked with individual restaurant and bar owners to oppose the Charleston ordinance in 2007,<sup>318, 319</sup> and the industry may have provided funding for the lawsuit against Sullivan's Island based on their ordinance.<sup>570</sup> After the Supreme Court ruling rejecting preemption's application to local clean indoor air ordinances, the tobacco industry focused their efforts on the state level, attempting to pass more explicit preemption to halt the ongoing wave of local ordinances.

The differing advocacy styles used in the promotion of local clean indoor air ordinances, as well as the tobacco industry's opposition, in South Carolina between May 2006 and March 2008 are exemplified through 5 of the 12 (Charleston, Sullivan's Island, Greenville, Columbia and Surfside Beach) ordinances, the most notable enacted local ordinances prior to the Supreme Court's ruling rejecting preemption.

### ***Charleston***

The Charleston ordinance took seven years to pass and took place over five general stages. While Charleston was not the first to pass an ordinance after 1996, it was the first to begin considering a clean indoor air ordinance and the first to declare that Act 445's preemption clause did not apply to clean indoor air. Charleston tended to be a trendsetting municipality in the state in terms of progressive political developments. The city was home to many of the key decision-makers in the state in 2008, including Governor Sanford, Senate President Pro Tempore Glenn McConnell and Speaker of the House Bobby Harrell.<sup>319</sup> News coverage surrounding this ordinance prompted consideration of similar ordinances elsewhere that passed before Charleston's, and set the tone for the clean indoor air debate in the state.<sup>318</sup>

### *1999: City Councilman Duke Hagerty Proposes Ordinance*

In August 1999, Charleston City Councilman and plastic surgeon Dr. Duke Hagerty, the only doctor on the Council at the time, proposed the first clean indoor air ordinance in the state since the 1996 preemption clause, without the prompting of local or state advocates. Hagerty proposed that the City Council discuss the possibility of making all restaurants 100% smoke-free, citing concerns for restaurant employees' health risks from secondhand smoke. He did not attempt to include bars or other workplaces in his proposal, explaining to the *Charleston Post and Courier*, "there is a line."<sup>571</sup> In response, the Council decided to form a special *ad hoc* committee to consider Hagerty's proposal.<sup>571</sup> The committee included seven prominent doctors and seven restaurant owners (three of whom already had a 100% smoke-free policy in their restaurants). The committee held their first meeting on September 1, 1999, and immediately considered expanding Dr. Hagerty's proposal to include malls and other privately-owned public spaces.<sup>572</sup>

From the first meeting of the committee, the Hospitality Association of South Carolina and its local arm, the Greater Charleston Restaurant Association, were present in the debate. The local Restaurant Association tended to be less vehemently opposed to a potential ordinance than the statewide organization, and their opposition to the ordinance was further tempered once it was expanded beyond just restaurants.<sup>573</sup> Tom Sponseller, executive director and lobbyist for the state Hospitality Association, personally wrote to all of the restaurateurs serving on the committee, before their first meeting, to encourage them to oppose a smoking ordinance of any sort, emphasizing private decision-making for business owners, potential impact on sales, enforcement concerns and competition concerns along the city limits. Sponseller's letter used as evidence of harm to business from smoke-free ordinances a study on a smoking law in Boston sponsored by the International Society of Restaurant Association Executives.<sup>574</sup> This study, "Economic Impact of the Restaurant Smoking Ban in the City of Boston, Massachusetts,"<sup>575</sup> was funded by the Philip Morris Accommodation Program, which Sponseller was actively assisting Philip Morris to promote in the state at the time.<sup>70, 73, 74, 575, 576</sup>

Sponseller also raised the threat of a lawsuit based on preemption as his closing point in his letter to the committee. In response, Hagerty asked the city's legal staff to study the preemption issue. According to Hagerty, the city's legal counsel felt "comfortable" with challenging claims that the state law was preemptive; Hagerty cited "local rights" and said that the state law meant "nothing."<sup>577</sup> Hagerty's push to study the Act 445's preemptive language was a key turning point in the debate about preemption in the state. By pushing the City Council to discuss the issue despite fear of preemption, Hagerty set the tone for the ordinances that followed.

The result of the *ad hoc* committee's work, released in October 1999, was a stalemate. They decided to recommend prohibiting smoking in most public places, but could not reach a decision on whether or not to include restaurants.<sup>573</sup> The full City Council agreed to consider the ordinance in mid-November 1999.

Mayor Joe Riley opposed a 100% smoke-free public places and restaurants ordinance and instead had city lawyers draft an ordinance that would allow all public establishments, including restaurants and bars, to post signs saying that they prohibited smoking entirely, or to have

designated, separately ventilated smoking areas, allowing businesses three years to comply with new building standards that would have enforced this rule.<sup>578</sup> This version of the ordinance parallels the industry's "red light-green light" program, which attempted to diffuse the threat that 100% smoke-free ordinances posed to the industry by promoting bills to "accommodate" smokers and nonsmokers and put anti-smoking advocates on the "defensive."<sup>70, 579, 580</sup> Similarly, the tobacco industry has promoted ventilation as an alternative to elimination of secondhand smoke since the 1980s; ventilation does not protect from the harmful effects of secondhand smoke.<sup>75</sup> Councilman Hagerty agreed to support this ventilation-only, red light-green light ordinance in lieu of his proposal for 100% smoke-free restaurants, and the Council approved a first reading of this ordinance in November 1999.<sup>578</sup>

The ventilation/accommodation ordinance became ensnared in technicalities over the ventilation requirements, which the Hospitality Association capitalized upon to stall the ordinance.<sup>581</sup> The Hospitality Association claimed that extensive renovations would be necessary to fulfill the requirements and that the requirements were too technical.<sup>581</sup> A heated debate at the December 21, 1999, final reading of the ordinance led to the deferral of action on the convoluted ventilation ordinance.

The Council heard testimony from Jeffrey Wigand, a new Charleston resident, and former Brown & Williams Tobacco company vice president who became a national tobacco control figure with his testimony in court and on CBS's "60 minutes" against the industry, as portrayed in the film *The Insider*, and subsequent advocacy work. Despite his testimony and support from Hagerty for the "compromise" ordinance, the Council decided to send it to the city public works officials to attempt to find an alternative to its complicated filter requirements.<sup>582</sup> This ordinance never came back up for consideration, but the stage had been set for future fights over Charleston smoking ordinances.

#### *2002-2003: Wigand, Riley and the South Carolina Tobacco Collaborative Join Forces*

Charleston resident Jeffrey Wigand assisted in the passage of the New York City smoke-free ordinance in 1999, and based on publicity around his participation, Mayor Riley approached Wigand in 2002, requesting his assistance with passing a Charleston smoke-free ordinance covering restaurants and bars.<sup>551</sup> Wigand agreed, and began to develop a campaign largely funded through his organization, "Smoke-Free Kids."<sup>551, 583</sup>

By 2003, Wigand had engaged the Collaborative and representatives from DHEC to support an ordinance, forming the Smoke-Free Charleston coalition. DHEC staff played a background roll in advocacy for the campaign, as they had been directed not to be directly involved in the Charleston ordinance.<sup>584</sup> The campaign attempted to recruit the support of the local Medical University of South Carolina (MUSC), but the university would not sign on to the campaign for fear of losing funding. However, MUSC medical students supported the ordinance and were able to conduct a survey of the campus indicating broad support for a clean indoor air ordinance.<sup>584</sup>

Smoke-Free Charleston held a community forum/press conference in February 2003 that included Mayor Riley, local elementary school students, the mayor of Dallas, TX (which had

recently passed a 100% smoke-free restaurant ordinance), and other prominent physicians and lawyers.<sup>551, 583</sup> In addition, Smoke-Free Charleston, through Smoke-Free Kids' funding, commissioned a phone survey of Charleston residents, which revealed that approximately 70 percent of residents preferred 100% smoke-free environments. The group also employed a public relations firm for print and radio ads in support of a smoke-free Charleston, and secured the support of ex-Council Member Hagerty and the Charleston Medical Association.<sup>551</sup>

Through the support of Councilmembers Paul Tinkler (who had supported Dr. Hagerty's original ordinance in 1999) and Henry Fishburne, as well as Mayor Riley, by May 2003, the Council seemed poised to pass an ordinance prohibiting smoking in nearly all indoor public places, including restaurants and bars, and smoking within 15 feet of entrances to places included in the ordinance. The primary exceptions were for tobacco stores and "smoking bars," which were places dedicated to providing tobacco products for on-location consumption. There were no provisions of this ordinance covering other workplaces. Voting on the issue was delayed at the request of Mayor Riley, in order to allow for a public hearing on the issue, set for June 2003.<sup>585</sup>

More than 100 people attended the hearing on the proposed ordinance at the Dock Street Theater in Charleston.<sup>586</sup> Despite the mobilization of the health groups from Columbia to support the ordinance, the Charleston Restaurant Association and other opponents made up a significant proportion of the audience. The supporters included representatives from the Collaborative, who presented the health risks of secondhand smoke, and Wigand organized a presentation from local fourth grade students. After a long debate, during which many supporters left, the Council called for a show of hands in support and opposition, and determined that it was split approximately 50-50.<sup>318, 551</sup>

In response, Councilwoman Anne Frances Bleecker proposed tabling the ordinance, saying Smoke-Free Charleston had not gathered broad enough support before the hearing. Bleecker explained that she did not "think Jeffrey Wigand and Smoke-Free Charleston [had] done the work they need to make this happen. ... To do something like this, you really need a groundswell of support. That didn't happen."<sup>587</sup> According to Wigand, Councilwoman Bleecker had met with Mayor Riley before the public hearing and had decided to attempt to table the ordinance over political concerns related to the pending local elections.<sup>584</sup> Instead of tabling the ordinance, the Council created another *ad hoc* citizen's commission to study the matter.<sup>586</sup> Mayor Riley did not oppose the delay of the ordinance's consideration, according to Wigand, because it was an election year.<sup>551</sup>

The response from advocates with Smoke-Free Charleston to the failure of the Dock Street Theater hearing was exasperation. After the public forum, the campaign and Wigand continued to express support for an ordinance in the media, but Wigand faced harassment from some local citizens over the ordinance, including death threats and destruction of property,<sup>584</sup> and eventually moved out of town.<sup>551</sup> The Collaborative left advocacy on the ordinance to the local Smoke-Free Lowcountry Coalition, which had originally been left out of the Smoke-Free Charleston movement because of its inactive status and resistance to aggressive lobbying.<sup>318, 319</sup>

#### *2004: Smoking Committee Makes Industry-Favorable Recommendation*

The "Smoking Committee" formed to consider the ordinance included 25 people appointed

by the City Council and Mayor Riley and was charged with studying the potential economic impact of a 100% smoke-free law and examples provided by other areas, and arriving at a compromise ordinance which could pass the Council.<sup>586</sup> The makeup of the commission was not finalized until more than six months later, in January 2004, and the group did not conduct its first meeting until March 2004, nearly one year after the Dock Street Theater meeting.<sup>588</sup> During this delay, all six incumbent City Council members running for re-election retained their seats, including ordinance supporters and sponsor Councilman Paul Tinkler, who won with 77 percent of the vote in his district.<sup>588</sup>

Unlike the commission which was organized around Dr. Hagerty's 1999 proposal, the citizen's committee formed in 2004 was largely tilted towards the restaurant industry. The composition was meant to be half supporters and half opponents; the result was that half were associated with the Greater Charleston Restaurant Association, which had organized opposition arguments and strong commitment to the issue, while the "supporting" half was made up of doctors and community members selected from among Council members' acquaintances. Many of the health representatives stopped attending the meetings out of frustration over the disorganization and inability of the group to reach an effective compromise.<sup>318</sup>

In October 2004, five years after Dr. Hagerty first proposed to end smoking in restaurants, the committee submitted its proposal to the Council. The committee's plan was another industry-friendly "compromise" ordinance based on the industry's "red light-green light" accommodation approach.<sup>70, 579, 580</sup> The plan would require restaurants and bars to post visible signs indicating to the public whether or not smoking is allowed in the facility.<sup>589</sup> The 25-member committee had only 14 members present, with just three health community representatives, when it voted 13 to 1 to approve the recommendation, with Cindy Carter, a clinical psychologist with the Medical University of South Carolina Hollings Cancer Center, the lone vote against the recommendation.<sup>590</sup>

When this result was announced at a City Council meeting in November 2004, local advocates Dianne Wilson of SCAATCN and Dan Carrigan, then representing the local Smoke-Free Lowcountry Coalition (SFLC) and promoting a more active role for the SFLC, began working together to actively oppose the "red light-green light" proposal and create a more sustainable and effective campaign for a smoke-free Charleston. Carrigan and Melissa May of the SFLC met with ordinance sponsors Tinkler and Fishburne and asked them to stall the consideration of the recommendation to give them time to build a community-based campaign for a more comprehensive ordinance.<sup>318</sup> They also met with Mayor Riley, who supported Tinkler and Fishburne's interest in a comprehensive ordinance.<sup>591</sup> Up to this point advocates had accepted a "restaurant only" clean indoor air bill, and would have accepted bar and other workplace exemptions.<sup>592</sup> However, in 2004, Dr. Ellen Hahn, a fellow with the Robert Wood Johnson Foundation, visited the Charleston area and suggested to advocates that a more appropriate strategy would be to shift the discussion to worker health as opposed to patron health, emphasizing that all workplaces including bars must be covered.<sup>318</sup> This shift in rhetoric was solidified when the SFLC established the Smoke-Free Lowcountry Initiative as their campaign for a comprehensive smoke-free ordinance, with approximately \$2,000 of the local coalition's funding going to Dan Carrigan to serve as full-time campaign coordinator.<sup>318, 592</sup>

*2005-2006: Hollings Cancer Center Grant and the Smoke-Free Lowcountry Campaign*

Dr. Cindy Carter of the Medical University of South Carolina’s (MUSC) Hollings Cancer Center attended a January 2005 meeting of the nascent Smoke-Free Lowcountry Initiative and spoke with Carrigan about the possibility of securing funding for the campaign. Carter was able to secure \$220,000 of their CDC grant to provide funding for a public awareness campaign for a smoke-free Charleston. Originally, this funding would have gone directly through the SFLC, but leaders of this local coalition directly contacted MUSC themselves without Carrigan, leaving MUSC with the accurate impression that the coalition was mired in a power struggle between Carrigan and the rest of the coalition. In response, MUSC directed the funds to the state-level Collaborative, which in turn organized a local campaign, called the Smoke-Free Lowcountry Campaign (not to be confused with the local Smoke-Free Lowcountry *Coalition*, SFLC).<sup>318</sup> The campaign’s steering committee was selected by the Columbia-based Collaborative, not the local coalition, SFLC. The members of the steering committee did include some longstanding members of SFLC, as well as advocates based in Columbia (Table 53).<sup>593</sup> The tensions surrounding the membership of the campaign, finalized in December 2005, was reflected in one of the official charges of the steering committee: “Sacrifice personal feelings, agendas, and/or conflicts for the good of the Campaign.”<sup>594</sup>

The campaign focused the money on a media campaign educating the public and decision-makers in Charleston on reasons to support a comprehensive smoke-free ordinance, dedicating \$180,000 of the \$220,000 for this purpose. Dan Carrigan was hired as campaign coordinator, for a 10-month position using \$30,000 of the grant. The remaining \$10,000 went to outreach to minority communities.<sup>318</sup> Touchpoint Communications was hired as the communications consultant for the media campaign, which included print and radio advertisements in support of an ordinance, as well as branded “Smoke-Free Lowcountry Campaign” stickers directing potential supporters to the campaign’s website. The campaign met with editorial boards and organized appearances by Councilmen Paul Tinkler and Henry Fishburne on local radio shows.<sup>595, 596</sup> The ad campaign was instrumental in the Smoke-Free Lowcountry Campaign's efforts to shift discussion over proposed clean indoor air ordinances to a focus on worker health as opposed to patron choice (Figure 22).<sup>592</sup>

<u>Name</u>	<u>Organization</u>	<u>Local/State Advocate</u>
Raymond Bartee	DHEC	Local
Dan Carrigan	Smoke Free Lowcountry Campaign	Local
Regina Creech	American Cancer Society (also Smoke Free Lowcountry Coalition)	Local
June Deen	American Lung Association	State
Rich Hernandez	American Lung Association (also Smoke Free Lowcountry Coalition)	Local
Earline Kinloch	Palmetto AME Conference	Local
Renee Martin	South Carolina Tobacco Collaborative	State
Melissa May	South Carolina Tobacco Collaborative	State
Jan Oglietti	Smoke Free Lowcountry Coalition	Local
Bill Settlemeyer	Charleston Regional Business Journal	Local
Nancy Thorne	American Heart Association	State
Dianne Wilson	SCAATCN	Local



The campaign also funded surveys and studies used to provide political support for a comprehensive workplace ordinance. In December 2005, the campaign conducted a survey of 618 residents of Charleston on their position on a law prohibiting smoking in all workplaces in Charleston, including offices, restaurants and bars, paid for by the Collaborative instead of MUSC grant funds.<sup>591, 597</sup> The results (Figure 23) were overwhelming: 70 percent supported such a law. Additionally, 87 percent agreed that all Charleston workers should be protected from exposure to secondhand smoke in the workplace. The survey also indicated that only 13 percent of residents would be less likely to vote for a candidate who supported a smoke-free law, while 44 percent would be more likely to support such a candidate.<sup>597</sup> The results of this survey were released in February 2006, as the kickoff media event for the Smoke Free Lowcountry Campaign, and were reported in the local media.<sup>598</sup>

A second study, released on May 31, 2006, surveyed 409 visitors to Charleston to determine the potential effect of a smoke-free ordinance on the city's tourism industry, one of the ordinance opponents' primary arguments. The results indicated that 91 percent of visitors would be unaffected or more inclined to visit the city if it were smoke-free.<sup>599</sup>

Another important



Figure 22: Smoke-Free Lowcountry campaign ad focusing on worker health.<sup>592</sup>

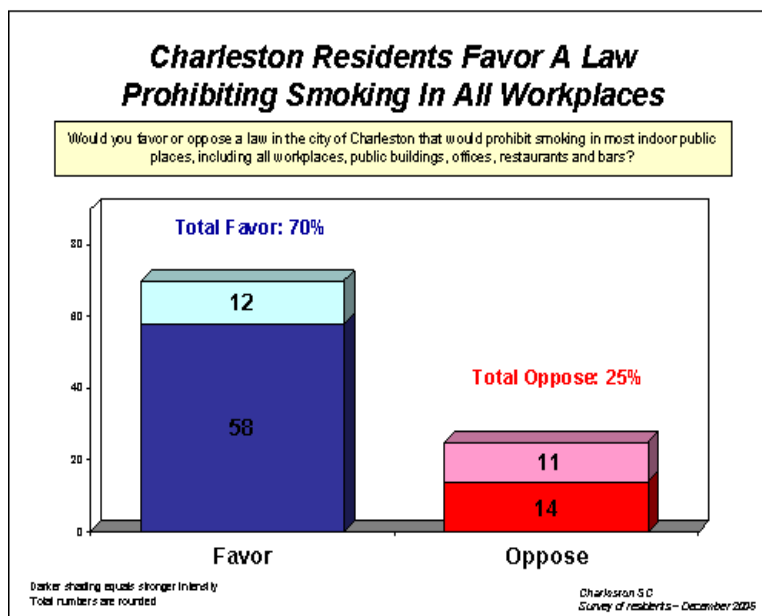


Figure 23: Results of Charleston resident survey supporting smoke-free ordinance, conducted by Smoke-Free Lowcountry Campaign<sup>597</sup>

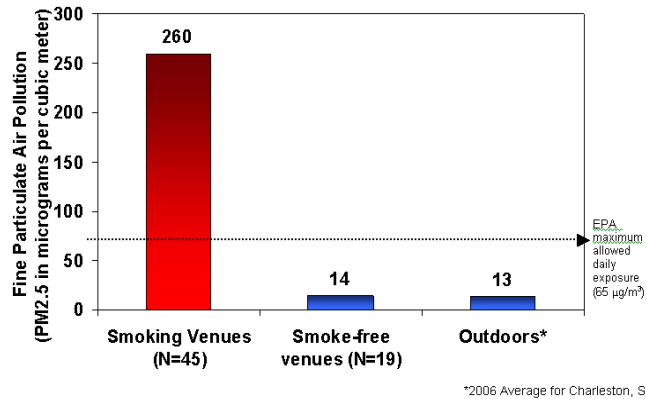
component of the Smoke-Free Lowcountry Campaign was baseline air quality tests that were conducted throughout Charleston, funded through the MUSC grant and the ACS. These baseline data were later used to illustrate the effectiveness of the ordinance in reducing indoor air contaminants once it passed. These tests were conducted at 64 locations through a partnership with the Roswell Park Cancer Institute in Buffalo, NY, and the Hollings Cancer Center at MUSC, and the results were released on June 5, 2006.<sup>600</sup> The baseline data alone, showing that air pollution in venues that allowed smoking was significantly above the maximum exposure allowed by the Environmental Protection Agency (Figure 24), was used to argue for the need to pass an ordinance.

These three studies were used in a final ad run by the Smoke-Free Lowcountry Coalition summarizing the results and pushing for an ordinance from a worker health perspective (Figure 25).<sup>592</sup>

Opposition to the Smoke-Free Lowcountry Campaign was primarily from the Charleston Restaurant Association, the Hospitality Association and Tom Sponseller, arguing that diners would be encouraged to go to neighboring areas to eat and drink and promoting the alternative of voluntary regulation of smoking by restaurant owners.<sup>601</sup>

The campaign coordinated with Councilmen Tinkler and Fishburne to propose an ordinance in the Council, backed by the surveys. However, when Tinkler and Fishburne brought up a smoking restriction ordinance up at a March 2006 meeting of the Council, most Council members responded negatively, indicating that they thought the issue had already taken up too much of the Council's time since it was first brought up in 1999.<sup>602</sup> The resistance of the

**Air Pollution in Smoking vs. Smoke-free Venues in Charleston County, SC.**



**Figure 24:** Results of preliminary air quality tests, Charleston, SC, April 2006<sup>600</sup>

## WE'VE DONE THE MATH...

91% of visitors will be as or more likely to return to a smoke-free city.

+

87% of residents believe that all Charleston workers should be protected from exposure to second hand smoke in the workplace.

+

Local bars that allow smoking have an average, indoor pollution level four times higher than government regulations allow.

## IT ALL ADDS UP.

Smokefree workplaces are good for workers and good for patrons. Come on Charleston, make it happen.



To get involved, call 843.746.3880

**MAKE IT HAPPEN**

**Figure 25:** Smoke-Free Lowcountry campaign ad summarizing results of campaign-funded studies.<sup>592</sup>

Council towards considering an ordinance delayed official consideration of the proposal, while the Smoke-Free Lowcountry Campaign continued to conduct public awareness activities.

The Smoke-Free Lowcountry Campaign sought the advice of national partners, such as the Campaign for Tobacco-Free Kids and Americans for Nonsmokers' Rights. However, these contacts were generally made through the Columbia-based Collaborative. Continued conflicts between Carrigan and the Collaborative, based on his attempts to circumvent the Collaborative in contacts with national tobacco control partners as well as personality and strategy conflicts more generally, limited the campaign's ability to advocate for policy change to its full potential.

While the work of the Smoke-Free Lowcountry Campaign created momentum and support for a comprehensive bill in the Charleston City Council and among the public, the proposal failed to pass before funding for the coordinator position ended in March 2006 and funding for the media campaign ran out in August 2006. The local coalition SFLC pulled the use of the coalition's website for the campaign after funding ran out, rendering the leftover media materials branded with the website much less effective in garnering grassroots support.<sup>595</sup> Without a paid coordinator, the efforts to promote an ordinance began to lose intensity and the steering committee, after coordinating the spending of the rest of the grant's budget, officially dissolved in August 2006.

Though the Smoke-Free Lowcountry Campaign did not result in the passage of a Charleston ordinance, it did influence clean indoor air policies around the state. Between May and December 2006 six ordinances passed in other cities and counties (Sullivan's Island, Liberty, Greenville, Columbia, Beaufort County and Bluffton), following the well-publicized Smoke-free Lowcountry Campaign and supported by advocacy from the Collaborative and SCAATCN/Carrigan based on their experience in Charleston. The acceleration of ordinances in surrounding areas set the stage for the final push to pass an ordinance in Charleston.

#### *August-December 2006: Carrigan and Wilson Lead Campaign to Success*

Dan Carrigan continued to work full-time as a volunteer to pass a Charleston ordinance, teaming up with Wilson through her organization SCAATCN, for approximately nine months, through January 2007. After the dissolution of the campaign's steering committee, Carrigan formed the Smoke-Free Action Network (SFAN) as the organization under which he could continue to promote a smoke-free Charleston ordinance (never incorporated as a nonprofit).<sup>318</sup>

Carrigan and Wilson secured the support of grassroots, influential citizens and conducted outreach to non-traditional partners in the smoke-free effort, such as the League of Women Voters and the NAACP. In July 2006, the Charleston Metro Chamber of Commerce polled its members on a potential 100% smoke-free workplace ordinance and found that 83 percent of their members supported such a law, 93 percent already did not allow smoking in their own workplace and 78 percent supported the elimination of smoking in restaurants.<sup>603</sup> Based on the results of this poll, the Chamber did not openly oppose the effort to pass a comprehensive smoke-free law, although they were not official partners in the campaign. Additional longstanding partners recruited during the Smoke-Free Lowcountry Campaign that joined this continued effort by Carrigan and Wilson were Trident United Way and the South Carolina Hospital Association.

The Robert Wood Johnson Foundation, through the Americans for Nonsmokers' Rights

Foundation, provided a \$25,000 grant to SCAATCN to fund hiring community organizer Rodney Williams to facilitate grassroots support among Charleston’s African-American community from July through December 2006.<sup>319</sup>

The release of the Surgeon General’s report in May 2006, combined with grassroots advocacy orchestrated by Wilson and Carrigan, pushed Mayor Riley and Councilman Tinkler to bring a comprehensive workplace and public places smoke-free ordinance up for consideration again. The organized opposition from the Hospitality Association had disappeared due to their membership survey by the end of 2006 and they remained neutral. As a result, in December 2006, when Councilmen Tinkler and Fishburne again proposed that the Council consider an ordinance on workplace smoking, the Council took it up.

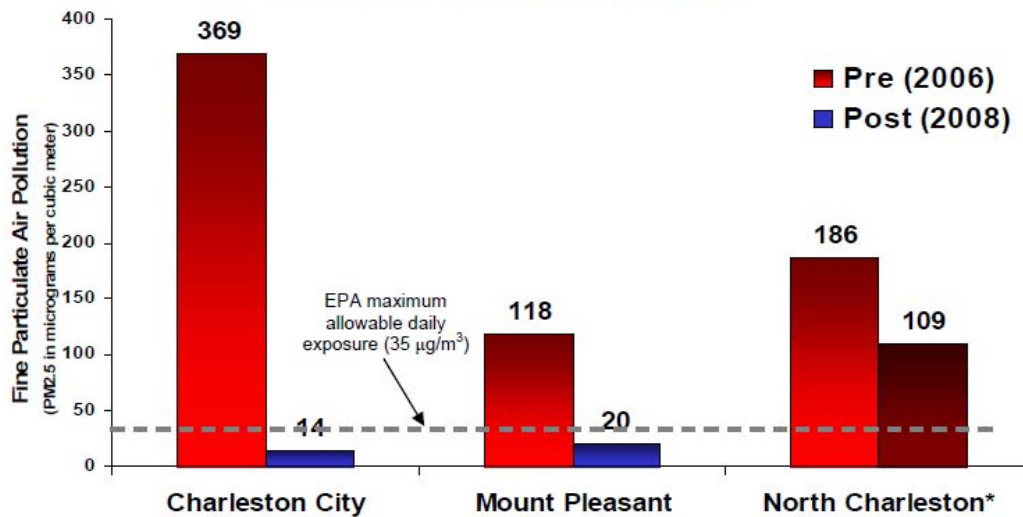
During the January 8, 2007, first reading of the ordinance, the absence of the organized hospitality opposition was tangible: opponents of the ordinance were outnumbered at the meeting by roughly three to one.<sup>604</sup> The ordinance passed on January 23, 2007, with a 9 to 4 vote, with implementation beginning on July 23, 2007.<sup>604</sup> One exemption was added to the ordinance for cigar bars, tailored to one specific cigar bar in Charleston because Councilman Tinkler did not want to see any businesses closing because of the ordinance.<sup>318</sup> (This exemption proved difficult, as other municipalities attempted to copy Charleston’s ordinance.<sup>318</sup>)

*Charleston Ordinance Implementation*

The implementation of the Charleston ordinance brought together the disparate groups that had worked on the ordinance’s passage, which cooperated to raise approximately \$40,000 for implementation efforts (Table 54),<sup>318</sup> including a billboard saying “Now entering a smoke-free city,” thank you ads in local papers for the Mayor and City Council, public service announcements for implementation day, a media kick off party and an implementation kit for businesses including door/window stickers, indoor signs and a brochure explaining the ordinance and compliance procedures.<sup>605</sup>

<b>Table 54:</b> Organizational Donations to Support Implementation of Charleston Ordinance	
<u>Organization</u>	<u>Donation</u>
SCAATCN (from RWJ/ANR supplemental grant)	\$15,000
South Carolina Cancer Alliance	\$12,246
South Carolina Tobacco Collaborative	\$6,600
American Cancer Society	\$2,500
American Heart Association	\$2,500
American Lung Association	\$1,000
Total	\$39,846
Source: SCAATCN <sup>605</sup>	

## Changes in Air Pollution in Charleston County Pre/Post Smoking Ordinance <sup>1</sup>



<sup>1</sup> Based on venues that allowed smoking in 2006

\* A smoking ordinance was NOT initiated in North Charleston

**Figure 26:** Results of follow-up air quality study in Charleston County<sup>606</sup>

The ordinance provided that the Police Department would be responsible for enforcement of the ordinance, but that designated code enforcement employees of the City could also enforce the ordinance. The Police Department was instructed to encourage voluntary compliance through publicity and education programs and warnings where appropriate.

In July 2008, one year after enforcement began, MUSC and Roswell Park Cancer Institute researchers, funded by SCAATCN, conducted a follow-up air quality study, which found that indoor air pollution had decreased by 94 percent in Charleston since the original survey was completed in 2006 (Figure 26).<sup>606</sup>

### ***Sullivan's Island***

Sullivan's Island's ordinance was the first to pass in the state after the passage of Act 445 in 1996, and was the subject of one of the two lawsuits filed over clean indoor air ordinances in 2006. Sullivan's Island is in Charleston County and the passage of the town's ordinance was influenced by the long consideration of the Charleston ordinance. Sullivan's Island Councilman Everett Presson became interested in passing an ordinance, and called Carrigan for advice, who at the time was still campaign coordinator for the Smoke-Free Lowcountry Campaign in Charleston. Carrigan and Presson met with the Mayor and other Council members, and because of the small size of the community the ordinance faced little opposition.<sup>318, 607</sup> The ordinance moved quickly, with the first reading held in April 2006, and a public hearing and final approval by a 4 to 2 vote on May 16, 2006.<sup>607, 608</sup> Implementation began on July 20, 2006.

The language of the bill was comprehensive, in that it made all indoor workplaces, including restaurants and bars, 100% smoke-free. The ordinance did allow businesses to purchase 90-day waivers for \$100 at the discretion of the Town's Department of Budget, Finance and Revenue Collection. The only exceptions provided in the ordinance were for private residences, 25 percent of hotel rooms, retail tobacco stores and religious ceremonies where smoking is part of the ritual. The ordinance did not discuss areas outside enclosed workplaces, allowing bars and restaurants to maintain smoking on outdoor decks and patios, provided that smoke did not infiltrate into indoor smoke-free areas via windows or entrances. The ordinance was to be enforced by the Police and Fire Departments and designated code enforcement employees, and violation was punishable by a \$500 fine and/or 30 days in jail.

*Lawsuit: Beachfront Entertainment, Inc., vs. Town of Sullivan's Island*

The Town Council and Mayor were aware of the risk of a lawsuit over the ordinance, but were willing to pass it nonetheless, encouraged in part by the Municipal Association's assurance of financial support if a lawsuit was filed. When asked about the lawsuit that did result, Mayor Carl Smith responded, "It's a new frontier and it's to be expected. We knew that when we passed it."<sup>570</sup>

Opposition to the ordinance became organized shortly after its passage. There was only one bar in Sullivan's Island that did not have an outdoor seating area which could be converted into a smoking section under the provisions of Sullivan's Island's ordinance: Bert's Bar.<sup>609</sup> When the ordinance went into effect, Bert's Bar requested and was granted a 21-day waiver from the provisions of the ordinance, but after that point was required to follow the ordinance and become 100% smoke-free.<sup>610</sup> By September 2006, a Bert's Bar bartender had been warned and subsequently ticketed for allowing patrons to smoke—the only incident of noncompliance at that time.<sup>570</sup> Bert's Bar owner, Tim Runyon, claimed in September 2006 that his business had fallen 50 percent in the month and a half since the ordinance went into effect, but did not produce evidence.<sup>570</sup> National studies have shown that smoke-free restaurant and bar ordinances have either a neutral or positive impact on sales and employment, despite tobacco industry-sponsored claims to the contrary.<sup>611-613</sup>

Resident Tim Holbrook, a patron of Bert's Bar, spearheaded opposition to the ordinance, claiming that it was intended to discriminate against the "blue-collar" patrons of Bert's Bar in a letter to the local newspaper only one week after the ordinance's passage.<sup>609</sup> Holbrook claimed that by September 2006 he had organized about 40 residents to oppose the ordinance, raising \$50,000 for legal fees for a lawsuit against the ordinance.<sup>570</sup> After the lawsuit was filed, Holbrook indicated that he had contacted tobacco industry lobbyists over the ordinance.<sup>570</sup> Holbrook consistently stated that it was his coalition of local businesses and individuals that prompted the lawsuit, but he did indicate that there may have been some tobacco industry involvement. Holbrook said that financial backing for the lawsuit came from residents of Sullivan's Island, but that he had been in contact with tobacco companies and the South Carolina Hospitality Association about funding for the fight against the ordinance.<sup>614</sup>

On September 5, 2006, Bert's Bar, through its parent company Beachfront Entertainment, filed a complaint in the Charleston County Court of Common Pleas seeking an injunction to stop

enforcement of the ordinance based on its harm to Bert's Bar's business.<sup>570, 610</sup> The court declared the injunction a moot point, because the plaintiff had not proven financial impact on their business, instead determining that a summary judgment on the legality of the ordinance was necessary. The bar argued that the ordinance was invalid based on preemption in both the 1990 Clean Indoor Air Act and Act 445 of 1996.<sup>615</sup>

The lawyers for Beachfront Entertainment were Bradish J. Waring and Paul A. Dominick, both of the prominent South Carolina law firm Nexsen Pruet, which has a history of representing tobacco companies, particularly Brown & Williamson.<sup>616, 617</sup> Dominick had represented Brown & Williamson in at least three cases during the late 1990s and early 2000s.<sup>618, 619</sup> The ties of Nexsen Pruet with the tobacco industry were strong enough that there was discussion in the consideration of the Columbia ordinance that Mayor Bob Coble recuse himself from consideration of the Columbia ordinance because he was employed by Nexsen Pruet.<sup>620</sup> John F. "Skip" Martin, attorney for the three individual plaintiffs in the case, all employees of Bert's Bar, indicated that he did not know who was paying him and that he was paid by a cashier's check delivered to his office.<sup>614</sup>

The Municipal Association stood by its promise to provide legal assistance in the case of a lawsuit claiming preemption of a clean indoor air ordinance. The association hired Frances Cantwell and Bill Regan, of Regan and Cantwell, LLC, based in Charleston, to represent the town. Howard Duvall, executive director of the Municipal Association, explained that, "We do have the resources to defend matters of statewide interest. We are taking care of the legal expenses of Frances and her firm. We felt like it was our duty to provide them with a very good legal defense."<sup>614</sup> Duvall clarified that his association's support for the town came from their desire to define preemption in the Clean Indoor Air Act; "Have we been pre-empted? We think not."<sup>614</sup> Attorney Mark Tanenbaum, a longtime resident of Sullivan's Island, also volunteered his services to defend the town's ordinance pro bono.<sup>570</sup>

On December 20, 2006, Circuit Court Judge Deadra Jefferson upheld Sullivan's Island's ordinance, finding that its passage was not preempted by either the Clean Indoor Air Act of 1990 or Act 445's preemption clause. Judge Jefferson first declared that the municipality had the power to pass such an ordinance based on the state's broad Home Rule provisions. She then determined that there was no implied preemption in the Clean Indoor Air Act, negating the multiple Attorney General's opinions on the point. In finding that there was no implied preemption, Judge Jefferson explained that the law was not so broad as to inherently occupy the entire field of clean indoor air and was not intended to do so.

Bert's Bar had also argued that the preemption clause in Act 445 of 1996 applied to clean indoor air, expressly preempting local clean indoor air ordinances.<sup>610</sup> Judge Jefferson accepted the key distinction argued by Sullivan's Island's lawyers that because the preemption language in Act 445 was located in the section of Act 445 amending state code related to youth access as opposed to the section related to clean indoor air, the preemption only applied to youth access provisions, leaving municipalities free to act in areas not already covered under the Clean Indoor Air Act. She noted that the text of Act 445 explained the need for uniform implementation of the law throughout the state was explicitly to ensure the receipt of federal grants as required by the Synar Amendment, which only applied to restricting youth access to tobacco. Judge Jefferson



also dismissed the argument that regulation under the federal Occupational Health and Safety Act (OSHA) preempted local regulation of workplace smoking, because there was no such OSHA regulation. (One proposed in the 1990s had been blocked by the tobacco industry.<sup>621, 622</sup> Moreover, the Secretary of Labor had already explicitly explained that OSHA did not intend to regulate secondhand smoke, opting to defer to the state and local level.<sup>623</sup>)

Immediately, opponents of the ordinance indicated that they would appeal to the state Supreme Court, as most advocates and even Judge Jefferson had expected.<sup>624</sup> Despite the appeal process, this decision, which took place after five additional clean indoor air ordinances had been passed in the state (in Liberty, Greenville, Columbia, Beaufort County and Bluffton), eased the hesitation of several other municipalities that had been considering clean indoor air ordinances but were concerned about preemption.<sup>624</sup> Charleston, Aiken County and Hilton Head Island passed ordinances in the two months following the decision.

### *Greenville*

Greenville is the sixth largest city in the state and has a reputation as a bastion of conservatism in the state.<sup>561</sup> Nonetheless, it became the third city to pass a clean indoor air ordinance on October 20, 2006, largely without advocacy support or advice outside of the local coalition, the Greenville Family Partnership. Greenville had been the first city in the state to pass any form of clean indoor air ordinance in 1987 (Table 48). Like Sullivan's Island, it was sued over its 2006 ordinance under preemption claims. This time, in March 2007, the city lost, slowing but not stopping statewide momentum on local clean indoor air ordinances.

The Greenville Family Partnership (GFP), a longstanding local coalition whose tobacco control activities were funded through a grant from the Collaborative, had been carefully developing a smoke-free campaign for several years, while Charleston's ordinance was being considered. The GFP conducted an opinion survey of approximately 2,800 citizens before talking to Mayor Knox White about an ordinance, which he supported as a step in creating a "distinctive quality of life" in Greenville.<sup>625</sup> The GFP also opened lines of communication with the restaurants and merchants to minimize opposition to the ordinance during its consideration. They used a model ordinance from Americans for Nonsmokers' Rights, but did not request significant technical assistance.<sup>561</sup>

At the first reading of the ordinance, on October 16, 2006, supporters outnumbered opponents 23 to 8, with the support primarily from doctors and nurses wearing white coats;<sup>625</sup> at the final reading on October 30, 2006, eight supporters and five opponents spoke,<sup>626</sup> and the ordinance passed unanimously.<sup>627</sup>

The ordinance made all workplaces, including restaurants and bars, 100% smoke-free, with very few exceptions. It was more broadly written than the two preceding ordinances (in Sullivan's Island and Liberty), as it not only covered enclosed indoor workplaces, but also areas within 10 feet of an entrance to a location covered by the ordinance, specifically included enclosed public places as well as all enclosed workplaces, and covered specific outdoor areas: amphitheaters; ball parks and stadiums; parades and special events; dining areas in encroachment areas on public sidewalks, plazas and parks and dining areas on decks, balconies and patios of



restaurants and bars; and zoos. The ordinance exempted private residences, 20 percent of hotel rooms, retail tobacco stores, private and semi-private rooms in nursing homes, private clubs with no employees and outdoor areas of employment not included in the list of specific outdoor areas covered by the ordinance.



**Figure 27:** Greenville “Breathe Easy” smoke-free implementation logo

The GFP negotiated with the Mayor’s office and the city manager to secure funding for implementation from the city. The implementation was branded as “Breathe Easy,” as opposed to “smoke-free,” in an effort not to alienate bar and restaurant owners. The city paid for a billboard (Figure 27), as well as branded coasters and napkins to distribute to businesses.<sup>561</sup>

Enforcement provisions for the ordinance were remarkably broad. While the City Manager was responsible for enforcement and violations were to be reported to the office of the City Manager, the Building Codes Division and Fire Department were both required to check for compliance during routine inspections; owners, managers, operators and employees of establishments covered by the ordinance were required to inform violators of the law; individuals could bring legal action for violation of the law against individuals, businesses and organizations; and injunctive relief could be provided to enforce the provisions of the ordinance. Unlike the earlier two ordinances, violations of the ordinance were defined as an infraction, punishable by a fine of \$50 or less.

#### *Lawsuit: Foothills Brewing Concern vs. City of Greenville*

On December 5, 2006, prior to the ordinance’s implementation date of January 1, 2007, 10 businesses led by the Foothills Brewing Concern, sued to block the ordinance from taking effect.<sup>628</sup> Randall Hiller, a solo practitioner based in Greenville whose brother owned the Foothills Brewing Concern, represented the plaintiffs.<sup>561</sup> City attorney Ron McKinney defended the case; because Greenville had their own full-time legal staff, the Municipal Association was not asked for financial help in defending the ordinance. However, Frances Cantwell, who was defending the Sullivan's Island ordinance for the Municipal Association shared information with McKinney on how best to defend the ordinances.<sup>557</sup> The suit was filed before the trial court's decision on Sullivan’s Island’s ordinance, creating a situation in which two nearly identical lawsuits were being considered, in parallel, in different courts.

Both the plaintiffs and defendants’ arguments in the case were parallel to those in the Sullivan’s Island case. Sullivan’s Island won its case two weeks after the Greenville case was filed, giving tobacco control advocates hope that a similar decision would be reached in the Greenville case. Hiller, however, pointed to the Attorney General’s opinions on the issue, arguing that the Sullivan’s Island decision with incorrect based on the arguments in the 1990 and 2006 Attorney General opinions.<sup>629</sup> On December 29, 2006, Judge John Few denied the request for a restraining order to bar implementation of the ordinance, allowing the ordinance to go into effect on January 1, 2007.<sup>630</sup> He similarly denied an injunction against the ordinance on January 2, 2007, because the plaintiffs had not proven that the ordinance would adversely affect businesses.<sup>631</sup> Judge Few announced that he would rule on the preemption issue at a later date.

On March 8, 2007, Judge Few surprised local smoke-free advocates by ruling that the Greenville ordinance was preempted by state law and violated the state constitution.<sup>632</sup> Few went to great pains to explain that “the Court has been very careful not to allow any personal views on the question of indoor smoking, or on the proper extent of government regulation of private business, to affect its decision in any way,”<sup>632</sup> an explanation not usually found in court decisions. Like Judge Jefferson’s ruling in the Sullivan’s Island case, Judge Few ruled that there was no implied or field preemption in the 1990 Clean Indoor Air Act.<sup>632</sup> However, Judge Few did rule that the preemption clause in Act 445 of 1996, despite being located in the code section relating to youth access, was also meant to apply to clean indoor air. He decided the case based on his interpretation of the legislative intent on preemption, as opposed to the actual content of the law as Judge Jefferson had in the Sullivan’s Island case. Judge Few also ruled the ordinance unconstitutional on the basis that it criminalized actions that were legal under state law, such as smoking in restaurants and bars.<sup>632</sup> (This point became a major issue in the Supreme Court decision on the Sullivan’s Island case, as described below.) For these reasons, Judge Few ruled that the ordinance was invalid and unenforceable.

Despite the ruling, which led the city to halt enforcement of the ordinance after it had been in effect for three months, two-thirds of Greenville’s 289 restaurants and bars remained smoke-free voluntarily after the ruling, prompted by the Mayor’s office and City Manager Jim Bourey’s request to maintain voluntary smoke-free policies. The city advertized which businesses followed the voluntary smoke-free policy on its website as an incentive and reward for adopting such a policy.<sup>633</sup> The city continued to officially enforce the 1987 ordinance that had already been on the books, which had been “grandfathered in” under Act 445 and had prohibited smoking in retail stores over 1,000 square feet, restaurants with over 100 seats, office buildings over 1,000 square feet and many other public areas (listed in Table 52). The city also kept the “Breathe Easy” banners promoting a smoke-free Greenville on display.<sup>634</sup> These steps made beginning to enforce the ordinance again after the Supreme Court overturned Judge Few’s ruling (discussed below) much easier.

Mayor Knox White immediately appealed the ruling to the Supreme Court, which already had agreed to hear the appeal of the Sullivan’s Island decision.<sup>634</sup> The opposing decisions at the trial court level created uncertainty about the status of preemption and the nine local ordinances that had passed prior to Judge Few’s ruling. Nonetheless, three municipalities (Mount Pleasant, Surfside Beach and Clemson) passed local clean indoor air ordinances during the year after the Greenville ruling and prior to the Supreme Court decision.

### ***Columbia***

The Columbia ordinance was particularly relevant because of the city’s status as the state capitol. The Columbia ordinance passed prior to either of the contradictory decisions in the Greenville and Sullivan’s Island cases, but after Sullivan’s Island had been sued. Concern over a lawsuit and the lack of clarity around preemption resulted in Mayor Bob Coble’s decision to pass an ordinance, but not enforce it until a decision by the Supreme Court over preemption.<sup>315</sup> This decision resulted in the delay of implementation of the Columbia ordinance for nearly two years after its original passage.

The Collaborative took the lead role in advocacy for a clean indoor air ordinance in Columbia, through a grant to the Tobacco-Free Midlands coalition. The board of the Tobacco-Free Midlands coalition is, however, nearly identical to the primary members of the Collaborative, blurring the distinction between the local coalition and statewide group.<sup>315</sup> The advocates from the Midlands group and the Collaborative formed the “Smoke-Free Columbia” campaign, which began pushing for an ordinance as early as March 2005, when they released a survey they had conducted through the University of South Carolina in November 2004, concluding that 79 percent of Columbia residents supported the passage of a 100% smoke-free ordinance for indoor workplaces and public places.<sup>635</sup> Despite the level of popular support, Mayor Coble was originally “very reluctant” to support an ordinance, explaining that he was not comfortable with allowing the city “to get into banning smoking” or challenging preemption.<sup>635</sup>

The Smoke-Free Columbia campaign worked through 2005 and 2006, using paid media, their alliance with the Musicians and Songwriters’ Guild, and the Collaborative’s connections with Mayor Coble to encourage the Mayor and City Council to consider a comprehensive ordinance.<sup>315</sup> With the release of the Surgeon General’s report in June 2006, and the passage of the Sullivan’s Island ordinance, Coble changed his position. In August 2006, he held a press conference supporting a law prohibiting smoking in public indoor areas including restaurants and bars, citing the Surgeon General’s report as his reason for support.<sup>636</sup>

The City Council passed a first reading of a smoke-free workplace and public places ordinance, including both restaurants and bars, on October 18, 2006, by a 4 to 2 vote. However, the debate around the ordinance was mired in whether or not to include an exemption for bars in the final version of the ordinance. The four voting in favor on first reading included Councilman E.W. Cromartie, who had already suggested that he might be willing to consider an exemption for bars, which bar owners were strongly pushing, and the Council’s only smoker, Sam Davis, had been absent for the first vote. Additionally, opponents of the comprehensive ordinance indicated that they would vote in favor of an ordinance exempting bars, while no Council members opposed an ordinance on the issue outright.<sup>637</sup> These factors indicated that a compromise bill exempting bars was very likely to pass, while an ordinance including restaurants and bars was unlikely. Given the likelihood of a bar exemption, the Collaborative was pressured to pull their support of the bill by national partners such as Americans for Nonsmokers’ Rights; however, as Renee Martin, executive director of the Collaborative, explained: “We did not have the power to pull that ordinance. We educated them [local policymakers] to the best of our ability.”<sup>315</sup> On October 15, 2006, Martin published an op-ed for *The State*, making a strong argument for the passage of a comprehensive ordinance, including restaurants and bars, for worker’s health. The op-ed stated that the Collaborative did not support exempting bars from the proposed smoke-free ordinance.<sup>638</sup> However, they were not able to keep bars in the original ordinance.

An additional concern of national partners, specifically Americans for Nonsmokers’ Rights, was Mayor Coble’s insistence that implementation of the proposed ordinance be delayed until after the Supreme Court ruled on preemption. When the City Council passed the first reading of the ordinance, according to the City Council minutes, Mayor Coble explained that “whatever happens [in the second reading of the ordinance] the City will seek a declaratory judgment action to resolve the legal issues of pre-emption.”<sup>639</sup> A declaratory judgment is a legal

action, requesting a ruling on the legality of the ordinance; this was intended to head off any possible lawsuit that the opposition could file against the city, as well as to protect the city if a lawsuit arose in which bar owners claimed damages due to loss of business under the smoke-free ordinance. Coble explained that he was aware that the legal process could easily take a year, but that he still wanted to pass an ordinance in order to raise public awareness and encourage other cities or the General Assembly to pass regulations on indoor smoking.<sup>637</sup>

Agreeing to delayed implementation was not recommended by the national partner Americans for Nonsmokers' Rights (ANR), but the Collaborative accepted delayed implementation as a necessary compromise. According to Renee Martin, "There was absolutely no way he [Mayor Coble] was going to do anything in terms of implementation until the Supreme Court ruled on it."<sup>638</sup> In response to ANR's concerns, Sharon Biggers, director of DHEC's Tobacco Division, explained that while the Collaborative and Smoke-Free Columbia "appreciate[d] ANR's position," they had made the decision to follow Coble's plan, including the declaratory judgment, and that ANR "should certainly understand and appreciate the decision making process by local stakeholders."<sup>640</sup>

The ordinance passed on November 8, 2006, requiring 100% smoke-free workplaces, including restaurants, but with an exemption for bars and delayed implementation. The ordinance defined bars as "drinking establishments" not attached to restaurants, which made less than 15 percent of their gross revenue from food for consumption. The decision to exempt bars was opposed by Mayor Coble and Council Members Tameika Issac Devine and Anne Sinclair.<sup>641</sup> Additionally, the Council voted to rescind its bar exemption if the neighboring Richland and Lexington counties enacted smoke-free workplace laws including bars.<sup>641</sup> (Columbia amended its ordinance in November 2008 to include bars before Richland County passed its ordinance, and while the County of Lexington was still considering an ordinance.) In the end, no action was taken on the declaratory judgment, and Mayor Coble waited for the Supreme Court ruling on the Sullivan's Island and Greenville cases to begin considering implementation of the ordinance.

The final version of the ordinance also exempted private residences, private clubs, 25 percent of hotel rooms, retail tobacco stores, religious ceremonies, medical facilities and smoking in a theatrical event. Owners, managers and operators of workplaces were required to prohibit smoking; failing to comply with the ordinance was a misdemeanor, punishable with a fine of up to \$500 and/or 30 days jail time. Smokers were not subject to any penalty.

Despite the Collaborative's acquiescence on the bar exemptions and delayed implementation, they made their position clear after the fact. After the ordinance's passage, Martin said: "We made it part of the way. ... But, as a capital city, we should be leading the way, not drug, kicking and screaming, on this issue. ... I'm very concerned about the tone this sets for the rest of the state."<sup>641</sup>

By waiting for the Supreme Court's decision on preemption, the Mayor was able to avoid a lawsuit, but the implementation of the ordinance was delayed significantly by the wait. Of the 12 municipalities to pass ordinances before the Supreme Court overturned preemption, Columbia was the only city to voluntarily delay implementation of their workplace ordinance. The implementation of the Columbia ordinance was further delayed after the Supreme Court ruled

that preemption did not apply to clean indoor air ordinances (discussed below). The City Council coordinated with the Council of Richland County, which surrounds Columbia, which passed an ordinance on June 17, 2008, nearly two months after the Greenville Supreme Court ruling. The city and county were concerned about enforcement of the laws and possible confusion between city and county residents, and determined that it would be best to again delay implementation of the Columbia ordinance until the Richland County ordinance came into effect on October 1, 2008. With this additional delay, the city waited nearly two years to enforce the smoke-free workplace ordinance that they had on the books.

While the Columbia ordinance was not originally comprehensive nor enforced, the campaign provided significant earned print media for the Collaborative. This coverage in the capitol's news sources provided lobbyists from the voluntaries with more recognition when they simultaneously ran the cigarette tax increase campaign and efforts on statewide clean indoor air bills in the Collaborative's name.

### ***Town of Surfside Beach***

The Town of Surfside Beach passed an ordinance on July 24, 2007, which in addition to prohibiting smoking in all workplaces and most public places, including restaurants and bars, it included coverage of beaches and prohibited smoking within 30 feet of entrances to all public buildings. The town became the first, and as of December 2008 only, municipality to regulate smoking on beaches in South Carolina and along the "Grand Strand," the more than 60 miles of beaches stretching along the coast of North Carolina and South Carolina that is one of the main tourist draws in both states.<sup>642</sup>

The Collaborative funded the BREATHE coalition to lead efforts to pass the Surfside Beach ordinance. SCAATCN/SFAN provided technical assistance, and the Collaborative contributed paid media on top of their grant to the local coalition. While the originally proposed ordinance was in line with those already passed around the state, the final version of the Surfside Beach ordinance included a provision prohibiting smoking on the beach and an expanded distance requirement around entrances. These unique provisions were added to the ordinance when a council member in opposition to the ordinance added these provisions with the intention of making the ordinance so broad that it would kill the proposed ordinance.<sup>592</sup> This plan backfired when the ordinance was passed by the full council with the expanded provisions over opposition from the Mayor on July 24, 2007.<sup>643</sup> Council sponsor Judy Tuttle attributed the beach provision's success to public support for coverage of smoking on beaches.<sup>644</sup> The smoke-free beach provisions were maintained when the ordinance's penalty provisions were amended in November 2008, although the 30 foot provision was reduced to a 10 foot requirement for no smoking around entrances to public buildings. According to Larry White, Chronic Disease Manager for DHEC and Chairman of the BREATHE Coalition, the reduction to 10 feet was a compromise made with opposing business owners, while the beach provisions were maintained through efforts of local advocates and community member outreach.<sup>642</sup>

The ordinance exempted private residences, 35 percent of hotel rooms, theatrical performances, religious ceremonies and medical research facilities. The ordinance was enforceable by the Police Department, which was instructed to push for voluntary compliance

through publicity, education programs and warnings. Offenses were punishable by a fine up to \$100.

### ***Conclusion***

The passage of the first 12 local ordinances despite the possibility of preemption showed significant commitment by local policymakers and local and statewide advocates, both for tobacco control and Home Rule. Through the tenacious advocacy of SCAATCN/SFAN and the Collaborative, combined with the support of the Municipal Association and the evidence provided by the 2006 Surgeon General's report on secondhand smoke, advocates in South Carolina were able to defeat the tobacco industry and deny it the ability to dictate the smoking policies of 12 cities. Leading up to the Supreme Court decision in March 2008, 13 percent of the state's population was covered by a smoke-free workplace ordinance, including the two most populous cities, Columbia and Charleston, and five of the state's ten largest cities.

Between January 2008 and the March 2008 Supreme Court decision on preemption (discussed below), the tobacco industry was able to shift the attention of tobacco control advocates to the statehouse, by attempting to co-opt statewide clean indoor air bills. This paused activity on local smoking ordinances, and the pending Supreme Court appeals influenced legislative behavior on the proposed clean indoor air bills.

### **State-Level Activity on Clean Indoor Air**

The passage of 12 local ordinances on smoke-free workplaces and public places despite presumed preemption, including in the capitol city Columbia and its surrounding Richland County, did not escape the attention of the General Assembly or the tobacco industry. During the 2005/2006 and 2007/2008 legislative sessions, many bills regulating smoking in workplaces and public places, as well as bills dealing with the issue of preemption of local clean indoor air ordinances, were proposed by both tobacco control allies and the tobacco industry and its allies in the statehouse. In the 2007/2008 session alone, 11 bills related to public smoking were introduced in the statehouse. Tobacco control advocates' strategies on state-level clean indoor air bills developed and changed between 2005 and 2008, as they realized that despite momentum from the local ordinances, the state was not yet ready to pass effective statewide clean indoor air legislation.

While the tobacco industry argued that preemption of clean indoor air was already contained in the 1996 law, and lawsuits against Sullivan's Island and Greenville were filed on this basis, the industry made consistent efforts beginning in 2003, when the Charleston ordinance began gaining ground, to pass more explicit preemption over clean indoor air. This effort was executed through their lobbyists directly and indirectly through the Hospitality Association. While the industry was successful in introducing legislation including preemption in the General Assembly, health groups were able to block these proposals.

The first attempt to limit local ordinances through state law was proposed in 2003 by Rep. John Graham Altman (R, Charleston), as H 3194, with the backing of Tom Sponseller and the Hospitality Association of South Carolina.<sup>645</sup> This bill would have explicitly preempted any

clean indoor air activity at the local level that superseded any state law or regulation or that imposed a greater burden or more stringent standard on any activity regulated by state law.<sup>646</sup> This bill did not move out of the House Judiciary Committee during the entire 2003/2004 legislative session.

As early as 2004, legislators favoring tobacco control also attempted to pass clean indoor air legislation, to provide statewide rules ending smoking in restaurants, bars, or other public areas beyond the requirements in the 1990 Clean Indoor Air Act. The first statewide bill since 1996 to propose action on clean indoor air was H 4905, proposed by Representatives Lonnie Hosey (D, Allendale and Barnwell Cos., Policy Score 9.0), John Scott (D, Columbia, Policy Score 8.7), Jerry Govan (D, Orangeburg Co., Policy Score 8.3), Bill Clyburn (D, Aiken and Edgefield Cos., Policy Score 9.0), JoAnne Gilham (R, Beaufort), Jesse Hines (D, Florence), Mack Hines (D, Florence) and Fletcher Smith (D, Greenville Co., Policy Score 7.5), which would have prohibited smoking in restaurants statewide. This bill also did not move out of Judiciary Committee during the 2004 session. These early bills in 2003 and 2004 were not acted upon by the legislature, and in turn not lobbied on by the public health groups or the tobacco industry.

This type of legislation was originally appealing to tobacco control advocates with the Collaborative, who promoted several of these bills through 2007. None of these statewide proposals included any provisions for prohibiting smoking in all workplaces, and therefore were less comprehensive than the local ordinances that passed between 2006 and 2008. The appeal of incremental statewide progress at the potential expense of more comprehensive local progress was an issue for both legislators and tobacco control advocates alike. Again, while the Collaborative took advocacy positions on the issue of statewide clean indoor air, direct lobbying was done under the name of the voluntary health organizations through their three individual lobbyists and two contract lobbyists.

### ***2005/2006: Legislator-Driven Clean Indoor Air Bill Catches the Tobacco Control and Tobacco Industry Off Guard***

In mid-2005, before any of the local clean indoor air ordinances had passed, but during the campaign for a Charleston clean indoor air ordinance, Rep. Todd Rutherford (D, Richland Co., Policy Score 7.0) filed a one-paragraph bill that would have prohibited smoking in restaurants across the state. Rutherford was a junior Representative, but was keenly interested in tobacco control issues. When Lisa Turner, then lobbyist for the ACS and subsequently the AHA, discovered this bill, she contacted Rutherford and worked with him to add bars to the proposed coverage of the ordinance, with no inclusion of other indoor workplaces. The voluntaries did not think the bill had a good chance of passage, but were still willing to work with Rep. Rutherford.<sup>78</sup>

The bill was committed to the House Judiciary Committee, and in subcommittee Rep. Rutherford was able to amend the bill to reflect the restaurant and bar language promoted by Turner from ANR-provided model language. The bill received little opposition when it was being considered by the full House Judiciary Committee, during which time Rep. Rutherford, Turner and the other voluntary health groups' lobbyists pushed the Committee to adopt the bill

without additional amendments. The bill did not include preemption, but would have created a “level playing field,” which was the Hospitality Association’s stated goal at the time.<sup>78, 647</sup> To the surprise of lobbyists for the voluntary health groups, the House Judiciary Committee reported the smoke-free restaurant and bar bill favorably back to the House on April 5, 2006, one year after its introduction, without including preemption.

A long House floor debate on April 26, 2006, resulted in the bill being sent back to the Judiciary Committee to die, but by a surprisingly narrow margin. The House refused to table the bill by a vote of 54 to 57 and originally refused to recommit the bill by a narrower margin of 55 to 56. After hours of debate, during which Speaker of the House Bobby Harrell left his chair to convince members to vote to recommit or table the bill, the House eventually recommitted the bill to the Judiciary Committee by a 55 to 52 vote.<sup>648</sup> According to advocates, if the full Democratic caucus has been present at the time of the debate, the House might have passed a first reading of the smoke-free restaurant and bar bill.<sup>78</sup>

Given the ease with which the tobacco industry and its allies were able to dominate debates over tobacco control at the state level up to that point, the difficulty faced in defeating this bill caught both tobacco control advocates and tobacco industry lobbyists off guard. Lisa Turner, ACS lobbyist who was helping to push this bill, explained:

As the votes came in ... June Deen [of the ALA] and I ... were standing right next to Fred Allen [RJR’s lead lobbyist] and ... he was flabbergasted and not happy. ... He was not bothering to hide it. ... They had just squeaked by with escaping the vote [to pass the bill]. ... He had his list and he was calling people out and asking them what happened. ... He was very, very upset, and he was calling them on the carpet after that vote, even though they had won it.<sup>78</sup>

Voluntary health group lobbyists and Rep. Rutherford interpreted this narrow vote as indicating a potential willingness on the part of legislators to pass statewide legislation on smoking in restaurants and bars, which they then pursued in 2007.

In the 2005/2006 session, there were additional proposals on clean indoor air that were not considered beyond the committee level. A bill simply stating that “a local government may not enact an ordinance that prohibits smoking in a restaurant” (H 3918) was proposed by Representatives Thad Viers (R, Horry Co., Policy Score 0.0), William Witherspoon (R, Horry Co., Policy Score 0.0), Liston Barfield (R, Horry Co., Policy Score 0.3) and Ralph Davenport (R, Spartanburg Co., Policy Score 8.0), but was never reported out of committee. With the exception of Rep. Davenport, each of the bill's sponsors were from the tobacco-producing Horry Country and had received tobacco industry contributions in the previous election cycle. S 374, which explicitly allowed localities to pass ordinances regulating public smoking, was proposed by Sen. Greg Gregory (R, Lancaster Co., Policy Score 9.0), a tobacco control ally, to remove the preemption clause that had been included in Act 445. The bill was amended in committee to make it explicit that the preemption clause did not apply to clean indoor air, without deleting the clause from the youth access to tobacco section of code entirely, and reported favorably by the majority of the Judiciary Committee over the opposition of President Pro Tempore and Committee Chair Glenn McConnell. The bill was never considered by the full Senate.



Sen. Gregory had also introduced a bill that year to amend the Clean Indoor Air Act to prohibit smoking in offices and teacher lounges at schools and private offices and employee break areas of government buildings, which was not reported out of committee. Sen. Jackson, a tobacco control advocate in the Senate who had proposed the successful 1994 amendment of the Clean Indoor Air Act and was behind the 1998 decision to make the statehouse smoke-free, proposed a similar bill in 2007, S 103, which became one of many vehicles with which the tobacco industry tried to pass explicit preemption. After the 2005/2006 session, the industry was not caught “flabbergasted”<sup>78</sup> again.

### ***Youth Access to Tobacco Prevention Act of 2006***

At the same time that the tobacco industry was nearly unable to prevent the advancement of Rep. Rutherford's clean indoor air bill, they were able to pass largely industry-favorable youth access policies through the Youth Access to Tobacco Prevention Act of 2006. This act made it illegal for minors to possess tobacco products, shifting responsibility for youth smoking to youth and away from illegal sales by retailers, a high priority for the tobacco industry. The bill also included provisions limiting, but not eliminating, vending machine sales of tobacco, having the effect of institutionalizing the sale of tobacco products through vending machines in areas not accessible by minors. These are common tobacco industry strategies that passed without significant media scrutiny of the tobacco industry-favorable components of the bill. Similar industry-favorable bills making youth possession of tobacco illegal had been proposed each legislative session since 1997, immediately after the last amendment of the youth access to tobacco provisions with Act 445 of 1996. Many of these proposals had been cosponsored by some of the most pro-tobacco control advocates in the legislature, including Rep. Rutherford, Rep. Whipper, Sen. Gregory and Sen. Lourie (during his time in the House). Health advocates were aware at the time that these provisions were industry proposals, and had worked to defeat them.<sup>401</sup>

However, in 2005/2006, Rep. Scott Talley (R, Spartanburg Co., Policy Score 5), who had been a sponsor of previous bills with similar provisions, began a forceful push to get a bill passed, proposing H 3243 in January 2005. Talley had received \$800 in campaign contributions from RJR and Philip Morris between 2002 and 2006, and according to then-ACS lobbyist Lisa Turner, Talley had “very strong ties with the [tobacco] industry” at the time he proposed the bill.<sup>401</sup> H 3243 passed out of the House with little amendment in April 2005, but was stalled in the Senate when a similar proposal, S 384, gained steam and passed out of the Senate just two days earlier. S 384 was proposed just one month after Rep. Talley's proposal, and was sponsored by Senators Lourie and Gregory, prominent tobacco control allies), along with 20 additional cosponsors. The Senate Judiciary Committee approved the bill, adding the vending machine provisions already in Rep. Talley's bill in the House, but also adding an alternative penalty provision lobbied by the voluntary health groups.

The voluntary health groups recognized that because of Rep. Talley's push to promote youth access bills during that session and because the Senate proposal had such prominent tobacco control legislative allies as sponsors, they may not be able to kill the youth access bill that session. Lisa Turner, then with the ACS, drafted language that was then amended into S 384 in the Senate Judiciary Committee's amendment and remained through each of the future

amendments of the bill.<sup>401, 649</sup> The health groups' amendment provided the option for minors to complete smoking cessation or tobacco prevention programs approved by DHEC in lieu of or for reduction of the financial penalties or community service punishments imposed for illegal possession of tobacco. The health groups pushed for the incorporation of this provision to minimize the penalization of youth smokers and instead promote prevention and cessation for youth smokers, while at the same time drawing attention to the need for the development of additional smoking cessation and prevention programs for youth to meet the needs the bill would create.<sup>409</sup> Turner argued that the inclusion of DHEC-approved programs as an option for judges in adjudicating the youth smoking law would “buttress DHEC's Tobacco Division's argument that they needed funding for these programs.”<sup>401</sup> Health groups also lobbied for the removal of the vending machine provisions, or the complete elimination of vending machine sales, but were unable to secure the removal of those provisions from the final bill.<sup>401</sup>

While S 384 moved quickly to approval by the full Senate, it was over the opposition of the President Pro Tempore, Sen. Glenn McConnell (R, Charleston Co., Policy Score 3.7). While McConnell had received significant tobacco industry contributions totaling nearly \$5,000 between 1996 and 2004, he opposed the bill and requested that his opposition be recorded in the Senate Journal. In the Journal, Sen. McConnell explained his opposition to the bill from a tobacco control perspective:

Before we require teens and their parents to go to court to defend a charge, the State should do more with smoking education and cessation programs to deal with this serious problem. We need to encourage young people to choose not to smoke by educating them, not criminalizing them.<sup>649</sup>

Sen. McConnell's opposition to the bill could be leveraged in the future to promote increased funding for the Tobacco Division's youth prevention and education efforts, as well as other tobacco control initiatives.

As S 384 moved to the House, Rep. Talley pushed for its passage, recalling it from the House Judiciary Committee in May 2005 after it was there for one month and the end of the 2005 session approached, and secured its passage out of the House before the end of the 2005 session, when it was sent back to the Senate due to minor House amendments.<sup>650</sup> In January 2006, Sen. Lourie sponsored amendments allowing DHEC-approved cessation or prevention programs to be mandated in lieu of the fine penalties completely, as opposed to Talley's proposal which would have allowed completion of such programs to reduce fine amounts by half.<sup>651</sup> This version of the bill was signed into law in February 2006, with enforcement beginning in August 2006.

Because several areas of the state did not have DHEC-approved youth smoking cessation or prevention programs already available, the penalty provisions of the Youth Access to Tobacco Prevention Act of 2006 provided DHEC with the opportunity to support the development of new programs and supplement existing programs to provide local judges and magistrates with the option of classes instead of fines or community service for youth violators.<sup>286, 401</sup> The DHEC Tobacco Division partnered with DAODAS to train regional and local DAODAS staff in the NOT on Tobacco/Alternative to Suspension program developed by the ALA; in addition, the

Tobacco Division developed a youth component for the state Quitline services for court appointed youth.<sup>286</sup> In December 2006, the first nine cases against minors under the law were brought to court, and in each case, the Judge waived the fee and mandated the completion of a two-hour DHEC-approved smoking cessation program.<sup>652</sup>

***2007/2008: Tobacco Industry Co-Opts Clean Indoor Air Bills Attempting to Pass Preemption***

Lobbyists from the voluntary health groups began 2007 promoting clean indoor air bills by Rep. Rutherford, on restaurants and bars, and Sen. Jackson and Gregory, on school grounds. None of the bills promoted by the voluntary health organization lobbyists would have prohibited smoking in all workplaces. Nonetheless, they felt the need to capitalize on the momentum being garnered by the passage of local ordinances at the state level and feared that the Supreme Court would rule that preemption did apply to clean indoor air regulation. All 11 bills (Table 55) relating to smoking regulation proposed in the General Assembly in the 2007/2008 session started as tobacco control-favorable bills. However, by the end of 2007, it became clear that the voluntary health group lobbyists’ strategy of incremental improvement to the Clean Indoor Air Act was being co-opted by the tobacco industry to introduce explicit preemption as a backup in case the Supreme Court decided that preemption did not apply to clean indoor air. Voluntary health groups united with other tobacco control groups to kill bills amended to include preemption in 2007, but the voluntary health groups remained favorable at the end of the 2007 session to “good” state-level clean indoor air bills. However, after intervention by national tobacco control partners, tobacco control advocates united to oppose all smoking regulation bills in the 2008 session, due to the likelihood that they would be amended with tobacco industry-sponsored provisions or halt the passage of more comprehensive local level ordinances. This abrupt reversal of position alienated several legislative allies. Advocates were effective in preventing explicit preemption state legislation throughout the 2007/2008 session, leaving localities free to pass comprehensive smoke-free ordinances.

<b>Table 55: Clean Indoor Air and Preemption-Related Legislation in the South Carolina General Assembly 2007/2008 Session</b>				
<u>Bill</u>	<u>Sponsor(s)</u>	<u>Original Intent</u>	<u>Amended Provisions</u>	<u>Result</u>
* Indicates significant advocacy activity on the bill.				
H 3119	Rutherford, Merrill, Haskins, E.H. Pitts, Cobb-Hunter, Sellers, Brady and Cotty	Originally prohibited smoking in restaurants, bars and recreational facilities and included an explicit anti-preemption clause.	Amended to allow smoking licenses for bars and bar areas of restaurants that were for over 18 patronage and to <i>include explicit preemption</i> in committee.  Preemption clause removed in Judiciary Committee	Died in House Judiciary Committee
H 3253	Clyburn	Prohibited smoking in a car with a child of preschool age is in the vehicle.		Died in House Judiciary Committee.
H 3639	Skelton and Brady	Explicit anti-preemption clause.		Died in House Judiciary Committee
H 4508	Skelton and Cotty	Prohibited smoking at public outdoor gated athletic events and within 25 feet of any entrance to such and event.		Died in House Judiciary Committee.

S 103*	Jackson, Lourie, Gregory, Fair, Ford and Knotts	Originally a bill to prohibit smoking in private offices and teachers lounges in public schools and preschools.	Amended to include explicit anti-preemption on Senate floor.	Died in House Judiciary Committee
			Anti-preemption clause removed on Senate floor	
			Amended in subcommittee of House Judiciary Committee to include coverage of restaurants, bars and recreational facilities. <i>Allowed for a smoking bar permit to be purchased. Also added explicit preemption</i>	
			Preemption clause removed in subcommittee	
S 185	Gregory, Knotts, Elliott and Lourie	Prohibited smoking in teacher lounges and private offices at schools, as well as outdoor public areas at public schools and private offices in government buildings.		Died in Senate Medical Affairs Committee.
S 187	Gregory, Vaughn, Knotts and Lourie	Allowed employers to advertise that employees cannot smoke in the workplace and designate in his advertisement that the workplace is a nonsmoking environment.		Reported favorably by Senate Labor, Commerce and Industry Committee, but recommitted to the same Committee and died there.
S 271	Ford	Companion bill to H3119. Prohibited smoking in restaurants, bars and recreational facilities		Died in Senate Medical Affairs Committee.
S 369*	Jackson, Lourie, Leventis, Hutto, Pinckney and Ford	Companion to H3253. Prohibited smoking in a car with a child seated in a passenger restraint system.	Amended to apply to all children under the age of 10.	Favorably reported out of Senate Judiciary Committee, passed in the Senate. Died in House Judiciary Committee.
S 209	Elliott	Second companion bill to H3119. Prohibited smoking in restaurants, bars and recreational facilities. Also included an explicit anti-preemption clause.		Died in Senate Medical Affairs Committee.
S 186*	Gregory, Knotts, Lourie and Jackson	Originally an explicit anti-preemption bill, removing the preemptive clause from the provisions in Act 445 of 1996.	Gutted in Senate Judiciary into a supposed Clean Indoor Air bill. Prohibited smoking in restaurants, bars and recreational facilities, but allowed smoking licenses for bars and bar areas of restaurants for over 18 patronage. <i>Included explicit preemption.</i>	Reported favorably with amendment from Committee. Died on Senate calendar.

### *Tobacco Industry Promotes Preemption in 2007*

There were no bills introduced in the legislature that in their original form included preemption or other exemptions promoted by the tobacco industry. The tobacco industry, through the Hospitality Association's lobbyist Sponseller and relationships with leadership of the House Judiciary Committee, was able to add preemptive clauses and other exemptions to three bills. These changes put the lobbyists for the voluntary health groups in a difficult position of

opposing legislation that they had helped foster in the interest of protecting local control. While the health group lobbyists attempted to communicate their change in position to legislative allies, they were generally unsuccessful in bringing the legislators' to their position, although each of their allies were cooperative in preventing the passage of state-level clean indoor air legislation in the end. Some legislators' confusion over the health groups' position weakened all tobacco control lobbyists' credibility on the issue of clean indoor air.

With the exception of one bill on smoking in cars with children present (discussed below), which passed the Senate but died in the House, only the three bills that had been co-opted by the tobacco industry progressed out of their original committee assignments. Only two of these bills were co-opted by the industry during the 2007 session: Rep. Rutherford's H 3119 and Sen. Gregory's S 186. S 186 was proposed by Sen. Gregory to eliminate the preemptive language in Act 445. In the Senate Judiciary Committee, the bill was gutted and replaced with a weak statewide clean indoor air bill that included explicit preemption. As amended, the bill would have nominally covered restaurants, bars and recreational facilities, but included tobacco industry "compromises" that would have allowed for the purchase of a permit to become a smoking bar, including bar areas of restaurants, and locations that only allowed people over 18. This amended version of the bill passed favorably by the Senate Judiciary Committee, but was never acted on by the full Senate.

S 186 was the first test of the public health groups ability to stall preemptive statewide clean indoor air bills to ensure their eventual death with the adjournment of the session. Sen. Gregory accepted the tobacco industry-favorable provisions of the bill's amendments, judging that a "trade off" was necessary to enact any clean indoor air legislation.<sup>409</sup> According to Lisa Turner, then-lobbyist for the AHA, a tobacco lobbyist had bragged to her about "his work" to amend S 186, and indicated that Sen. Knotts, a cosponsor of the bill, had been key in securing the industry-favorable amendments.<sup>409</sup> Instead of Sen. Gregory withdrawing his bill, health groups were required to request another tobacco control ally, Sen. Robert Ford (D, Charleston Co., Policy Score 7.3) put his name on the bill, a procedural move designed to prevent the bill from moving forward after it passed to the floor with preemption and weakened clean indoor air provisions.<sup>217, 409</sup> The success of this strategy proved that when the health groups united to stop a preemptive bill, they could be successful.

However, in communicating their opposition to preemption and weakened clean indoor air provisions to legislators, the health groups failed to convince Sen. Gregory that such provisions were inherently against the interest of public health in the state, as evidenced by his reaction to future health groups actions discussed below. Through their addition to S 186, the "parasitic amendments" added to S 186 with Sen. Gregory's tacit approval gained some legitimacy among other traditional public health allies in both houses during the 2007/2008 session.<sup>409</sup>

In the House, the tobacco industry was able to co-opt Rep. Rutherford's bill H 3119, which was proposed with the backing of the voluntary health groups' lobbyists. The bill originally prohibited smoking in restaurants, bars and recreational facilities, but did not address other workplaces. In its original version, H 3119 also included explicit language allowing localities to pass ordinances stronger than state law. The bill was committed to the House Judiciary Committee's Criminal Law Subcommittee (Rep. Murrell Smith [R, Clarendon and Sumter Cos.,

Policy Score 5.0] as Chairman, Bill Herbkersman [R, Beaufort Co., Policy Score 5.7] as Vice Chairman, Keith Kelly [R, Spartanburg Co., Policy Score 5.0], Douglas Jennings [D, Chesterfield and Marlboro Cos., Policy Score 9.0] and Rutherford), which acted as the stage for the co-opting of both H 3119 in 2007 and then S 103 in 2008. Of the Subcommittee members, only Rep. Jennings had received significant tobacco industry contributions (\$5,750 between 1996 and 2006), which did not appear to influence his stance on tobacco control policies.

Despite the fact that H 3119's sponsor, Rep. Rutherford, sat on the Criminal Laws Subcommittee, the tobacco industry was able to dominate the hearing and co-opt the bill, amending it to include explicit preemption as well as an allowance for smoking in bars and restaurant bar areas that applied for a smoking permit and restricted their patronage to people over 18. In an unusual move, Rep. James Harrison (R, Richland Co., Policy Score 3.3), Chairman of the full House Judiciary Committee and opponent of clean indoor air, participated in the Subcommittee hearing on the bill.<sup>653</sup> Rep. Harrison received \$4,750 between 1996 and 2006 in campaign contributions from Philip Morris, Lorillard and RJR combined. Fred Allen, RJR's lobbyist, and the Hospitality Association's Sponseller also participated in the Subcommittee hearing. According to Lisa Turner (AHA) and Nancy Cheney (ACS), Allen and Sponseller were questioned informally by Chairman Harrison and members of the Subcommittee from their seats in the observation area; this informal questioning was not formal testimony, but rather talking back and forth across the Committee room about what provisions Allen and Sponseller wanted to see in the bill. Meanwhile, representatives from DHEC and from health groups that were present "were not considered as knowledgeable as the tobacco lobbyists were."<sup>653</sup>

As this industry-amended version of the bill progressed to the full House Judiciary Committee in the final days of the 2007 session, the voluntary health groups, SCAATCN and SFAN joined forces to try to keep the newly-preemptive bill in committee. The voluntary health organizations' individual lobbyists visited editorial boards, explaining their incremental approach and that their opposition was only to the preemptive clause in the bill (making no mention of the other tobacco-industry favorable provisions of the bill, such as the allowance for smoking licenses for bars and bar areas of restaurants that only allowed patrons over age 18). One of these editorial board visits prompted a prominent editorial in *The State*, titled "Ban workplace smoking or let communities do it," which Chairman Harrison read the morning of the full Committee hearing on H 3119, according to tobacco control lobbyists.<sup>653, 654</sup> The AHA paid \$10,600 for phone banking on May 25, 2007, to a voter list of approximately 74,000 individuals, specifically targeting the districts of House Judiciary Committee members that would patch-through calls from constituents directly to their legislators in opposition to the preemptive bill.<sup>409</sup> The ALA and SCAATCN/SFAN sent out action alerts to grassroots contacts in the Committee members' districts.<sup>138, 321, 655</sup> Mayor Thomas Peeples of Hilton Head Island, the last ordinance to pass prior to the amendment of H 3119, wrote Chairman Harrison urging him not support the preemption language in the bill.<sup>656</sup>

At this point, the SCAATCN/SFAN partnership hired their own lobbyist at the statehouse, Coretta Bedsole, after becoming frustrated with what they perceived as a lack of communication they were receiving from the voluntary health groups' lobbyists about the proceedings on bills that would affect the work they were doing on local clean indoor air ordinances.<sup>318, 319</sup> Bedsole

was contracted to prevent the advancement of preemptive bills at the statehouse during the final 10 days of the session, including the full Committee hearing on the co-opted H 3119.

The anti-preemption stance of the public health groups was not translated well to Rep. Rutherford, despite efforts by advocates to convey their new strategy. While repeated attempts were made to encourage Rutherford to drop his support for preemptive statewide bills, Rutherford simply did not agree with the advocates' position.<sup>401</sup> The voluntaries' continued support for a statewide bill that did not include preemption contrasted with SCAATCN/SFAN's position, communicated by their lobbyist during the last few days of the session, that any statewide bills must be killed based on the threat that they could be co-opted to include preemption at some point.<sup>138</sup> These conflicting messages between health groups and unsuccessful education of state legislators on the importance of preemption and other exemptions set the stage for the further alienation of some legislative allies that took place during the 2008 legislative session.

The Judiciary Committee meeting on May 29, 2007, did not proceed as the tobacco industry would have hoped. Thanks to the grassroots efforts of the Collaborative and SCAATCN/SFAN, most members of the House Judiciary were opposed to preemption or confused about what the bill meant at that stage. Rep. Ben Hagood (R, Charleston Co., Policy Score 6.0) proposed an amendment which removed the preemptive clause from the bill, which passed. At that point, Rep. Jim Stewart (R, Aiken Co., Policy Score 5.5), proposed an amendment to move the bill back to its original language, which had included an explicit anti-preemption clause and did not include the tobacco-industry favorable smoking bar exemption. When it became apparent that this tobacco control-favorable amendment of the bill could pass if the meeting was allowed to proceed, several Committee members staged a walk out to prevent a quorum, which kept the bill from progressing. After a number of Committee members had walked out of the meeting, Chairman Harrison called for a quorum, which was no longer present. This action effectively adjourned debate on the bill for the year, without addressing Stewart's amendment (although with preemption removed by Rep. Hagood's amendment).<sup>144, 657</sup>

### *Tobacco Control Advocates Shift Strategy on Clean Indoor Air Bills*

Even after preemption was added to H 3119 and lobbyists were mobilizing the Collaborative and individual organizations' grassroots networks to stop the bill, lobbyists for the voluntary health groups promoted the passage of statewide laws on clean indoor air in general, with the caveat that they not include preemption. During a May 2007 editorial board visit at *The State*, Lisa Turner with the AHA defended the original version of Rep. Rutherford's bill (which would have prohibited smoking in restaurants and bars, but not all workplaces), explaining: "For South Carolina on tobacco control, as you know, incremental progress is progress, and we're not thumbing our noses at that."<sup>653</sup> While the voluntary health groups made a stand against preemption, they did not publically criticize the smoking bar exemption or other weak provisions of the bill at the time. However, the voluntary health group lobbyists did work to ensure that legislators were aware of weak provisions, including Rep. Rutherford, by distributing and explaining ANR's "deal breaker" sheet for smoke-free state bills.<sup>409</sup>

While the voluntary groups still supported a smoke-free restaurant and bar bill in theory,

SCAATCN/SFAN took the position, as counseled by ANR and other national partners, that while passing local ordinances at the rate they were, there should be no attempts to promote *any* statewide legislation on clean indoor air whatsoever. By advocating this position at the statehouse, first as individuals and then through their lobbyist Coretta Bedsole during the last 10 days of the session and in the hearing on H 3119, SCAATCN/SFAN exacerbated the existing conflict with the Collaborative over their opposing strategies on local ordinances. In the same May 2007 editorial board visit, Lisa Turner emphasized that Ruthorford’s H 3119 was “a tremendous piece of legislation initially, and—I don’t want to say zealots—but many hardcore people in our community have reverted to a very simplistic message: kill the bill, kill the bill, kill the bill.”<sup>653</sup> Turner later clarified that while killing preemptive bills in the legislature was necessary at the time, the message of “kill the bill” was “too simplistic” to be effective with legislative allies.<sup>409</sup>

In response to the acrimony and lack of consensus on statewide clean indoor air bills and with 11 total vehicles for preemption carrying over to the 2008 session, national partners (Amy Barkley from CTFK and Onjewel Smith from RWJ and ANR) called a meeting of tobacco control advocates statewide during the inter-session period, in September 2007 (Table 56). They invited Cathy Callaway, senior representative for state and local campaigns for ACS’ Cancer Action Network at the national level, to guide the state-level advocates through a Midwest Academy Direct Action Organizing campaign planning meeting. The goal of the meeting was to get everyone on the same page regarding clean indoor air bills in the General Assembly before the 2008 session began.<sup>320</sup> Most prominent tobacco control advocates in the state attended the meeting.<sup>322</sup>

The result of the Direct Action Organizing meeting was promising: all advocates agreed that they would oppose all clean indoor air related bills in the General Assembly, even those that did not include preemption or other exemptions at the time, in order to prevent further confusion

<b>Table 56: Attendees of September 2007 Direct Action Organizing Meeting</b>	
<b>Attended:</b>	
Renee Martin - South Carolina Tobacco Collaborative	Lori Phillips - DHEC
Angela Jacildone - National Multiple Sclerosis Society	Suzanne Henson - South Carolina Cancer Alliance
Bev Franz - Tobacco Free Wateree Coalition	Kathy Brewer - Catawba Public Health
Gina Lane - South Carolina Tobacco Collaborative	Jennifer Baker - South Carolina Pharmacists Association
Dean Slade - Eau Claire Cooperative Health Centers	Jennifer Rison - Voices for South Carolina’s Children
Terry Taylor - Greenville Family Partnership	Dawn White - South Carolina Tobacco Collaborative
Casey Fields - Municipal Association of South Carolina	Kelly Davis - South Carolina Tobacco Collaborative
Ian Hamilton - South Carolina Cancer Alliance	Amy Barkley - National CTFK
Nancy Cheney - ACS	Suzanne Hyman - ACS
Hellen Dekle - DHEC	Larry White - DHEC / BREATHE Coalition
Dianne Wilson - SCAATCN	Onjewel Smith - National RWJ / ANR
Dan Carrigan - SFAN	Martha Dunlap - DHEC
Sharon Biggers - DHEC	Ann Crawley - ACORE/CORA Drug Abuse Coalition
Belinda Butler - Select Health	Juanita Britton - Rembert Area Community Coalition
Lottie Spencer - Rembert Area Community Coalition	Marilyn Brooks - Select Health
<b>Attended via phone:</b>	
Betsy Veters - AHA North Carolina	June Deen - ALA
<b>Invited but did not attend:</b>	
Lisa Turner - AHA	LynnCarol Ray - AHA Mid-Atlantic Affiliate
Eileen McGrath - ACS South Atlantic Division	



over health groups' positions on the bills, to prevent the advancement of good bills that could later be co-opted by the industry and to support local as opposed to state level activity on clean indoor air. As a result of this decision, the relationship between the Collaborative and the SCAATCN/SFAN group became much more cooperative and collaborative. The Collaborative's Executive Director Renee Martin worked throughout the 2008 session to enforce the agreement that preemption was not an acceptable statewide legislative option and wrote several op-eds directed to legislators emphasizing this point. During the 2008 session, all lobbyists for the voluntary health groups and other tobacco control organizations successfully united around the message that no smoke-free bills should be advanced in the legislature and succeeded in stopping movement on each smoke-free bill proposed.

### *2008 Clean Indoor Air Strategy in General Assembly: Kill the Bills*

At the Direct Action Organizing Meeting, advocates developed a proactive plan of action for the 2008 legislative session, which included, as their first joint action step, a press conference on the Great American Smoke Out Day in November 2007 announcing the unified position that the health groups across the state wanted clean indoor air efforts to happen at the local, not state, level and that they were unified against preemption.<sup>320</sup> Sen. Lourie, a tobacco control ally, encouraged Nancy Cheney with the ACS not to do the press conference because he thought it would be a bad time to bring attention to the issue of preemption, and the Collaborative called off the press conference.<sup>315</sup> According to Cathy Callaway, the cancellation of the press conference "sent the whole campaign plan into a tail spin."<sup>320</sup> By not stepping out proactively against preemption and supporting local ordinances instead of state action, the advocates spent the remainder of the session executing reactive instead of proactive plans to defeat clean indoor air bills as they came up.

Nonetheless, tobacco control advocates with the Collaborative and SCAATCN/SFAN entered 2008 unified in opposition to clean indoor air bills in the state legislature. Tobacco control lobbyists sensed that they would not be able to kill bills promoted by the tobacco industry and Hospitality Association's powerful lobbyists and instead opted to focus their efforts on delaying consideration of all bills related to clean indoor air until after the Supreme Court ruled on preemption in the Greenville case (which was heard before the Sullivan's Island case despite Sullivan's Island having appealed first). The court heard the case on January 8, 2008, the day the legislative session began. Most legislators assumed that the Supreme Court would rule that preemption did apply, making their passage of preemptive language moot. This assumption made the advocates' task easier, and they were able to keep all of the preemptive bills in their respective committees through the end of the 2008 session.

Unfortunately, this change in strategy was communicated "poorly" with legislative allies, according to Cheney.<sup>145</sup> The session began with the re-committal of H 3119 (the bill sponsored by Rep. Rutherford that was co-opted in the Judiciary subcommittee, and subject to the walk-out at the end of the 2007 session) to subcommittee, where Rep. Rutherford helped keep it because it was his impression that there were not sufficient votes on the subcommittee to pass the bill without having preemption added back on.<sup>409</sup> Instead, Rep. Rutherford focused his efforts on passing S 103, a clean indoor air bill that had been passed by the Senate during the 2007 session without being co-opted by the tobacco industry. The bill, sponsored by Sen. Jackson, and with

Senators Lourie, Gregory, Fair, Ford and Knotts as co-sponsors, passed in the Senate as a narrow amendment to the Clean Indoor Air Act addressing smoking in public schools, and was committed to the House Judiciary's Criminal Laws Subcommittee, on which Rep. Rutherford served. This created an environment in which two clean indoor air bills, both of which had been supported by the voluntary health groups in 2007, were sitting in the Criminal Laws Subcommittee but were now being opposed by the health groups in 2008 because they were possible or actual vehicles for preemption. Efforts were made to communicate the Collaborative's change in position on non-preemptive clean indoor air bills to Rep. Rutherford, Sen. Jackson and Sen. Gregory; while health groups were able to convince Sen. Jackson and Rep. Rutherford to stand down on their bills by the end of the session, they were not able to convince Rutherford or Gregory that their strategy was the best for public health. This resulted in further alienation and confusion between the tobacco control allies and their formerly staunch advocates in the General Assembly, as seen throughout the debate over S 103 in 2008.

The tobacco control advocates' strategy of convincing legislators to delay consideration of clean indoor air bills until after the Supreme Court ruling was tested very early in the session, with the gutting of Sen. Jackson's S 103 in the House Judiciary's Criminal Laws Subcommittee—the same subcommittee that had amended H 3119 in 2007. S 103 was originally proposed in 2007 by Sen. Jackson, with the support of the voluntary health groups, to prohibit smoking in teacher lounges and private offices in public schools, similar to the bill Sen. Gregory had proposed in the 2005/2006 session. The bill was amended in the Senate Medical Affairs Committee, which reported it favorably on March 1, 2007, to provide that students or staff violating the bill's provisions be referred to smoking cessation and tobacco use prevention programs similar to those approved under the Youth Access to Tobacco Prevention Act of 2006. This amendment was adopted by the full Senate on March 8, 2007.

During the consideration of the bill on the Senate floor, Sen. Vincent Sheehen (D, Chesterfield, Kershaw and Lancaster Cos., Policy Score 8.3) proposed an amendment explicitly allowing any county or municipality to “enact ordinances prohibiting or restricting smoking in businesses or establishments open to the general public.”<sup>658</sup> This amendment was adopted over opposition from President Pro Tempore McConnell, who had his opposition vote recorded for the Senate Journal, and the bill passed its second reading.<sup>658</sup> This anti-preemption amendment was removed just five days later when the Senate brought up the bill for a third reading. Senators Glenn McConnell (President Pro Tempore, R, Charleston Co., Policy Score 3.7), Jake Knotts (R, Lexington Co., Policy Score 6.7) and Kevin Bryant (R, Anderson Co., Policy Score 2.0) joined forces to try to kill the anti-preemption bill on the Senate floor through a procedural move requesting to be present when the bill was discussed on the floor. Sen. McConnell had received a total of \$4,900 from tobacco companies between 1996 and 2006, Sen. Knotts had received \$2,750 and Sen. Bryant had received \$2,500. Sheehen described these three as “a real murderers' row” for their opposition to the anti-preemptive amendment.<sup>659</sup> With Sen. Sheehen's approval, Sen. Jackson (D, Richland Co., Policy Score 9.3), the sponsor of the bill, proposed removing Sen. Sheehen's amendment based on his fear that the anti-preemption amendment would kill the bill.<sup>660</sup> The bill was passed in the Senate and sent as the narrow clean indoor air amendment on schools to the House Judiciary Committee at the end of the 2007 session.

The first test of the advocates' new strategy to defeat all clean indoor air bills came on

January 15, 2008, only one week into the session, when advocates received word that the Criminal Laws Subcommittee had gutted S 103 and replaced it with a weak smoke-free restaurant and bar law in the mold of the industry's amended H 3119, including smoking bar permits and explicit preemption, and that the full House Judiciary Committee would be considering the bill. This amendment was pushed by the Hospitality Association during subcommittee hearings.<sup>138</sup> Advocates coordinated with ACS to conduct phone banking with patch-through calls to legislators on the Committee to oppose the new version of the bill. The voluntary health organizations and SCAATCN/SFAN sent out action alerts requesting calls to legislators to oppose the bill.<sup>661, 662</sup> The Campaign for Tobacco-Free Kids' Executive Director William Corr released a statement opposing the amended version of the bill as well.<sup>663</sup> The Municipal Association helped at the legislative level by promoting the message that they wanted to keep the existing local ordinances intact.<sup>138</sup> Advocates made media appearances linking preemption to the tobacco industry. Through these efforts, tobacco control advocates succeeded in getting the bill recommitted to subcommittee during the bill's first full House Judiciary Committee meeting.<sup>664</sup>

Advocates repeated this process for the Criminal Laws Subcommittee meeting considering the recommitted, co-opted S 103 in February 2008. In their efforts leading up to the subcommittee hearing in February, Renee Martin published an op-ed describing preemption as a tobacco industry strategy. Sen. Gregory, a co-sponsor of Sen. Jackson's S 103, and the sponsor of S 186 which had been co-opted by the industry during 2007, did not take the linking of this bill with the tobacco industry lightly. He wrote a letter to Martin in response to her op-ed, stating that her "contention that legislators supporting the statewide ban bill are pawns of the tobacco companies is off base."<sup>665</sup> Gregory also asserted that it was clear that the existing state law already had preemption, which contributed to his confusion about why advocates would want to wait for the Supreme Court ruling:

Chances are high that local government will lose [in the Supreme Court] and then be left with nothing. However, I'm content to wait until the court ruling is issued before pressing my bill. ... In the meantime, I wish that you and others who have written similar columns would stop bashing this bill and its proponents. Politics is the art of the possible. Barring some miracle ruling by the Supreme Court, the only restriction that will be possible is the statewide ban.<sup>665</sup>

Gregory's letter illustrated the health groups' lobbyists failure in convincing some of their formerly staunch legislative allies to join them in executing their new clean indoor air strategy. Despite attempts to inform lawmakers of the importance of not including preemption in a clean indoor air law, the health groups failed to rally legislative allies to their strategy.

During the February 2008 Criminal Laws Subcommittee meeting on the recommitted, then-preemptive S 103, only Bedsole and Carrigan provided any testimony to the Subcommittee; advocates for AHA, ACS and the Collaborative were present in the Subcommittee hearing, but did not offer comments on the bill.<sup>138, 318</sup> Rutherford strongly supported sending the bill back to the full Judiciary Committee and successfully removed the preemption clause from the bill during the Subcommittee hearing. Health groups still did not support the weak restaurant and bars-only bill after preemption was removed (the bill maintained the smoking bar allowance

provision), in keeping with the strategy to oppose all statewide clean indoor air bills because of the risk that preemption could be attached later. Only one year earlier the same type of bill (restaurants and bars only, with smoking bar exemptions) had been supported by the voluntary health groups. Rutherford reacted strongly to the health groups' opposition to the bill despite its lack of preemption, saying during the Subcommittee hearing that the health groups were failing to protecting health by halting the bill's progress. Rutherford successfully passed the bill out of subcommittee on a split vote.<sup>138</sup>

Leading up to the scheduled March 4, 2008, full Judiciary Committee hearing on the then non-preemptive S 103 to make restaurants and bars smoke-free (with smoking bar exemptions), tobacco control advocates in the state sent action alerts and discussed the possibility of phone banking to oppose the bill. Through lobbying and grassroots efforts, they convinced the full Judiciary Committee to delay consideration until after the Supreme Court ruling on preemption (the date of which was unknown to both advocates and legislators). The final blow to S 103 came on March 25, 2008, when the House Judiciary Committee again returned the bill to Subcommittee by a 13 to 2 vote. The Subcommittee Chairman Rep. Murrell Smith indicated that he would not pursue further action on the bill until after the Supreme Court reached a decision in the Greenville case.<sup>666</sup> Rutherford responded to this decision angrily in the press: "If you're in favor of letting people continue to die from exposure, then fine, put it off. ... We don't do anything else based on what the Supreme Court tells us to do. ... We're not on a City Council or County Council. We don't have to wait."<sup>666</sup> Advocates were also able to convince Sen. Jackson not to push the House Judiciary Committee to advance his bill.

The Supreme Court ruled on the Greenville case on March 31, 2008, just six days after S 103 had been recommitted to subcommittee, deciding that local clean indoor air ordinances were *not* preempted by existing state law (as discussed below). After the Supreme Court ruling, the bill did not come back up, and neither did any of the other 10 clean indoor air-related bills, including H 3119 and S 186. Tobacco control advocates worked to avoid activity on any clean indoor air-related bills, for fear that the tobacco industry would be able to add preemption back on a co-opted bill or co-opt a new bill. According to SCAATCN lobbyist Bedsole, all that was required to keep those bills into subcommittee was to explain that pending litigation in the Supreme Court over the Sullivan's Island case addressed preemption as well and that previous attempts to amend S 103 while the Greenville Supreme Court case had been underway had created concerns that didn't need to be repeated.<sup>138, 318, 667</sup>

Through coordinated and rapid responses to immediate legislative threats of preemption or a weak statewide bill that could later have preemption added, the Collaborative and SCAATCN/SFAN were able to prevent the passage of preemption during the 2008 legislative session. In the process, however, they angered some of their best allies in the legislature, and the alliances were not mended by the end of 2008.

### *Smoking in Cars with Kids Legislation in 2007/2008*

Another element of the secondhand smoke debate in the 2007/2008 legislative session was a bill that proposed to prohibit smoking in cars with children under the age of 11. Similar to other proposed smoking restrictions in the legislative session, tobacco control advocates

passively supported the bill as it “sailed through” the Senate in 2007,<sup>668</sup> while in 2008 they lobbied to keep the bill in committee to keep it from becoming a vehicle for preemption. In both years, the proposal received relatively little media coverage and advocate attention compared with the smoke-free restaurant and bar proposals that had already been co-opted by the industry to include preemption.

Senators Jackson, Ford, Lourie, Phil Leventis (D, Lee and Sumter Cos., Policy Score 8.7), Hutto (D, Allendale, Bamberg, Barnwell and Orangeburg Cos., Policy Score 9.7) and Clementa Pinckney (D, Beaufort, Charleston, Colleton, Hampton and Jasper Cos., Policy Score 7.3) proposed S 369 on January 31, 2007, to prohibit smoking in cars with children under the age of 11 present, punishable by a \$100 fine. The bill received relatively rapid consideration between March 23 and April 12, 2007, by a subcommittee of the Senate Judiciary Committee composed of Senators Hutto, Jackson, Knotts and Bryant, which amended the bill to prohibit smoking only in cars with children preschool age or younger present. However, during the full Senate consideration of the bill, Sen. John Hawkins (R, Spartanburg Co.) proposed a successful amendment raising the age considered in the bill back to 10 and younger. The full Senate approved this bill on April 18, 2007, with very little debate.<sup>669</sup> The bill was considered late in the 2007 session by a subcommittee of the House Judiciary Committee chaired by Rep. Murrell Smith, but no action was taken.<sup>670</sup>

During the first two weeks of the 2008 session, however, the bill was stalled by legislators opposed to the regulation of secondhand smoke in the House Judiciary Committee. To the surprise of the bill’s Senate sponsors and the House Judiciary Committee Chairman Jim Harrison, after a favorable report from the subcommittee, Rep. Mick Mulvaney (R, Lancaster and York Cos., Policy Score 0.3) convinced the Judiciary Committee to resubmit the bill to subcommittee for further review, dooming the bill for the rest of the year.<sup>671</sup> Rep. Mulvaney claimed the bill would restrict people’s rights and argued that it may lead to restrictions of smoking in private homes.<sup>671</sup> Rep. Mulvaney had received \$250 in campaign contributions from RJR the previous election cycle.

Prior to the bill’s re-committal, June Deen of the ALA supported the bill, as did House Judiciary Chairman Harrison.<sup>670, 671</sup> As the 2008 session progressed, however, lobbyists from the voluntary health groups and SCAATCN united to oppose the bill’s consideration by the full Judiciary Committee, arguing that it could be co-opted just like S 103 into a preemptive bill. This opposition was enough to keep the bill out of the Committee for the rest of the year, although the death of the proposal received negative media attention from *The State*, which supported the bill as a health measure.<sup>668</sup> The bill’s Senate sponsors resolved to propose the bill again in the 2009 legislative session.

### ***Supreme Court Rules that Preemption Does Not Apply to Clean Indoor Air***

Following the conflicting circuit court decisions, there was much speculation about how the Supreme Court would rule on the preemption question, which was reflected in the legislative debates over preemption between January and April 2008, discussed above. The Supreme Court heard arguments on the appeal of the case relating to Greenville’s ordinance on January 8, 2008. Greenville’s ordinance had been overturned at the circuit court level, and while its circuit court

case had been decided after Sullivan’s Island, its appeal was heard first by the Supreme Court. In the Supreme Court hearing for the Greenville case, the justices asked questions that seemed to indicate a critical view of clean indoor air ordinances in general, leading to significant media posturing that the Supreme Court planned to overturn the state’s 12 clean indoor air ordinances and editorial board calls for legislative action on the issue.<sup>672</sup> However, as described above, advocates were able to stall all action on statewide clean indoor air bills until the Supreme Court released its Greenville decision on March 31, 2008.

In its unanimous decision on the Greenville ordinance case, *The Foothills Brewing Concern, Inc., et al. v. The City of Greenville*,<sup>673</sup> the South Carolina Supreme Court ruled in favor of the city, rejecting the argument that express or implied preemption applied to clean indoor air ordinances. Specifically, the court held that the preemptive clause in Act 445 did not expressly preempt Greenville’s ordinance, overruling Judge Few, because the clause was within the youth access section of Act 445. The court additionally found that the 1990 Clean Indoor Air Act did not expressly or implicitly preempt action at the local level.<sup>673</sup>

This decision made the Greenville ordinance enforceable again and freed other municipalities to pursue local clean indoor air ordinances without fear of lawsuits. In the General Assembly, which was still in session through June 25, 2008, advocates were able to use the momentum from the Supreme Court’s decision in their favor to keep explicitly preemptive bills related to clean indoor air in committee for the last two months of the session.

In the Greenville decision, the Supreme Court observed that had the ordinance criminalized smoking in specific public places, it would have violated the section of the state constitution which prohibited localities from criminalizing an action which is legal under state law. The Greenville ordinance, however, had made violations an “infraction,” a civil transgression, as opposed to a criminal one, drawing on language from the ANR model ordinance.<sup>673</sup> This distinction led to concerns over the Supreme Court’s impending decision on the Sullivan’s Island case, which was heard on June 25, 2008, on the last day of the legislative session. The Sullivan’s Island ordinance had included a penalty of \$500 and/or 30 days in jail, which was considered a criminal penalty as opposed to Greenville’s civil “infraction” penalty. In anticipation of the Supreme Court’s objection to this penalty, the city amended its ordinance to make the penalty provision match that of the upheld Greenville ordinance. Between the March 2008 Greenville decision and the ruling on Sullivan’s Island on September 8, 2008, seven additional clean indoor air ordinances were passed, all modeled on the upheld Greenville ordinance.

The Supreme Court upheld the Sullivan’s Island ordinance as expected, but struck down its penalty provision as originally written, which was the version that was before the court. The Supreme Court determined that the fine’s amount, above the Clean Indoor Air Act’s \$25 to \$100 fine, and jail time were invalid, and determined that section of the ordinance unconstitutional.<sup>674</sup> Because Sullivan’s Island had already amended their ordinance, this ruling did not affect the ordinance’s enforceability. Following the Sullivan’s Island ruling, several other cities and counties opened their ordinances up for amendment to bring their penalty provisions in line with the Supreme Court’s ruling and used Greenville’s ordinance’s infraction provisions as a model, although generally including lower fine amounts more in line with the existing state law. This effort was coordinated through health advocates and the Municipal Association’s legal team.<sup>556</sup>

While there was some fear that opponents of the ordinances would try to use the revisions of the ordinances to weaken the provisions, several ordinances were actually strengthened through this process, coming in line with the comprehensive provisions of the Greenville ordinance and eliminating many of the exemptions that had originally been included.

Four of the original 12 municipalities (Columbia, Aiken County, Charleston and Sullivan's Island) had passed amendments to their ordinances by December 2008 to ensure legality under the Greenville and Sullivan's Island rulings (Table 52). This was particularly relevant for Columbia and Aiken County, which had both originally exempted bars, and in the case of Aiken County, permitted separately ventilated smoking spaces. In both cases, the ordinances were amended by Council to come in line with the Greenville ordinance. The Aiken County Council gutted their ordinance and replaced it in its entirety with the text of the Greenville ordinance, with only minor changes to conform to its status as a county as opposed to a city. The only substantive difference was that in the revised Aiken County ordinance they allowed smoking in private clubs with three or fewer employees as opposed to no employees in the Greenville ordinance. The Aiken County Council explained the decision to strengthen their amendment in the preamble to the new ordinance, stating that because the cities of Aiken and North Augusta, which are incorporated within Aiken County, had passed ordinances similar to Greenville's, it was in the best interest of the citizens of Aiken County to have a similar ordinance for consistency. Charleston and Surfside Beach adopted Greenville's infraction language in the place of the previously criminal provisions.

The Greenville ordinance's infraction language created problems of its own. According to Howard Duvall of the Municipal Association, this language had not been tested before in any municipality in the state, and it was unclear to enforcement agents in Greenville and around the state what exactly the term "infraction" encompassed.<sup>556</sup> However, this lack of clear understanding of how to enforce an infraction penalty did not manifest itself as a serious issue, as there have been few citations under the ordinances. The desire of municipalities to bring their ordinances in line with the Supreme Court-approved Greenville ordinance outweighed concerns about the untested nature of the penalty provision language.<sup>556</sup> The Municipal Association facilitated cities' considerations of amendments to their smoke-free workplace ordinances, and advocates mobilized to ensure that ordinances were not weakened while being reconsidered.

As of December 2008, two municipalities (Bluffton and Clemson) were considering amendments to their original penalty provisions. This left three of the original 12 ordinances (Liberty, Beaufort County and Mount Pleasant) with penalty language that may be considered unenforceable under the Supreme Court's decision. Liberty alone continued to exempt establishments that did not serve sit-down meals from its smoke-free restaurant and bar provisions. No additional lawsuits had been brought against clean indoor air ordinances as of December 2008.

### ***Advocates Push for Additional Local Smoke-Free Workplace Ordinances***

Cooperative efforts between all of the advocates in the state resulted in the passage of nine additional local clean indoor air ordinances between May and December 2008, bringing the total number of clean indoor air ordinances passed between May 2006 and December 2008 to 21,

covering 21 percent of the state’s population (Table 52). The Supreme Court’s decision in the Greenville case prompted many City and County Councils that had been previously reticent to consider ordinances to begin discussion of ordinances based on the Greenville model. SCAATCN/SFAN received advice on how to deal with this momentum by contacting tobacco control advocates in Illinois, which had passed 36 ordinances within a year after preemption was repealed.<sup>318</sup> The advocates’ efforts were largely focused on assisting areas already considering ordinances to pass comprehensive ones, not trying to instigate consideration where it was not already underway.<sup>319, 675</sup>

A Robert Wood Johnson planning grant of \$50,000 was awarded to SCAATCN/SFAN for January to June 2008 to work with the state’s powerful Coastal Conservation League under a new structure for the grants which called for a dual initiative with a nontraditional partner to work on tobacco policy change.<sup>318</sup> The groups focused on clean air both indoors and outdoors, working to connect the Coastal Conservation League with the health advocates on their campaign against diesel exhaust pollution due to a port expansion. In return, the Coastal Conservation League offered to provide Carrigan and Wilson with training in fundraising and limited legislative support on the clean indoor air issue. Under the same grant, the organizations received \$300,000 as an implementation grant to cover July 2008 to December 2009, of which approximately half was dedicated to the smoke-free effort, primarily covering salaries for Carrigan and Wilson.<sup>319</sup>

The additional buy-in, funding and technical assistance needed to continue the promotion of smoke-free ordinances in the state came with the formation of the SC Smoke Free Partners Group in cooperation with the Collaborative in 2008 (Table 57). Additionally, the role of Kelly Davis, the cigarette tax campaign coordinator hired by CTFK and housed in the Collaborative from 2005 to 2008, was expanded with funding from AHA to include being the Smoke Free

<b>Table 57: Members of the SC Smoke Free Partners Group (November 2008)</b>	
SC Department of Health and Environmental Control	Every Child Matters
American Heart Association	Family Connections
American Lung Association	Robert Wood Johnson Foundation
American Cancer Society	Tobacco Control Legal Consortium
The S.C. Cancer Alliance	SC Hospital Association
The March of Dimes	SC Pharmacy Association
National Multiple Sclerosis Society	USC Healthy Carolina
Americans for Non-Smokers Rights	USC Aiken
Smoke Free Action Network	MUSC/Hollings Cancer Center
South Carolina African American Tobacco Control Network	United Way of SC
Campaign for Tobacco-Free Kids	Select Health of SC
Save the Children	Living Water Foundation
Musicians and Songwriters Guild of SC	Municipal Association of SC
Greenville Family Partnership	Community Initiatives of Greenville
Greenville Tobacco Initiative	Spartanburg Coalition for Tobacco Free Living
The Phoenix Center	Tobacco Free York County
Clarendon County Tobacco Free Kids	BREATHE Coalition
Tobacco Free Kids Coalition	Smoke Free Georgetown
YMCA Georgetown	Coastal South Tobacco Coalition
Pee Dee Healthy People	Rembert Community College
Smoke Free Lowcountry	
Source: South Carolina Tobacco Collaborative <sup>317</sup>	



Strategic Coordinator housed within the Collaborative from December 1, 2008 through June 2009.<sup>317</sup> These developments indicated a trend towards increased cooperation and more strategic coordination around smoke-free ordinances leading into 2009.

The ordinances that passed after the March 31, 2008, Supreme Court ruling upholding the Greenville ordinance were all modeled after the Greenville ordinance's language and created 100% smoke-free workplaces, including restaurants and bars. Because the Greenville ordinance was comprehensive and did not include significant exemptions, advocates were able to promote the ordinance as a model. In June 2008, Americans for Nonsmokers' Rights analyzed the Greenville ordinance as the state's model ordinance and found that "overall, this is a strong and well-written ordinance which will effectively protect most people from exposure to secondhand smoke in public places." The analysis had specific concerns regarding the ordinance's exemptions for retail tobacco stores and cigar bars, smoking in theatrical productions, private and semi-private rooms in nursing homes and long-term care facilities, and private clubs,<sup>676</sup> but the ordinance continued to be used as the model for all nine subsequent ordinances. The final version of two of the nine post-Supreme Court ruling ordinances (Richland County and Isle of Palms) did not cover public places that were not also workplaces, unlike the Greenville ordinance, and were therefore not considered comprehensive by Americans for Nonsmokers' Rights.

## **Conclusion**

Between 1977 and 1989, local policymakers in South Carolina passed 19 local clean indoor air ordinances, leading the statehouse to consider a statewide law related to public indoor smoking. The tobacco industry leveraged its considerable resources and alliances to encourage legislators to pass a weak statewide bill that would stop local activity. In 1990, the tobacco control community capitulated to the tobacco industry and prioritized passing a statewide Clean Indoor Air Act over passing more comprehensive local ordinances, effectively halting the expansion of clean indoor air coverage in the state through 2006. In 1996, the tobacco industry was again able to pass industry-favorable legislation that appeared to advocates to preempt local action on clean indoor air and again thwarted local policymakers' determination to address indoor smoking through local ordinances.

Local policymakers initiated a second wave of local clean indoor air ordinances in 1999, demonstrating considerable dedication to the health of their constituents, commitment to the principle of Home Rule and a willingness to challenge assumed preemption. By pushing local ordinances despite a state law widely assumed to be preemptive, the municipalities opened themselves up to lawsuits, two of which were filed. After 12 ordinances passed, aided by the backing of tobacco control advocates from SCAATCN/SFAN and the Collaborative as well as the Municipal Association, the tobacco industry and state legislators once again attempted to halt local clean indoor air regulation in favor of less comprehensive statewide regulation. Tobacco control advocates, however, did not make the same mistake in 2008 that they had in 1990 and instead banded together to defeat statewide bills that risked halting activity on clean indoor air again. This was possible only by putting aside differences over strategy, as encouraged by national tobacco control partners with ACS, ANR, RWJ and CTFK, with all tobacco control groups in the state agreeing to stand behind local control of clean indoor air.

The success of this strategy was shown in the additional nine local smoke-free ordinances passed across the state after the Supreme Court rejected the argument that the 1996 law's preemptive clause applied to clean indoor air. During the passage of the state's 21 local clean indoor air ordinances, the tobacco industry consistently tried to recruit opponents, but failed to definitively influence local policymakers after the release of the Surgeon General's 2006 report and the promise of financial backing of the Municipal Association if they were sued. In contrast, at the state level, the industry and Hospitality Association were able to amend three bills in subcommittee with pro-tobacco industry language with relative ease. This illustrates the premise that the tobacco industry is weaker at the local level than at the state level.<sup>60, 62</sup> Nonetheless, through their cooperative efforts, tobacco control advocates defeated the tobacco industry at the statehouse and were able to keep preemption from passing in the legislature during 2008.

Given the success of local clean indoor air efforts, the strategy of tobacco control advocates developed during 2008 should be maintained: continue to promote comprehensive local smoke-free ordinances, while avoiding any action on clean indoor air in the General Assembly. Local policymakers proved willing to protect the public's health by passing ordinances significantly more comprehensive than anything proposed at the state legislative level, and local ordinances are more easily implemented and enforced than statewide regulations. By continuing to push for local smoke-free ordinances across South Carolina and lobbying against preemption at the statehouse, tobacco control advocates can keep the tobacco industry from halting progress as it did throughout the 1990s.

## **CONCLUSION AND RECOMMENDATIONS**

In 1972, the Tobacco Institute published a brochure entitled "South Carolina and Tobacco," which claimed that "tobacco is 'king' in South Carolina."<sup>67</sup> This assertion proved true for the remainder of the 20<sup>th</sup> Century. The tobacco industry, through its powerful lobbying base, broad alliances with powerful agricultural interests and tobacco growing organizations and the cultural influence of the tobacco crop on legislative behavior, was able to dominate tobacco control policy making in South Carolina through 2005. Tobacco control organizations in the state capitulated to tobacco industry demands or were unable to overcome the industry's power in the legislature instead of leveraging the popular support behind tobacco control initiatives, resulting in stalled local activity on clean indoor air, a lowest-in-the-nation cigarette tax, a weak statewide Clean Indoor Air Act and a poorly funded tobacco control program. However, between 2005 and 2008, tobacco control advocates and local policymakers across South Carolina were able to prove that tobacco was no longer king, passing a wave of 21 local clean indoor air ordinances in the face of lawsuits, preventing the passage of preemption at the state level and passing a cigarette tax increase bill in the legislature, defeated only by the Governor's veto and the Speaker of the House's efforts to ensure the veto was sustained. Tobacco control advocates were able to capitalize on the relative weakness of the tobacco industry at the local as opposed to state level and leverage the popularity of clean indoor air and increased cigarette taxes with the public and policymakers to achieve these unprecedented successes.

The power of the tobacco industry in South Carolina shifted between 1997 and 2008. Tobacco growing in the state decreased by over 50 percent. The political ramifications of the limited Phase II payments to growers resulting from the Master Settlement Agreement

negotiations, animosity between growers and manufacturers over a quota buyout and increased purchases of foreign tobacco, and national public health efforts to engage tobacco growers significantly distanced the tobacco industry from its primary former allies in the state: Commissioners of Agriculture and the prominent Farm Bureau. This shift was evident in the Farm Bureau's support for the cigarette tax increase proposal passed in the General Assembly in 2008 over tobacco industry opposition and Commissioners of Agriculture's focus on crop diversification out of tobacco. Similarly, the tobacco industry's reliance on the Hospitality Association of South Carolina (HASC) for opposition to clean indoor air proposals was weakened by the HASC's decision in 2006 not to oppose local clean indoor air ordinances. Legislators from districts that historically grew tobacco were not on average more opposed to tobacco control legislation than the rest of the state's legislators, and Senators from the region were some of tobacco control's strongest proponents. While the tobacco industry continued to outspend tobacco control advocates by a large margin on lobbying, campaign contributions and other political expenditures, and retained its alliance with HASC on state-level clean indoor air policies and with anti-tax groups on cigarette tax policies, the industry in 2008 no longer had the power to dictate the terms of the tobacco control debate as it had during the previous three decades.

Despite this changed reality, through 2008 the leadership of the Department of Health and Environmental Control (DHEC) and many powerful legislators continued to act as though tobacco were still king in South Carolina, opting to maintain cautious, poorly funded tobacco control programs instead of prioritizing the reduction of tobacco use. DHEC exhibited willingness to promote tobacco control policy change under the early years of its NCI-funded ASSIST program in the 1990s. Since that time, the politically appointed leadership of the agency failed to place a priority on tobacco control as a chronic disease prevention tool, despite the fact that tobacco use is the leading preventable cause of death in the state. While over \$1 billion a year in taxpayer money is spent on treating tobacco-related diseases in South Carolina, less than \$10 million total in state funds ever went to the Tobacco Division for tobacco control programming. While the DHEC Tobacco Division worked within the limits placed by the legislature on its state-funded activities to work towards smoke-free policy change, improve cessation resources and develop a cutting edge youth tobacco prevention movement, much more support could be offered to the program from the legislature and from DHEC leadership. While the DHEC leadership was able to be pushed to support the Rage Against the Haze youth movement and a limited role for agency employees in policy change support, the leadership of the health agency remained tentative in its tobacco control activities. Tobacco is no longer at the economic center of South Carolina, and the economic drain of tobacco-related diseases is significant. The voluntary health groups must push the DHEC leadership to demand an aggressive, well-funded Tobacco Division and push the agency closer to its legal limits to take a policy stand on tobacco control.

While the tobacco control advocacy infrastructure in the state suffered from poor organization, coordination and funding between 1997 and 2005, each of these factors changed to lead advocates to success on clean indoor air and cigarette taxation. Funding from national partners, particularly RWJ, ACS Cancer Action Network, ANR and CTFK enabled advocates in the state to support technical assistance and public campaigns leading to the passage of 21 local clean indoor air ordinances and legislative support of a cigarette tax increase. If the voluntary

health groups in the state would provide increased funding to tobacco control campaigns, it would enable the South Carolina Tobacco Collaborative or other state organizations to expand their media advocacy and lobbying on these initiatives. Despite previous personality conflicts and lack of strategic cooperation, advocates came together in 2008 to prevent the passage of weak state-level clean indoor air proposals that could have resulted in the introduction of express preemption and halted promising local activity. Strategic planning by the Collaborative's 2007/2008 cigarette tax increase campaign and the Collaborative and SCAATCN/SFAN's combined strategies on local clean indoor air demonstrated the effectiveness of the state's advocacy coalitions at both the state and local levels. The key to beating the tobacco industry in advocacy lies in the creation of an effective alliance of committed tobacco control organizations, the pooling and coordination of the lobbying power of alliance members and the strategic use of media for public education. Each of these elements was used effectively in tobacco control campaigns in South Carolina between 2005 and 2008, although in each area the state's advocacy structure had room for improvement. The successes of the tobacco control movement between 2005 and 2008 should embolden advocates and the voluntary health organizations to spend additional political capital in support of tobacco control priorities and broaden the scope of their alliances.

Building upon the successes of 2005 to 2008, tobacco control advocates should continue to focus clean indoor air efforts at the local level, where local policymaker willingness to enact comprehensive smoke-free legislation far outweighs that of state legislators and implementation and enforcement are more effective. At the state level, advocacy should focus on increasing the cigarette tax, securing funding for the DHEC Tobacco Division, and demanding a high quality program. In order to continue effective state-level advocacy, voluntary health group lobbyists will need to be willing to challenge the outdated notion that tobacco is the economic and cultural center of the state and leverage the successes they have already achieved in their local smoke-free campaign to build larger grassroots networks. The non-traditional partnerships used by both the Collaborative and SCAATCN/SFAN to push local tobacco control campaigns should be translated to real action by partners on their state-level tobacco control advocacy. The Collaborative's organizational structure was at a turning point at the end of 2008, with the hiring of a new Executive Director. Engagement of powerful state-level organizations such as those engaged in the 1990s with the Alliance for a Smoke-Free South Carolina and commitment of additional resources and political capital by the voluntary health organizations could further distance the organization from the health department and allow it to more effectively challenge lingering political resistance to tobacco control efforts in the legislature and health department.

In 2008, the cigarette tax campaign demonstrated the tobacco control community's capacity to pass legislation in South Carolina over tobacco industry opposition, only to be thwarted by the anti-tax Governor's veto and a political power play by the Speaker of the House preventing a veto override. The popular support for a cigarette tax increase has been well-demonstrated by the Collaborative's surveys; leveraging the popularity of the issue in key legislative districts and the broadening of the Collaborative's base of support might provide the legislative backing needed to override Governor Sanford's inevitable veto in the 2009/2010 session. The Speaker of the House's unwillingness to override the Governor's cigarette tax veto was the primary element leading to the bill's demise in 2008. The Speaker declared his intention to raise the cigarette tax in 2009, and early, forceful grassroots efforts from within the Republican

power structure in the state should be encouraged to make the Speaker stand by his word. While the conundrum of the Governor's anti-tax stance and the Speaker's reticence to support proposals other than his own are significant hurdles, tobacco control advocates have popular support on their side if their lobbyists are willing to leverage it with a significant grassroots effort early on in the session.

The voluntary health organizations and other tobacco control advocates should capitalize on the decline of tobacco growing's importance in the state and spend political capital to pressure DHEC leadership and the legislature to prioritize effective tobacco control policy interventions and funding for the Tobacco Division. Advocates must hold DHEC leadership accountable for its lack of strong support for tobacco control as an important public health measure. Building agency and legislative support for a comprehensive tobacco control program should be a top priority at the state level. Advocacy for funding should not be limited to small allocations such as the \$5 million annually for the Tobacco Division included in 2008's cigarette tax increase legislation, but rather strive for the CDC's recommended \$62.2 million per year. When DHEC has requested funding for the Tobacco Division in the past, they have received it. The voluntary health groups, working with the Tobacco Division staff, were able to change DHEC leadership's requests for funding from a youth smoking prevention-only focus to the slightly broader "comprehensive youth smoking prevention and cessation." These factors indicate that the health groups may have success if they are willing to apply pressure to both the legislature and the DHEC leadership to make funding for tobacco control a top priority.

Attitudes towards tobacco were shifting in South Carolina in 2008. Tobacco control policy interventions were achieving success across the state in the form of local clean indoor air ordinances. The legislative position of the tobacco industry declined with the reduction of tobacco growing in the state. The tobacco control community was poised to continue the remarkable progress made between 2005 and 2008 by forcing the health department and legislature to recognize this shift and raise South Carolina from its lowest-in-the-nation standing on tobacco taxation and funding for its tobacco program. Health in tobacco country no longer needs to be subordinated to tobacco.

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## **APPENDICES**

- A: Tobacco Industry Campaign Contributions by Candidate, 1996-2006
- B: Tobacco Industry Campaign Contributions by Contributor, 1996-2006
- C: Tobacco Industry Contributions to Political Party Organizations, 2000-2006
- D: Tobacco Industry Contributions, January 2007-May 2008
- E: Other Tobacco Industry Political Expenditures, January 2006-May 2008
- F: Legislative Policy Scores, 117<sup>th</sup> Session of the General Assembly

### **Abbreviations**

AG	Attorney General
AGRIC	Commissioner of Agriculture
D	Democrat
G	Governor
H	House of Representatives
LTG	Lieutenant Governor
NA	Not Applicable
PP	Political Party
PROG	Progressive
R	Republican
S	Senate
SPI	Super of Public Instruction
SS	Secretary of State
SW	Statewide Office
TREAS	Treasurer
UNK	Unknown



**Appendix A: Tobacco Industry Campaign Contributions by Candidate, 1996-2006**

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
ALEXANDER, THOMAS C	R	S	1	1996	ALTRIA/PM	\$1,000	1996 Total	\$1,000
				2000	RJ REYNOLDS	\$200	2000 Total	\$200
				2006	RJ REYNOLDS	\$500	2006 Total	\$500
							Sum Total 96-06	\$1,700
ALLISON, RITA	R	H	36	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
ALTMAN, JOHN GRAHAM	R	H	119	2000	RJ REYNOLDS	\$250	2000 Total	\$250
				2004	RJ REYNOLDS	\$300	2004 Total	\$300
							Sum Total 96-06	\$550
ANDERSON, RALPH	D	S	7	1996	ALTRIA/PM	\$250	1996 Total	\$250
ASKINS, HARRY R	D	H	61	1996	ALTRIA/PM	\$250	1996 Total	\$250
				1998	ALTRIA/PM	\$500		
				2000	SOUTH CAROLINA TOBACCO ASSOCIATION	\$200	1998 Total	\$700
					RJ REYNOLDS	\$200		
				2000	SOUTH CAROLINA TOBACCO ASSOCIATION	\$500	2000 Total	\$700
BAILEY, GEORGE	R	H	97	2006	ALTRIA/PM	\$500	2006 Total	\$750
					RJ REYNOLDS	\$250		
				2000	BROWN & WILLIAMSON TOBACCO	\$200	2000 Total	\$200
				2004	RJ REYNOLDS	\$250	2004 Total	\$250
			Sum Total 96-06	\$1,200				
BALES, JIMMY C	D	H	80	2006	ALTRIA/PM	\$500	2006 Total	\$500
			Sum Total 96-06	\$500				
BANNISTER, BRUCE W	R	H	24	2006	RJ REYNOLDS	\$250	2006 Total	\$250
			Sum Total 96-06	\$250				
BARBER, ROBERT	D	LTD	SW	2006	J R BATTLE & CO	\$1,000	2006 Total	\$1,000
			Sum Total 96-06	\$1,000				
BARFIELD, LISTON	R	H	58	1998	RJ REYNOLDS	\$150	1998 Total	\$150
				2004	RJ REYNOLDS	\$200	2004 Total	\$200
				2006	ALTRIA/PM	\$500	2006 Total	\$500
			Sum Total 96-06	\$850				
BARRETT, GRESHAM	R	H	1	1998	ALTRIA/PM	\$250	1998 Total	\$250
			Sum Total 96-06	\$250				
BATTLE, JIM	D	H	57	1996	ALTRIA/PM	\$750	1996 Total	\$1,950
					RJ REYNOLDS	\$500		
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$200		
				1998	TOBACCO INSTITUTE	\$500	1998 Total	\$1,100
					ALTRIA/PM	\$1,000		
2000	HOLLIDAY ASSOCIATES LLC	\$100	1998 Total	\$1,100				
	ALTRIA/PM	\$300						

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
					BROWN & WILLIAMSON TOBACCO	\$250		
					LORILLARD TOBACCO	\$250		
					RJ REYNOLDS	\$1,250		
				2002	SOUTH CAROLINA TOBACCO ASSOCIATION	\$2,000	2000 Total	\$4,050
					ALTRIA/PM	\$750		
					LORILLARD TOBACCO	\$250		
					US SMOKELESS TOBACCO	\$200	2002 Total	\$1,200
				2004	ALTRIA/PM	\$1,000		
					LORILLARD TOBACCO	\$250		
					RJ REYNOLDS	\$500	2004 Total	\$1,750
				2006	ALTRIA/PM	\$1,000		
					RJ REYNOLDS	\$500	2006 Total	\$1,500
							Sum Total 96-06	\$11,550
BAUER, ANDRE	R	LTG	SW	1996	ALTRIA/PM	\$400	1996 Total	\$400
				1998	RJ REYNOLDS	\$250	1998 Total	\$250
				2000	RJ REYNOLDS	\$850	2000 Total	\$850
				2004	ALTRIA/PM	\$3,500		
					LORILLARD TOBACCO	\$3,500		
					RJ REYNOLDS	\$1,000	2004 Total	\$8,000
				2006	RJ REYNOLDS	\$3,500		
					US SMOKELESS TOBACCO	\$1,200	2006 Total	\$4,700
							Sum Total 96-06	\$14,200
BAXLEY, J MICHAEL	D	H	65	1996	ALTRIA/PM	\$250		
					RJ REYNOLDS	\$250	1996 Total	\$500
							Sum Total 96-06	\$500
BEASLEY, DAVID	R	G	SW	1998	ALTRIA/PM	\$3,500		
					BROWN & WILLIAMSON TOBACCO	\$3,500		
					RJ REYNOLDS	\$3,500		
					SMOKELESS TOBACCO COUNCIL	\$500		
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$500	1998 Total	\$11,500
							Sum Total 96-06	\$11,500
BEDINGFIELD, ERIC M	R	H	28	2006	RJ REYNOLDS	\$200	2006 Total	\$200
							Sum Total 96-06	\$200
BENJAMIN, STEPHEN K	D	AG	SW	2002	ALTRIA/PM	\$3,500		
					HOLLIDAY ASSOCIATES LLC	\$2,000	2002 Total	\$5,500
							Sum Total 96-06	\$5,500
BINGHAM, KENNY	R	H	89	2000	RJ REYNOLDS	\$250	2000 Total	\$250
				2004	ALTRIA/PM	\$500		
					RJ REYNOLDS	\$350	2004 Total	\$850
				2006	ALTRIA/PM	\$1,500		
					RJ REYNOLDS	\$250	2006 Total	\$1,750
							Sum Total 96-06	\$2,850

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
BOAN, SAMMY	R	S	7	1996	ALTRIA/PM	\$750	1996 Total	\$750
							Sum Total 96-06	\$750
BOAN, WILLIAM D	R	H	44	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
BOWEN, DON	R	H	8	2006	RJ REYNOLDS	\$200	2006 Total	\$200
							Sum Total 96-06	\$200
BOWERS, BILL	D	H	120	2000	RJ REYNOLDS	\$200	2000 Total	\$200
				2002	ALTRIA/PM	\$250	2002 Total	\$250
							Sum Total 96-06	\$450
BRADY, JOAN	R	H	78	2006	RJ REYNOLDS	\$250	2006 Total	\$250
							Sum Total 96-06	\$250
BRANTON JR, WILLIAM STROBEL	R	S	38	2000	RJ REYNOLDS	\$200	2000 Total	\$200
							Sum Total 96-06	\$200
BREELAND, FLOYD	D	H	111	1996	ALTRIA/PM	\$650	1996 Total	\$650
							Sum Total 96-06	\$650
BROWN JR, HENRY E	R	H	99	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
BROWN, GRADY	D	H	50	1996	ALTRIA/PM	\$250		
					RJ REYNOLDS	\$250	1996 Total	\$500
				1998	ALTRIA/PM	\$500	1998 Total	\$500
				2000	SOUTH CAROLINA TOBACCO ASSOCIATION	\$500	2000 Total	\$500
				2002	ALTRIA/PM	\$500	2002 Total	\$500
							Sum Total 96-06	\$2,000
BROWN, JOE E	D	H	73	1996	ALTRIA/PM	\$250	1996 Total	\$250
				1998	RJ REYNOLDS	\$200	1998 Total	\$200
				2000	ALTRIA/PM	\$200		
					RJ REYNOLDS	\$500	2000 Total	\$700
							Sum Total 96-06	\$1,150
BROWN, THEODORE A	D	H	103	1996	ALTRIA/PM	\$250	1996 Total	\$250
				1998	ALTRIA/PM	\$500	1998 Total	\$500
							Sum Total 96-06	\$750
BRYAN JR, JAMES E	D	S	9	2000	LORILLARD TOBACCO	\$250		
					RJ REYNOLDS	\$200	2000 Total	\$450
							Sum Total 96-06	\$450
BRYANT, KEVIN L	R	S	3	2004	ALTRIA/PM	\$500		
					RJ REYNOLDS	\$500	2004 Total	\$1,000
				2006	ALTRIA/PM	\$1,000		
					RJ REYNOLDS	\$500	2006 Total	\$1,500
							Sum Total 96-06	\$2,500
BYRD, DR ALMA W	D	H	74	1998	ALTRIA/PM	\$250	1998 Total	\$250
							Sum Total 96-06	\$250

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
CAMPBELL, MIKE	R	LTG	SW	2006	J R BATTLE & CO	\$250	2006 Total	\$250
							Sum Total 96-06	\$250
CANTY, RALPH W	D	H	51	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
CARNELL, MARION P	D	H	14	1996	ALTRIA/PM	\$250	1996 Total	\$250
				1998	RJ REYNOLDS	\$500	1998 Total	\$500
				2000	BROWN & WILLIAMSON TOBACCO	\$200		
					HOLLIDAY FAMILY	\$250		
					LORILLARD TOBACCO	\$200	2000 Total	\$650
							Sum Total 96-06	\$1,400
CATO, HARRY	R	H	17	1996	ALTRIA/PM	\$250	1996 Total	\$250
				1998	ALTRIA/PM	\$500		
					RJ REYNOLDS	\$500	1998 Total	\$1,000
				2000	ALTRIA/PM	\$1,050		
					RJ REYNOLDS	\$500	2000 Total	\$1,550
				2002	RJ REYNOLDS	\$250	2002 Total	\$250
				2004	LORILLARD TOBACCO	\$750	2004 Total	\$750
							Sum Total 96-06	\$3,800
CAVE, WILBUR L	D	H	91	1996	ALTRIA/PM	\$650	1996 Total	\$650
							Sum Total 96-06	\$650
CEIPS, CATHERINE	R	H	124	2002	RJ REYNOLDS	\$250	2002 Total	\$250
				2004	ALTRIA/PM	\$1,000		
					RJ REYNOLDS	\$500	2004 Total	\$1,500
							Sum Total 96-06	\$1,750
CHALK, RICHARD	R	H	123	2004	RJ REYNOLDS	\$300	2004 Total	\$300
				2006	RJ REYNOLDS	\$200	2006 Total	\$200
							Sum Total 96-06	\$500
CHAMBLEE, CEBRON D	UNK	H	8	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
CHELLIS, CONVERSE	R	H	94	2002	RJ REYNOLDS	\$200	2002 Total	\$200
				2004	RJ REYNOLDS	\$750	2004 Total	\$750
							Sum Total 96-06	\$950
CLARK, KEN	R	H	96	2006	RJ REYNOLDS	\$250	2006 Total	\$250
							Sum Total 96-06	\$250
CLEMMONS, ALAN	R	H	107	2002	RJ REYNOLDS	\$250	2002 Total	\$250
							Sum Total 96-06	\$250
CLYBURN, WILLIAM	D	H	82	1996	ALTRIA/PM	\$650	1996 Total	\$650
							Sum Total 96-06	\$650
COATES, MARTY	R	H	60	2000	GREGORYS WAREHOUSE	\$500		
					RJ REYNOLDS	\$500	2000 Total	\$1,000
				2002	RJ REYNOLDS	\$500	2002 Total	\$500
				2004	RJ REYNOLDS	\$800	2004 Total	\$800

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
							Sum Total 96-06	\$2,300
COBB HUNTER, GILDA	D	H	66	2000	BROWN & WILLIAMSON TOBACCO	\$250		
					RJ REYNOLDS	\$250	2000 Total	\$500
				2002	ALTRIA/PM	\$500	2002 Total	\$500
							Sum Total 96-06	\$1,000
CONDON, CHARLIE	R	AG	SW	1998	ALTRIA/PM	\$3,500		
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$1,000	1998 Total	\$4,500
				2002	RJ REYNOLDS	\$3,500	2002 Total	\$3,500
							Sum Total 96-06	\$8,000
COOPER, DAN	R	H	10	1996	ALTRIA/PM	\$250	1996 Total	\$250
				1998	ALTRIA/PM	\$200		
					RJ REYNOLDS	\$250	1998 Total	\$450
				2000	RJ REYNOLDS	\$150	2000 Total	\$150
				2004	ALTRIA/PM	\$1,000		
					RJ REYNOLDS	\$1,000	2004 Total	\$2,000
							2006 Total	\$2,000
							Sum Total 96-06	\$4,850
CORK, HOLLY A	R	S	46	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
COTTY, WILLIAM (BILL)	R	H	79	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
COURSON, JOHN	R	S	20	1996	ALTRIA/PM	\$250	1996 Total	\$250
				1998	RJ REYNOLDS	\$500	1998 Total	\$500
				2004	RJ REYNOLDS	\$500	2004 Total	\$500
							Sum Total 96-06	\$1,250
CROMER, RONNIE W	R	S	18	2004	RJ REYNOLDS	\$300	2004 Total	\$300
				2006	ALTRIA/PM	\$500	2006 Total	\$500
							Sum Total 96-06	\$800
DANTZLER, TOM	R	H	117	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
DAVENPORT, RALPH	R	H	37	1996	RJ REYNOLDS	\$250		
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$300	1996 Total	\$550
							Sum Total 96-06	\$550
DELLENEY JR, FG (GREG)	D	H	43	1998	ALTRIA/PM	\$500	1998 Total	\$500
							Sum Total 96-06	\$500
DRUMMOND, JOHN	D	S	10	1996	ALTRIA/PM	\$250	1996 Total	\$250
				2000	BROWN & WILLIAMSON TOBACCO	\$300		
					LORILLARD TOBACCO	\$500		
					RJ REYNOLDS	\$500		
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$1,000		
					US SMOKELESS TOBACCO	\$300	2000 Total	\$2,600
							Sum Total 96-06	\$2,850

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
DUNCAN, JEFF	R	H	15	2002	RJ REYNOLDS	\$250	2002 Total	\$250
				2004	RJ REYNOLDS	\$300	2004 Total	\$300
				2006	RJ REYNOLDS	\$600	2006 Total	\$1,100
					US SMOKELESS TOBACCO	\$500		
							Sum Total 96-06	\$1,650
EASTERDAY, MIKE	R	H	27	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
EDGE, TRACY	R	H	104	2000	ALTRIA/PM	\$200	2000 Total	\$400
					RJ REYNOLDS	\$200		
				2002	ALTRIA/PM	\$500	2002 Total	\$900
					RJ REYNOLDS	\$400		
				2004	ALTRIA/PM	\$1,000	2004 Total	\$2,750
					LORILLARD TOBACCO	\$1,000		
				2006	RJ REYNOLDS	\$750	2006 Total	\$1,500
					ALTRIA/PM	\$1,000		
							Sum Total 96-06	\$5,550
ELLIOTT, DICK	D	S	28	2000	ALTRIA/PM	\$200	2000 Total	\$500
					RJ REYNOLDS	\$300		
				2004	RJ REYNOLDS	\$300	2004 Total	\$300
							Sum Total 96-06	\$800
ELLIOTT, LARRY	D	H	57	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
EMORY, ELDRIDGE R	D	H	45	2000	ALTRIA/PM	\$200	2000 Total	\$200
				2002	ALTRIA/PM	\$500	2002 Total	\$500
FAIRCHILD, ROY BLAKE	D	SS	SW	1998	HOLLIDAY FAMILY	\$200	1998 Total	\$200
							Sum Total 96-06	\$200
FELDER, JOHN G	R	H	93	1998	ALTRIA/PM	\$500	1998 Total	\$1,000
					RJ REYNOLDS	\$500		
							Sum Total 96-06	\$1,000
FLEMING, RONALD N	R	H	42	1998	ALTRIA/PM	\$500	1998 Total	\$750
					RJ REYNOLDS	\$250		
				2000	RJ REYNOLDS	\$1,050	2000 Total	\$1,050
					2002	RJ REYNOLDS		
							Sum Total 96-06	\$2,300
FLOYD, KAREN	R	SPI	SW	2006	RJ REYNOLDS	\$200	2006 Total	\$200
							Sum Total 96-06	\$200
FLOYD, TONY	D	H	65	1998	ALTRIA/PM	\$500	1998 Total	\$500
							Sum Total 96-06	\$500
FLYNN, L W	R	H	78	2004	DISCOUNT TOBACCO	\$200	2004 Total	\$200
							Sum Total 96-06	\$200

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
FORD, ROBERT	D	S	42	1996	ALTRIA/PM	\$750	1996 Total	\$750
				2000	RJ REYNOLDS	\$550	2000 Total	\$550
							Sum Total 96-06	\$1,300
FRYE, MARION	R	H	39	2000	RJ REYNOLDS	\$500	2000 Total	\$500
							Sum Total 96-06	\$500
FULMER, RONALD C	R	H	119	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
GAMBLE, MARGARET	D	H	89	1996	ALTRIA/PM	\$750	1996 Total	\$1,000
					RJ REYNOLDS	\$250		
				2000	RJ REYNOLDS	\$250	2000 Total	\$475
					US SMOKELESS TOBACCO	\$225	Sum Total 96-06	\$1,475
GARRISON III, THOMAS E	D	H	8	1996	ALTRIA/PM	\$500	1996 Total	\$500
							Sum Total 96-06	\$500
GIESE, WARREN K	R	S	22	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
GILHAM, JO ANNE	R	H	123	2000	RJ REYNOLDS	\$250	2000 Total	\$250
							Sum Total 96-06	\$250
GLOVER, MAGGIE WALLACE	D	S	30	1996	ALTRIA/PM	\$1,000	1996 Total	\$1,000
							Sum Total 96-06	\$1,000
GREGG, BEN	D	AGRIC	SW	2002	HOLLIDAY ASSOCIATES LLC	\$2,000	2002 Total	\$3,000
					HOLLIDAY FAMILY	\$1,000	Sum Total 96-06	\$3,000
GROOMS, LARRY	R	S	37	2002	RJ REYNOLDS	\$250	2002 Total	\$250
				2004	RJ REYNOLDS	\$1,000	2004 Total	\$1,000
				2006	RJ REYNOLDS	\$500	2006 Total	\$500
							Sum Total 96-06	\$1,750
HALEY, NIKKI	R	H	87	2006	RJ REYNOLDS	\$250	2006 Total	\$250
							Sum Total 96-06	\$250
HALLMAN JR, HARRY M	R	H	112	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
HARDWICK, NELSON	R	H	106	2004	RJ REYNOLDS	\$300	2004 Total	\$300
				2006	RJ REYNOLDS	\$150	2006 Total	\$150
							Sum Total 96-06	\$450
HARRELL JR, ROBERT W	R	H	114	1996	ALTRIA/PM	\$250	1996 Total	\$250
				1998	ALTRIA/PM	\$1,000		
					RJ REYNOLDS	\$500	1998 Total	\$1,700
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$200		
				2000	ALTRIA/PM	\$300		
					BROWN & WILLIAMSON TOBACCO	\$250		
	LORILLARD TOBACCO	\$200						
	RJ REYNOLDS	\$500						

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				2002	SOUTH CAROLINA TOBACCO ASSOCIATION	\$1,000	2000 Total	\$2,250
					ALTRIA/PM	\$1,000		
					LORILLARD TOBACCO	\$500		
				2004	RJ REYNOLDS	\$1,000	2002 Total	\$2,500
					ALTRIA/PM	\$1,000		
					RJ REYNOLDS	\$1,000		
					US SMOKELESS TOBACCO	\$500	2004 Total	\$2,500
				2006	ALTRIA/PM	\$1,000	2006 Total	\$1,000
							Sum Total 96-06	\$10,200
HARRIS JR, C ANTHONY	D	H	53	1998	ALTRIA/PM	\$500		
					RJ REYNOLDS	\$250		
					TOBACCO INSTITUTE	\$200	1998 Total	\$950
							Sum Total 96-06	\$950
HARRIS, JEAN L	D	H	53	1996	ALTRIA/PM	\$500	1996 Total	\$500
							Sum Total 96-06	\$500
HARRISON, JIM	R	H	75	1996	ALTRIA/PM	\$1,000		
					RJ REYNOLDS	\$500	1996 Total	\$1,500
				2004	ALTRIA/PM	\$1,000		
					LORILLARD TOBACCO	\$750	2004 Total	\$1,750
				2006	ALTRIA/PM	\$500		
					RJ REYNOLDS	\$1,000	2006 Total	\$1,500
							Sum Total 96-06	\$4,750
HARVIN III, C ALEXANDER	D	H	64	1996	ALTRIA/PM	\$1,000	1996 Total	\$1,000
				2000	ALTRIA/PM	\$200		
					RJ REYNOLDS	\$250	2000 Total	\$450
				2002	HOLLIDAY ASSOCIATES LLC	\$500	2002 Total	\$500
							Sum Total 96-06	\$1,950
HASKINS, TERRY EDWARD	R	H	22	2002	RJ REYNOLDS	\$250	2002 Total	\$250
							Sum Total 96-06	\$250
HAWKINS, JOHN DAVID	R	S	12	2004	ALTRIA/PM	\$500		
					RJ REYNOLDS	\$300	2004 Total	\$800
							Sum Total 96-06	\$800
HAYES JR, ROBERT (WES)	R	S	15	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
HAYES, JACKIE E	D	H	55	2000	ALTRIA/PM	\$200		
					NICHOLS HAVEHOUSE TOBACCO	\$1,000		
					RJ REYNOLDS	\$200	2000 Total	\$1,400
							Sum Total 96-06	\$1,400
HINES, JESSE	D	H	62	1996	ALTRIA/PM	\$250	1996 Total	\$250
				2000	SOUTH CAROLINA TOBACCO ASSOCIATION	\$1,000	2000 Total	\$1,000
							Sum Total 96-06	\$1,250
HINES, MACK T	D	H	59	2000	SOUTH CAROLINA TOBACCO ASSOCIATION	\$1,000	2000 Total	\$1,000
				2002	CAROLINA TOBACCO EXCHANGE	\$500	2002 Total	\$500



Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				2004	CAROLINA TOBACCO EXCHANGE	\$1,000	2004 Total	\$1,000
							Sum Total 96-06	\$2,500
HINSON, SHIRLEY	R	H	92	1998	RJ REYNOLDS	\$200	1998 Total	\$200
				2000	RJ REYNOLDS	\$600	2000 Total	\$600
				2004	RJ REYNOLDS	\$250	2004 Total	\$250
							Sum Total 96-06	\$1,050
HODGES, JIM	D	G	SW	1998	ALTRIA/PM	\$3,500		
					HOLLIDAY ASSOCIATES LLC	\$3,850		
					HOLLIDAY FAMILY	\$3,500		
					RJ REYNOLDS	\$3,500		
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$400		
					US TOBACCO PUBLIC AFFAIRS INC	\$1,000	1998 Total	\$15,750
				2000	ALTRIA/PM	\$3,500		
					BROWN & WILLIAMSON TOBACCO	\$3,500		
					HOLLIDAY ASSOCIATES LLC	\$3,500		
					HOLLIDAY FAMILY	\$2,750		
					RJ REYNOLDS	\$3,500		
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$3,500	2000 Total	\$20,250
				2002	CAROLINA TOBACCO WAREHOUSE	\$1,000		
					LORILLARD TOBACCO	\$3,500		
					MARJORIE R HOLLIDAY REVOCABLE TRUST	\$1,000		
					OTHER	\$1,000		
					PLANTERS & GROWERS GOLDEN LEAF WAREHOUSE	\$2,000		
					PLANTERS TOBACCO WAREHOUSE INC	\$200		
					RJ REYNOLDS	\$3,500		
					SMOKELESS TOBACCO COUNCIL	\$1,500		
					US SMOKELESS TOBACCO	\$2,500	2002 Total	\$16,200
							Sum Total 96-06	\$52,200
HOLLAND, DONALD H	D	S	27	1996	ALTRIA/PM	\$1,000		
					RJ REYNOLDS	\$500	1996 Total	\$1,500
				2000	RJ REYNOLDS	\$500	2000 Total	\$500
							Sum Total 96-06	\$2,000
HOWARD, LEON	D	H	76	1996	ALTRIA/PM	\$750	1996 Total	\$750
							Sum Total 96-06	\$750
HUGGINS, CHIP	R	H	85	2000	RJ REYNOLDS	\$200	2000 Total	\$200
							Sum Total 96-06	\$200
HUNTER, GILDA C	D	H	66	1996	ALTRIA/PM	\$1,000	1996 Total	\$1,000
							Sum Total 96-06	\$1,000
HUTSON, HEYWARD G	R	S	38	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
HUTTO, BRAD	D	S	40	1996	ALTRIA/PM	\$750	1996 Total	\$750
				2000	RJ REYNOLDS	\$200	2000 Total	\$200
							Sum Total 96-06	\$750

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
INABINETT, CURTIS B	D	H	116	1996	ALTRIA/PM	\$250	1996 Total	\$250
				1998	ALTRIA/PM	\$250	1998 Total	\$250
							Sum Total 96-06	\$500
JASKWHICH, MICHAEL F	R	H	21	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
JENNINGS JR, DOUGLAS	D	H	54	1996	ALTRIA/PM	\$1,000	1996 Total	\$1,250
					RJ REYNOLDS	\$250		
				1998	ALTRIA/PM	\$1,000	1998 Total	\$1,250
					RJ REYNOLDS	\$500		
				2000	ALTRIA/PM	\$500	2000 Total	\$2,250
					BROWN & WILLIAMSON TOBACCO	\$250		
					RJ REYNOLDS	\$500		
			2002	RJ REYNOLDS	\$250	2002 Total	\$250	
			2006	ALTRIA/PM	\$500	2006 Total	\$500	
						Sum Total 96-06	\$5,750	
KEEGAN, THOMAS G	R	H	106	1996	ALTRIA/PM	\$500	1996 Total	\$500
				1998	RJ REYNOLDS	\$500	1998 Total	\$500
				2000	RJ REYNOLDS	\$250	2000 Total	\$250
				2002	RJ REYNOLDS	\$300	2002 Total	\$300
						Sum Total 96-06	\$1,550	
KELLEY, MARK S	R	H	107	1996	ALTRIA/PM	\$250	1996 Total	\$250
				2000	ALTRIA/PM	\$300	2000 Total	\$1,700
					RJ REYNOLDS	\$400		
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$1,000		
						Sum Total 96-06	\$1,950	
KELLY, KEITH	R	H	35	2006	RJ REYNOLDS	\$200	2006 Total	\$200
							Sum Total 96-06	\$200
KENNEDY, KENNETH	D	H	101	1996	ALTRIA/PM	\$250	1996 Total	\$250
				1998	ALTRIA/PM	\$500	1998 Total	\$600
					RJ REYNOLDS	\$100		
				2000	ALTRIA/PM	\$200	2000 Total	\$450
					RJ REYNOLDS	\$250		
					ALTRIA/PM	\$1,000		
			2002	RJ REYNOLDS	\$200	2002 Total	\$1,200	
			2006	ALTRIA/PM	\$500	2006 Total	\$500	
						Sum Total 96-06	\$3,000	
KEYSERLING, WILLIAM	R	H	124	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
KINON, MARION (JUDGE)	R	H	55	1996	ALTRIA/PM	\$250	1996 Total	\$250
				1998	RJ REYNOLDS	\$250	1998 Total	\$250
							Sum Total 96-06	\$500

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
KIRSH, HERB	D	H	47	1996	ALTRIA/PM	\$250	1996 Total	\$250
				2004	ALTRIA/PM	\$500		
					LORILLARD TOBACCO	\$250	2004 Total	\$750
							Sum Total 96-06	\$1,000
KLAUBER, JAMES S	R	H	13	1996	ALTRIA/PM	\$1,000	1996 Total	\$1,000
				1998	ALTRIA/PM	\$500		
					RJ REYNOLDS	\$500	1998 Total	\$1,000
				2000	RJ REYNOLDS	\$800	2000 Total	\$800
							Sum Total 96-06	\$2,800
KNOTTS, JAKE	R	H	88	1996	ALTRIA/PM	\$250	1996 Total	\$250
				1998	ALTRIA/PM	\$500	1998 Total	\$500
				2000	ALTRIA/PM	\$200		
					RJ REYNOLDS	\$300	2000 Total	\$300
				2004	ALTRIA/PM	\$500		
					LORILLARD TOBACCO	\$1,000	2004 Total	\$1,500
			Sum Total 96-06	\$2,750				
KOON, LARRY L	R	H	87	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
KUHN, JOHN	R	S	43	2004	ALTRIA/PM	\$500	2004 Total	\$500
							Sum Total 96-06	\$500
LAND III, JOHN C	D	S	36	1996	ALTRIA/PM	\$1,250		
					RJ REYNOLDS	\$1,000		
					SMOKELESS TOBACCO COUNCIL	\$500		
					SOUTH CAROLINA TOBACCO WAREHOUSE	\$200	1996 Total	\$2,950
					BROWN & WILLIAMSON TOBACCO	\$500		
					HOLLIDAY ASSOCIATES LLC	\$750		
					HOLLIDAY FAMILY	\$750		
					LORILLARD TOBACCO	\$250		
				RJ REYNOLDS	\$500			
				2000	SOUTH CAROLINA TOBACCO ASSOCIATION	\$2,000		
					US SMOKELESS TOBACCO	\$500	2000 Total	\$5,250
					HOLLIDAY ASSOCIATES LLC	\$200	2002 Total	\$200
					2004	HOLLIDAY ASSOCIATES LLC	\$250	
RJ REYNOLDS	\$500							
	US SMOKELESS TOBACCO	\$250	2004 Total	\$1,000				
			Sum Total 96-06	\$9,400				
LANDER, JAMES A	D	S	18	1996	ALTRIA/PM	\$250	1996 Total	\$250
				2002	HOLLIDAY ASSOCIATES LLC	\$550	2002 Total	\$550
				2004	HOLLIDAY ASSOCIATES LLC	\$200	2004 Total	\$200
							Sum Total 96-06	\$1,000
LANFORD, STEVE	R	H	35	1996	ALTRIA/PM	\$250	1996 Total	\$250

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
							Sum Total 96-06	\$250
LAW, JAMES N	R	H	100	1996	ALTRIA/PM	\$250	1996 Total	\$250
				2000	ALTRIA/PM	\$250		
					RJ REYNOLDS	\$400	2000 Total	\$650
							Sum Total 96-06	\$900
LEATHERMAN, HUGH	R	S	31	1996	ALTRIA/PM	\$750	1996 Total	\$1,250
					RJ REYNOLDS	\$500		
				1998	SOUTH CAROLINA TOBACCO ASSOCIATION	\$200	1998 Total	\$200
				2000	RJ REYNOLDS	\$1,000		
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$1,000	2000 Total	\$2,000
				2004	RJ REYNOLDS	\$1,000		
					US SMOKELESS TOBACCO	\$250	2004 Total	\$1,250
				2006	US SMOKELESS TOBACCO	\$500	2006 Total	\$500
							Sum Total 96-06	\$5,200
LEE, BRENDA	D	H	31	2000	ALTRIA/PM	\$300	2000 Total	\$300
							Sum Total 96-06	\$300
LEVENTIS, PHIL	D	S	35	1996	ALTRIA/PM	\$1,000	1996 Total	\$1,300
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$300		
				2000	SOUTH CAROLINA TOBACCO ASSOCIATION	\$1,000	2000 Total	\$1,000
				2002	ALTRIA/PM	\$2,000	2002 Total	\$2,000
				2004	HOLLIDAY ASSOCIATES LLC	\$250	2004 Total	\$250
				2006	ALTRIA/PM	\$1,000	2006 Total	\$1,000
							Sum Total 96-06	\$5,550
LIMBAUGH, HUNTER	R	H	63	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
LIMEHOUSE, CHIP	R	H	110	1996	ALTRIA/PM	\$250	1996 Total	\$250
				2000	ALTRIA/PM	\$200		
					RJ REYNOLDS	\$200	2000 Total	\$400
				2002	RJ REYNOLDS	\$300	2002 Total	\$300
				2004	RJ REYNOLDS	\$167	2004 Total	\$167
							Sum Total 96-06	\$1,117
LITTLEJOHN, LANNY	R	H	33	1996	ALTRIA/PM	\$250	1996 Total	\$250
				1998	ALTRIA/PM	\$500		
					RJ REYNOLDS	\$100	1998 Total	\$600
				2002	US SMOKELESS TOBACCO	\$250	2002 Total	\$250
							Sum Total 96-06	\$1,110
LLOYD, WALTER P	D	H	121	1996	ALTRIA/PM	\$650	1996 Total	\$650
				2002	US SMOKELESS TOBACCO	\$200	2002 Total	\$200
							Sum Total 96-06	\$850
LOFTIS, DWIGHT A	R	H	19	2000	RJ REYNOLDS	\$200	2000 Total	\$200
				2004	RJ REYNOLDS	\$500	2004 Total	\$500
							Sum Total 96-06	\$700

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year		
LONG, JOHN	D	AGRIC	SW	2002	CAROLINA TOBACCO EXCHANGE	\$1,000	2002 Total	\$1,350	
					HOLLIDAY ASSOCIATES LLC	\$250			
					STAR NEW HOME TOBACCO WAREHOUSE	\$100			
							Sum Total 96-06	\$1,350	
LOURIE, JOEL	D	S	22	2004	HOLLIDAY ASSOCIATES LLC	\$250	2004 Total	\$250	
							Sum Total 96-06	\$250	
LOWE, PHILLIP	R	H	60	2006	RJ REYNOLDS	\$250	2006 Total	\$250	
							Sum Total 96-06	\$250	
LUCAS, JAY	R	H	65	1998	RJ REYNOLDS	\$250	1998 Total	\$250	
				2000	RJ REYNOLDS	\$250			
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$1,000			
							2000 Total	\$1,250	
							Sum Total 96-06	\$1,500	
MACK III, DAVID	D	H	109	2002	US SMOKELESS TOBACCO	\$200	2002 Total	\$200	
							Sum Total 96-06	\$200	
MADDOX JR, J CORDELL	D	H	9	1996	ALTRIA/PM	\$1,500	1996 Total	\$1,500	
				1998	RJ REYNOLDS	\$250			
				2000	ALTRIA/PM	\$300			
					RJ REYNOLDS	\$550			
					US SMOKELESS TOBACCO	\$225	2000 Total	\$1,075	
							Sum Total 96-06	\$2,825	
MAHAFFEY, JOE	R	H	36	2006	ALTRIA/PM	\$500	2006 Total	\$700	
					RJ REYNOLDS	\$200			
							Sum Total 96-06	\$700	
MARTIN, BECKY	R	H	8	1998	ALTRIA/PM	\$500	1998 Total	\$500	
				2000	RJ REYNOLDS	\$450			
							2000 Total	\$450	
							Sum Total 96-06	\$950	
MARTIN, LARRY A	R	S	2	1996	ALTRIA/PM	\$250	1996 Total	\$250	
				2006	ALTRIA/PM	\$1,000			
							2006 Total	\$1,000	
							Sum Total 96-06	\$1,250	
MASON, RUDY	R	H	81	1996	ALTRIA/PM	\$250	1996 Total	\$250	
							Sum Total 96-06	\$250	
MATTHEWS JR, JOHN W	D	S	39	1996	ALTRIA/PM	\$250	1996 Total	\$250	
				2006	ALTRIA/PM	\$1,000			
							2006 Total	\$1,000	
							Sum Total 96-06	\$1,250	
MCABEE, JENNINGS G	PROG	H	12	1996	ALTRIA/PM	\$250	1996 Total	\$250	
							Sum Total 96-06	\$250	
MCCONNELL, GLENN	R	S	41	1996	ALTRIA/PM	\$250	1996 Total	\$1,200	
					RJ REYNOLDS	\$750			
					SMOKELESS TOBACCO COUNCIL	\$200			
					2000	RJ REYNOLDS			\$200
					2004	ALTRIA/PM			\$2,000
		LORILLARD TOBACCO	\$1,000						
							2000 Total	\$200	

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
					RJ REYNOLDS	\$500	2004 Total	\$3,500
							Sum Total 96-06	\$4,900
MCCRAW, E DEWITT	D	H	29	1996	ALTRIA/PM	\$750	1996 Total	\$750
				2000	BROWN & WILLIAMSON TOBACCO	\$200		
					RJ REYNOLDS	\$200	2000 Total	\$400
				2002	ALTRIA/PM	\$500	2002 Total	\$500
							Sum Total 96-06	\$1,650
MCGEE, JIM	R	H	63	1998	ALTRIA/PM	\$500		
					RJ REYNOLDS	\$100	1998 Total	\$600
				2000	RJ REYNOLDS	\$200	2000 Total	\$200
				2004	LORILLARD TOBACCO	\$250	2004 Total	\$250
							Sum Total 96-06	\$1,050
MCGILL, JOHN YANCEY	D	S	32	1996	RJ REYNOLDS	\$500		
					SMOKELESS TOBACCO COUNCIL	\$350	1996 Total	\$850
				2000	LORILLARD TOBACCO	\$250		
					RJ REYNOLDS	\$500		
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$2,000	2000 Total	\$2,750
							Sum Total 96-06	\$3,600
MCIVER SR, LESLIE H	D	H	58	2002	HOLLIDAY ASSOCIATES LLC	\$1,000	2002 Total	\$1,000
							Sum Total 96-06	\$1,000
MCKAY, WOODROW M	D	H	60	1996	ALTRIA/PM	\$750		
					RJ REYNOLDS	\$1,000	1996 Total	\$1,750
				1998	RJ REYNOLDS	\$250	1998 Total	\$250
							Sum Total 96-06	\$2,000
MCLEOD JR, E B (MAC)	D	H	67	1998	ALTRIA/PM	\$500	1998 Total	\$500
				2000	ALTRIA/PM	\$300	2000 Total	\$300
							Sum Total 96-06	\$800
MCMAHAN, WB	D	H	25	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
MCMASTER, HENRY	R	AG	SW	2002	CAROLINA TOBACCO EXCHANGE	\$1,000		
					SMOKELESS TOBACCO COUNCIL	\$1,000	2002 Total	\$2,000
				2004	ALTRIA/PM	\$3,500		
					BROWN & WILLIAMSON TOBACCO	\$1,500		
					CAROLINA TOBACCO EXCHANGE	\$1,000	2004 Total	\$6,000
				2006	OTHER	\$2,000		
					RJ REYNOLDS	\$1,500		
					US SMOKELESS TOBACCO	\$1,500	2006 Total	\$5,000
							Sum Total 96-06	\$13,000
MCMASTER, JOE	R	H	78	1998	RJ REYNOLDS	\$250	1998 Total	\$250
							Sum Total 96-06	\$250
MCTEER JR, DOUGLAS E	R	UNK	UNK	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
MEACHAM, BECKY	R	H	48	1996	RJ REYNOLDS	\$250	1996 Total	\$250

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				1998	RJ REYNOLDS	\$500	1998 Total	\$500
							Sum Total 96-06	\$750
MERRILL, JIM	R	H	99	2000	RJ REYNOLDS	\$200	2000 Total	\$200
				2004	LORILLARD TOBACCO	\$1,000		
					RJ REYNOLDS	\$417	2004 Total	\$1,417
				2006	ALTRIA/PM	\$500		
					LORILLARD TOBACCO	\$1,000	2006 Total	\$1,500
							Sum Total 96-06	\$3,117
MILLER, VIDA O	D	H	108	2000	ALTRIA/PM	\$300		
					RJ REYNOLDS	\$150		
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$1,000		
					US SMOKELESS TOBACCO	\$225	2000 Total	\$1,675
				2002	LORILLARD TOBACCO	\$100	2002 Total	\$100
				2006	ALTRIA/PM	\$500	2006 Total	\$500
							Sum Total 96-06	\$2,275
MOODY-LAWRENCE, BESSIE	D	H	49	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
MOORE, TOMMY	D	S	25	1996	ALTRIA/PM	\$1,000		
					RJ REYNOLDS	\$1,000	1996 Total	\$2,000
				2000	LORILLARD TOBACCO	\$250		
					RJ REYNOLDS	\$750		
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$1,000	2000 Total	\$2,000
				2004	RJ REYNOLDS	\$500	2004 Total	\$500
				2006	J R BATTLE & CO	\$3,500		
					RJ REYNOLDS	\$500	2006 Total	\$4,000
							Sum Total 96-06	\$8,500
MULVANEY, MICK	R	H	45	2006	RJ REYNOLDS	\$250	2006 Total	\$250
							Sum Total 96-06	\$250
NEILSON, DENNY W	D	H	56	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
ODELL, BILLY	D	S	4	2000	BROWN & WILLIAMSON TOBACCO	\$200		
					LORILLARD TOBACCO	\$250		
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$1,000		
					US SMOKELESS TOBACCO	\$225	2000 Total	\$1,675
				2004	RJ REYNOLDS	\$500	2004 Total	\$500
				2006	ALTRIA/PM	\$500	2006 Total	\$500
							Sum Total 96-06	\$2,675
OTT, HARRY L	D	H	93	2000	ALTRIA/PM	\$300	2000 Total	\$300
				2002	LORILLARD TOBACCO	\$250		
					US SMOKELESS TOBACCO	\$200	2002 Total	\$450
				2004	RJ REYNOLDS	\$200	2004 Total	\$200
				2006	ALTRIA/PM	\$500	2006 Total	\$500

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year
							Sum Total 96-06
OWENS, DAVID J	R	H	97	2000	RJ REYNOLDS	\$500	\$1,450
							2000 Total
							\$500
							Sum Total 96-06
							\$500
PASSAILAIGUE JR, ERNIE	D	S	43	2000	HOLLIDAY FAMILY	\$250	
					LORILLARD TOBACCO	\$250	
					RJ REYNOLDS	\$500	
							2000 Total
							\$1,000
							Sum Total 96-06
							\$1,000
PATTERSON, GRADY	D	TREAS	SW	1998	HOLLIDAY ASSOCIATES LLC	\$950	
				2006	ALTRIA/PM	\$4,500	
					J R BATTLE & CO	\$500	
					RJ REYNOLDS	\$250	
							2006 Total
							\$5,250
							Sum Total 96-06
							\$6,200
PATTERSON, KAY	D	S	19	2000	HOLLIDAY FAMILY	\$100	
					RJ REYNOLDS	\$200	
							2000 Total
							\$300
							Sum Total 96-06
							\$300
PEELER, BOB	R	LTG	SW	1998	RJ REYNOLDS	\$2,500	
							1998 Total
							\$2,500
							Sum Total 96-06
							\$2,500
PEELER, HARVEY	R	S	14	2000	RJ REYNOLDS	\$200	
					SOUTHERN TOBACCO	\$100	
				2004	LORILLARD TOBACCO	\$1,000	
					RJ REYNOLDS	\$1,000	
				2006	LORILLARD TOBACCO	\$1,000	
							2004 Total
							\$2,000
							2006 Total
							\$1,000
							Sum Total 96-06
							\$3,300
PERRY, SKIPPER	R	H	81	2002	LORILLARD TOBACCO	\$200	
					US SMOKELESS TOBACCO	\$200	
				2006	RJ REYNOLDS	\$1,000	
							2002 Total
							\$400
							2006 Total
							\$1,000
							Sum Total 96-06
							\$1,400
PHILLIPS, OLIN R	D	H	30	1996	ALTRIA/PM	\$450	
							1996 Total
							\$450
							Sum Total 96-06
							\$450
PINCKNEY, CLEMENTA C	D	H	122	1998	ALTRIA/PM	\$250	
							1998 Total
							\$250
							Sum Total 96-06
							\$250
PINSON, GENE	R	H	13	2002	RJ REYNOLDS	\$250	
				2006	RJ REYNOLDS	\$150	
							2002 Total
							\$250
							2006 Total
							\$150
							Sum Total 96-06
							\$400
PITTS, MIKE	R	H	14	2002	RJ REYNOLDS	\$300	
				2004	LORILLARD TOBACCO	\$250	
				2006	ALTRIA/PM	\$500	
					RJ REYNOLDS	\$250	
							2006 Total
							\$750
							Sum Total 96-06
							\$1,300
QUINN, RICK	R	H	71	1996	ALTRIA/PM	\$1,000	
				1998	RJ REYNOLDS	\$1,500	
				2000	BROWN & WILLIAMSON TOBACCO	\$250	
							1996 Total
							\$1,000
							1998 Total
							\$1,500



Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				2004	LORILLARD TOBACCO	\$200	2000 Total	\$450
					ALTRIA/PM	\$1,000		
					LORILLARD TOBACCO	\$1,000		
					RJ REYNOLDS	\$750	2004 Total	\$2,750
							Sum Total 96-06	\$5,700
RANKIN, LUKE A	R	S	33	1996	ALTRIA/PM	\$1,000	1996 Total	\$1,000
				2000	HOLLIDAY ASSOCIATES LLC	\$1,000		
					HOLLIDAY FAMILY	\$1,000	2000 Total	\$2,000
				2004	RJ REYNOLDS	\$300	2004 Total	\$300
							Sum Total 96-06	\$3,300
RAVENEL, ARTHUR J	R	S	34	2000	RJ REYNOLDS	\$200	2000 Total	\$200
							Sum Total 96-06	\$200
REESE, GLENN G	D	S	11	1996	ALTRIA/PM	\$250	1996 Total	\$250
				2000	LORILLARD TOBACCO	\$250	2000 Total	\$250
							Sum Total 96-06	\$500
RENDER, DR PHILIP N	R	S	33	1996	SOUTHEASTERN TOBACCO	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
RHOAD, THOMAS N	D	H	90	1998	SOUTH CAROLINA TOBACCO WAREHOUSE	\$300	1998 Total	\$300
				2000	ALTRIA/PM	\$300		
					LORILLARD TOBACCO	\$200		
					RJ REYNOLDS	\$400	2000 Total	\$900
				2002	ALTRIA/PM	\$500		
					US SMOKELESS TOBACCO	\$200	2002 Total	\$700
				2006	RJ REYNOLDS	\$250	2006 Total	\$250
							Sum Total 96-06	\$2,150
RICHARDSON, BECKY	R	H	48	2002	SOUTHERN TOBACCO	\$250	2002 Total	\$250
							Sum Total 96-06	\$250
RICHARDSON, SCOTT	R	S	46	1996	ALTRIA/PM	\$250	1996 Total	\$250
				2006	ALTRIA/PM	\$500	2006 Total	\$500
							Sum Total 96-06	\$750
RICHTER JR, LAWRENCE E	UNK	S	UNK	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
RISER, BILL	R	H	69	1996	ALTRIA/PM	\$500		
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$200	1996 Total	\$700
				2000	ALTRIA/PM	\$200	2000 Total	\$200
							Sum Total 96-06	\$900
RITCHIE, JIM	R	S	13	2004	RJ REYNOLDS	\$300	2004 Total	\$300
							Sum Total 96-06	\$300
ROBINSON JR, ALFRED	R	H	5	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
RODGERS, EDIE	R	H	124	1998	ALTRIA/PM	\$250		
					RJ REYNOLDS	\$250	1998 Total	\$500

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				2000	RJ REYNOLDS	\$250	2000 Total	\$250
							Sum Total 96-06	\$750
RUSSELL, JOHN R	R	S	12	1996	ALTRIA/PM	\$1,000	1996 Total	\$1,000
							Sum Total 96-06	\$1,000
RUTHERFORD, J TODD	D	H	74	2000	ALTRIA/PM	\$200	2000 Total	\$200
				2002	ALTRIA/PM	\$500	2002 Total	\$500
							Sum Total 96-06	\$700
RYBERG, W GREG	R	S	24	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
SALEEBY, EDWARD E	D	S	29	1996	ALTRIA/PM	\$750	1996 Total	\$750
				2000	HOLLIDAY FAMILY	\$250		
					LORILLARD TOBACCO	\$250		
					RJ REYNOLDS	\$750	2000 Total	\$1,250
							Sum Total 96-06	\$2,000
SANDIFER, BILL	R	H	2	1996	ALTRIA/PM	\$250	1996 Total	\$250
				1998	ALTRIA/PM	\$250		
					RJ REYNOLDS	\$200	1998 Total	\$450
				2000	RJ REYNOLDS	\$200	2000 Total	\$200
				2004	LORILLARD TOBACCO	\$500		
					RJ REYNOLDS	\$500	2004 Total	\$1,000
				2006	ALTRIA/PM	\$500		
					RJ REYNOLDS	\$350	2006 Total	\$850
							Sum Total 96-06	\$2,750
SANFORD, MARK	R	G	SW	2004	ALTRIA/PM	\$3,500	2004 Total	\$3,500
				2006	ALTRIA/PM	\$3,500		
					LORILLARD TOBACCO	\$1,000		
					RJ REYNOLDS	\$1,000	2006 Total	\$5,500
							Sum Total 96-06	\$9,000
SCARBOROUGH, WALLACE	R	H	115	2000	RJ REYNOLDS	\$200	2000 Total	\$200
				2004	ALTRIA/PM	\$500		
					RJ REYNOLDS	\$167	2004 Total	\$667
				2006	RJ REYNOLDS	\$250	2006 Total	\$250
							Sum Total 96-06	\$1,117
SCOTT JR, JOHN L	D	H	77	1996	ALTRIA/PM	\$1,000	1996 Total	\$1,000
				1998	ALTRIA/PM	\$750		
					RJ REYNOLDS	\$150	1998 Total	\$900
				2002	US SMOKELESS TOBACCO	\$200	2002 Total	\$200
				2004	RJ REYNOLDS	\$300	2004 Total	\$300
							Sum Total 96-06	\$2,400
SEITHEL, LYNN	R	H	115	1996	ALTRIA/PM	\$250	1996 Total	\$250
				1998	ALTRIA/PM	\$500	1998 Total	\$500

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				2000	RJ REYNOLDS	\$200	2000 Total	\$200
							Sum Total 96-06	\$950
SETZLER, NIKKI	D	S	26	1996	ALTRIA/PM	\$1,000		
					RJ REYNOLDS	\$300	1996 Total	\$1,300
				2000	RJ REYNOLDS	\$250		
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$1,000	2000 Total	\$1,250
				2004	RJ REYNOLDS	\$1,000	2004 Total	\$1,000
							Sum Total 96-06	\$3,550
SHARPE, CHARLES	R	H	86	1996	ALTRIA/PM	\$250	1996 Total	\$250
				1998	ALTRIA/PM	\$500	1998 Total	\$500
				2000	ALTRIA/PM	\$300		
					RJ REYNOLDS	\$1,000	2000 Total	\$1,300
				2004	BROWN & WILLIAMSON TOBACCO	\$500		
					LORILLARD TOBACCO	\$2,500	2004 Total	\$3,000
							Sum Total 96-06	\$5,050
SHOOPMAN, PHIL	R	H	18	2006	RJ REYNOLDS	\$200	2006 Total	\$200
							Sum Total 96-06	\$200
SHORT, LINDA H	D	S	17	1996	ALTRIA/PM	\$250	1996 Total	\$250
				2000	ALTRIA/PM	\$500	2000 Total	\$500
							Sum Total 96-06	\$750
SIMRILL, GARY	R	H	46	1996	ALTRIA/PM	\$250	1996 Total	\$250
				2002	RJ REYNOLDS	\$400	2002 Total	\$400
							Sum Total 96-06	\$650
SKELTON, B R	R	H	3	2006	RJ REYNOLDS	\$250	2006 Total	\$250
							Sum Total 96-06	\$250
SMITH JR, FLETCHER N	D	H	23	2000	RJ REYNOLDS	\$200	2000 Total	\$200
							Sum Total 96-06	\$200
SMITH JR, JAMES E	D	H	72	1996	ALTRIA/PM	\$750	1996 Total	\$750
				1998	ALTRIA/PM	\$500	1998 Total	\$500
				2000	BROWN & WILLIAMSON TOBACCO	\$200	2000 Total	\$200
							Sum Total 96-06	\$1,450
SMITH, DOUG	R	H	32	1996	ALTRIA/PM	\$250	1996 Total	\$250
				2000	ALTRIA/PM	\$200	2000 Total	\$200
				2002	LORILLARD TOBACCO	\$500	2002 Total	\$500
				2004	LORILLARD TOBACCO	\$750	2004 Total	\$750
							Sum Total 96-06	\$1,700
SMITH, GREG	UNK	S	34	1996	ALTRIA/PM	\$1,000	1996 Total	\$1,000
							Sum Total 96-06	\$1,000
SMITH, JAMES R	R	H	84	1996	ALTRIA/PM	\$650	1996 Total	\$850
				1998	ALTRIA/PM	\$250	1998 Total	\$250
				2004	RJ REYNOLDS	\$250	2004 Total	\$250
							Sum Total 96-06	\$1,150

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
SMITH, JEFFERSON VERNE	D	S	5	2000	RJ REYNOLDS	\$500	2000 Total	\$500
							Sum Total 96-06	\$500
SMITH, MURRELL	R	H	68	2000	RJ REYNOLDS	\$500	2000 Total	\$500
							Sum Total 96-06	\$500
SNOW, JOHN J	D	H	103	2000	RJ REYNOLDS	\$250		
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$500	2000 Total	\$750
				2002	BROWN & WILLIAMSON TOBACCO	\$200		
					LORILLARD TOBACCO	\$100	2002 Total	\$300
				2004	LORILLARD TOBACCO	\$250	2004 Total	\$250
							Sum Total 96-06	\$1,300
SPEARMAN, MOLLY	R	H	39	1998	ALTRIA/PM	\$500	1998 Total	\$500
							Sum Total 96-06	\$500
SPIRES, KIT	R	H	96	2006	RJ REYNOLDS	\$200	2006 Total	\$200
							Sum Total 96-06	\$200
STACY, DANNY	R	H	29	2006	RJ REYNOLDS	\$250	2006 Total	\$250
							Sum Total 96-06	\$250
STILLE, HARRY C	R	H	11	2002	RJ REYNOLDS	\$250	2002 Total	\$250
							Sum Total 96-06	\$250
STODDARD, EUGENE C	D	H	16	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
STUART, ELSIE RAST	R	H	96	2000	ALTRIA/PM	\$200	2000 Total	\$200
							Sum Total 96-06	\$200
TALLEY, SCOTT	R	H	34	2004	RJ REYNOLDS	\$300	2004 Total	\$300
				2006	ALTRIA/PM	\$500	2006 Total	\$500
							Sum Total 96-06	\$800
TAYLOR, ADAM	R	H	16	1998	RJ REYNOLDS	\$250	1998 Total	\$250
				2000	RJ REYNOLDS	\$700	2000 Total	\$700
				2002	RJ REYNOLDS	\$500	2002 Total	\$500
				2004	ALTRIA/PM	\$500		
					LORILLARD TOBACCO	\$500		
					RJ REYNOLDS	\$150	2004 Total	\$1,150
				2006	ALTRIA/PM	\$500		
					RJ REYNOLDS	\$600	2006 Total	\$1,100
							Sum Total 96-06	\$3,700
TENENBAUM, INEZ M	D	SPI	SW	1998	HOLLIDAY ASSOCIATES LLC	\$525		
					HOLLIDAY FAMILY	\$325	1998 Total	\$850
				2000	HOLLIDAY FAMILY	\$250	2000 Total	\$250
				2002	HOLLIDAY ASSOCIATES LLC	\$1,000	2002 Total	\$1,000
							Sum Total 96-06	\$2,100
THEODORE, NICK A	D	LTG	SW	1998	ALTRIA/PM	\$1,000		
					HOLLIDAY ASSOCIATES LLC	\$1,300	1998 Total	\$2,300
							Sum Total 96-06	\$2,300

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
THOMAS, DON S	R	H	108	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
TINDAL, LESLIE D	R	AGRIC	SW	1998	ALTRIA/PM	\$1,000		
					RJ REYNOLDS	\$2,000		
					UNIVERSAL LEAF TOBACCO	\$250	1998 Total	\$3,250
							Sum Total 96-06	\$3,250
TOWNSEND, RONALD P	R	H	7	1996	ALTRIA/PM	\$1,000	1996 Total	\$1,000
				1998	ALTRIA/PM	\$1,000		
					RJ REYNOLDS	\$200	1998 Total	\$1,200
				2000	ALTRIA/PM	\$300	2000 Total	\$300
				2002	ALTRIA/PM	\$500	2002 Total	\$500
							Sum Total 96-06	\$3,000
TRIPP, DAN	R	H	28	1996	ALTRIA/PM	\$250	1996 Total	\$250
				1998	ALTRIA/PM	\$500		
					RJ REYNOLDS	\$500	1998 Total	\$1,000
				2002	ALTRIA/PM	\$500	2002 Total	\$500
				2004	LORILLARD TOBACCO	\$500	2004 Total	\$500
							Sum Total 96-06	\$2,250
TROTTER, TEDDY	R	H	4	1996	ALTRIA/PM	\$250	1996 Total	\$250
				1998	RJ REYNOLDS	\$200	1998 Total	\$200
				2000	RJ REYNOLDS	\$150	2000 Total	\$150
				2004	LORILLARD TOBACCO	\$500		
					RJ REYNOLDS	\$1,000	2004 Total	\$1,500
							Sum Total 96-06	\$2,100
TUCKER JR, JOHN W	UNK	H	6	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
TURNIPSEED, TOM	D	AG	SW	1998	HOLLIDAY FAMILY	\$300	1998 Total	\$300
							Sum Total 96-06	\$300
UMPHLETT JR, C DAVID	R	H	100	2004	RJ REYNOLDS	\$200	2004 Total	\$200
							Sum Total 96-06	\$200
VAUGHN, LEWIS RAYMOND	R	H	18	2002	ALTRIA/PM	\$500	2002 Total	\$500
							Sum Total 96-06	\$500
VERDIN, DANNY	R	S	9	2004	LORILLARD TOBACCO	\$1,750		
					RJ REYNOLDS	\$1,000	2004 Total	\$2,750
				2006	LORILLARD TOBACCO	\$750	2006 Total	\$750
							Sum Total 96-06	\$3,500
VICK, TED MARTIN	D	H	53	2006	RJ REYNOLDS	\$250	2006 Total	\$250
							Sum Total 96-06	\$250
VIERS, THAD	R	H	68	2004	RJ REYNOLDS	\$300	2004 Total	\$300
				2006	RJ REYNOLDS	\$150	2006 Total	\$150
							Sum Total 96-06	\$450
WADE, RICK C	D	SS	SW	2002	BROWN & WILLIAMSON TOBACCO	\$400		

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
					HOLLIDAY ASSOCIATES LLC	\$1,600	2002 Total Sum Total 96-06	\$2,000 \$2,000
WALDROP JR, DAVE C	R	H	40	1996	ALTRIA/PM	\$1,000	1996 Total Sum Total 96-06	\$1,000 \$1,000
WALKER, BOB	R	H	38	1996 2006	ALTRIA/PM RJ REYNOLDS	\$500 \$500	1996 Total 2006 Total Sum Total 96-06	\$500 \$500 \$1,000
WASHINGTON JR, MCKINLEY	D	S	45	1996	ALTRIA/PM	\$250	1996 Total Sum Total 96-06	\$250 \$250
WEATHERS, HUGH	R	AGRIC	SW	2006	J R BATTLE & CO	\$1,000	2006 Total Sum Total 96-06	\$1,000 \$1,000
WEBB, BUD	R	H	3	1996 1998	SOUTH CAROLINA TOBACCO ASSOCIATION ALTRIA/PM	\$200 \$500	1996 Total 1998 Total Sum Total 96-06	\$200 \$500 \$700
WEEKS, J DAVID	D	H	51	2002	ALTRIA/PM US SMOKELESS TOBACCO	\$250 \$200	2002 Total Sum Total 96-06	\$450 \$450
WELLS, CAROLE C	UNK	H	UNK	1996	ALTRIA/PM	\$250	1996 Total Sum Total 96-06	\$250 \$250
WEST, JOHN S	UNK	S	37	2000	RJ REYNOLDS	\$500	2000 Total Sum Total 96-06	\$500 \$500
WHATLEY, MICKEY	D	H	113	1996 1998 2000	ALTRIA/PM ALTRIA/PM ALTRIA/PM US SMOKELESS TOBACCO	\$250 \$250 \$200 \$225	1996 Total 1998 Total 2000 Total Sum Total 96-06	\$250 \$250 \$425 \$925
WHIPPER, J SETH	D	H	113	2004	RJ REYNOLDS	\$300	2004 Total Sum Total 96-06	\$300 \$300
WHIPPER, LUCILLE S	UNK	H	UNK	1996	ALTRIA/PM	\$250	1996 Total Sum Total 96-06	\$250 \$250
WHITE, BRIAN	R	H	6	1998 2002 2006	RJ REYNOLDS RJ REYNOLDS ALTRIA/PM	\$250 \$500 \$500	1998 Total 2002 Total 2006 Total Sum Total 96-06	\$250 \$500 \$500 \$1,250
WHITMIRE, BILL	R	H	1	2006	ALTRIA/PM RJ REYNOLDS	\$500 \$200	2006 Total Sum Total 96-06	\$700 \$700
WILDER, DONNY	D	H	15	1996 1998	ALTRIA/PM ALTRIA/PM	\$250 \$500	1996 Total 1998 Total Sum Total 96-06	\$250 \$500 \$750
WILKES, TIMOTHY C	D	H	41	1996	ALTRIA/PM RJ REYNOLDS	\$750 \$250	1996 Total	\$1,000

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year	
				1998	RJ REYNOLDS	\$300	1998 Total	\$300
							Sum Total 96-06	\$1,300
WILKINS, DAVID HORTON	R	H	24	1998	ALTRIA/PM	\$1,000		
					RJ REYNOLDS	\$1,000	1998 Total	\$2,000
				2000	ALTRIA/PM	\$500		
					BROWN & WILLIAMSON TOBACCO	\$500		
					LORILLARD TOBACCO	\$500		
					RJ REYNOLDS	\$1,000		
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$1,000	2000 Total	\$3,500
				2002	ALTRIA/PM	\$1,000		
					LORILLARD TOBACCO	\$500		
					RJ REYNOLDS	\$1,000	2002 Total	\$2,500
				2004	ALTRIA/PM	\$1,000	2004 Total	\$1,000
							Sum Total 96-06	\$9,000
WILLIAMS, KENT	D	S	30	2004	CAROLINA TOBACCO EXCHANGE	\$1,500	2004 Total	\$1,500
				2006	ALTRIA/PM	\$1,000		
					J R BATTLE & CO	\$1,000	2006 Total	\$2,000
							Sum Total 96-06	\$3,500
WILLIAMS, MARSHALL B	UNK	S	UNK	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
WILLIS, FRANK	D	G	SW	2006	J R BATTLE & CO	\$500	2006 Total	\$500
							Sum Total 96-06	\$500
WILSON, ADDISON G JOE	R	S	23	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
WINGATE, KEN	R	S	22	2004	RJ REYNOLDS	\$500	2004 Total	\$500
							Sum Total 96-06	\$500
WITHERSPOON, WILLIAM DAVID (BILLY)	R	H	105	1996	ALTRIA/PM	\$250	1996 Total	\$250
				2000	ALTRIA/PM	\$200		
					SOUTH CAROLINA TOBACCO ASSOCIATION	\$1,000	2000 Total	\$1,200
				2002	LORILLARD TOBACCO	\$500		
					US SMOKELESS TOBACCO	\$200	2002 Total	\$700
				2006	ALTRIA/PM	\$1,000	2006 Total	\$1,000
							Sum Total 96-06	\$3,150
WOFFORD, SANDI	R	S	44	1996	ALTRIA/PM	\$250	1996 Total	\$250
							Sum Total 96-06	\$250
YOUNG, ANNETTE	R	H	98	1996	ALTRIA/PM	\$500	1996 Total	\$500
				2000	ALTRIA/PM	\$300	2000 Total	\$300
				2002	ALTRIA/PM	\$1,000		
					RJ REYNOLDS	\$500	2002 Total	\$1,500
				2004	ALTRIA/PM	\$2,000		
					LORILLARD TOBACCO	\$250		
					RJ REYNOLDS	\$1,000	2004 Total	\$3,250

Candidate	Party	Office	District	Year	Contributor	Amount	Total by Year
				2006	ALTRIA/PM	\$1,000	2006 Total
							Sum Total 96-06
YOUNG, WILLIAM JEFFREY (JEFF)	R	H	67	1996	ALTRIA/PM	\$250	1996 Total
				2000	RJ REYNOLDS	\$750	2000 Total
							Sum Total 96-06



**Appendix B: Tobacco Industry Campaign Contributions by Contributor, 1996-2006**

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year	
ALTRIA/PM	1996	ALEXANDER, THOMAS C	R	S	1	\$1,000	1996 Total Altria/PM	\$56,350
		ALLISON, RITA	R	H	36	\$250		
		ANDERSON, RALPH	D	S	7	\$250		
		ASKINS, HARRY R	D	H	61	\$250		
		BATTLE, JIM	D	H	57	\$750		
		BAUER, ANDRE	R	LTG	SW	\$400		
		BAXLEY, J MICHAEL	D	H	65	\$250		
		BOAN, SAMMY	R	S	7	\$750		
		BOAN, WILLIAM D	R	H	44	\$250		
		BREELAND, FLOYD	D	H	120	\$650		
		BROWN JR, HENRY E	R	H	99	\$250		
		BROWN, GRADY	D	H	50	\$250		
		BROWN, JOE E	D	H	73	\$250		
		BROWN, THEODORE A	D	H	103	\$250		
		CANTY, RALPH W	D	H	51	\$250		
		CARNELL, MARION P	D	H	14	\$250		
		CATO, HARRY	R	H	17	\$250		
		CAVE, WILBUR L	D	H	91	\$650		
		CHAMBLEE, CEBRON D	UNK	H	8	\$250		
		CLYBURN, WILLIAM	D	H	82	\$650		
		COOPER, DAN	R	H	10	\$250		
		CORK, HOLLY A	R	S	46	\$250		
		COTTY, WILLIAM (BILL)	R	H	79	\$250		
		COURSON, JOHN	R	S	20	\$250		
		DANTZLER, TOM	R	H	117	\$250		
		DRUMMOND, JOHN	D	S	10	\$250		
		EASTERDAY, MIKE	R	H	27	\$250		
		ELLIOTT, LARRY	D	H	57	\$250		
		FORD, ROBERT	D	S	42	\$750		
		FULMER, RONALD C	R	H	119	\$250		
		GAMBLE, MARGARET	D	H	89	\$750		
		GARRISON III, THOMAS E	D	H	8	\$500		
		GIESE, WARREN K	R	S	22	\$250		
		GLOVER, MAGGIE WALLACE	D	S	30	\$1,000		
		HALLMAN JR, HARRY M	R	H	112	\$250		
		HARRELL JR, ROBERT W	R	H	114	\$250		
		HARRIS, JEAN L	D	H	53	\$500		
HARRISON, JIM	R	H	75	\$1,000				
HARVIN III, C ALEXANDER	D	H	64	\$1,000				
HAYES JR, ROBERT (WES)	R	S	15	\$250				
HINES, JESSE	D	H	62	\$250				
HOLLAND, DONALD H	D	S	27	\$1,000				
HOWARD, LEON	D	H	76	\$750				
HUNTER, GILDA C	D	H	66	\$1,000				
HUTSON, HEYWARD G	R	S	38	\$250				

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		HUTTO, BRAD	D	S	40	\$750	
		INABINETT, CURTIS B	D	H	116	\$250	
		JASKWHICH, MICHAEL F	R	H	21	\$250	
		JENNINGS JR, DOUGLAS	D	H	54	\$1,000	
		KEEGAN, THOMAS G	R	H	106	\$500	
		KELLEY, MARK S	R	H	107	\$250	
		KENNEDY, KENNETH	D	H	101	\$250	
		KEYSERLING, WILLIAM	R	H	124	\$250	
		KINON, MARION (JUDGE)	R	H	55	\$250	
		KIRSH, HERB	D	H	47	\$250	
		KLAUBER, JAMES S	R	H	13	\$1,000	
		KNOTTS, JAKE	R	H	88	\$250	
		KOON, LARRY L	R	H	87	\$250	
		LAND III, JOHN C	D	S	36	\$1,250	
		LANDER, JAMES A	D	S	18	\$250	
		LANFORD, STEVE	R	H	35	\$250	
		LAW, JAMES N	R	H	100	\$250	
		LEATHERMAN, HUGH	R	S	31	\$750	
		LEVENTIS, PHIL	D	S	35	\$1,000	
		LIMBAUGH, HUNTER	R	H	63	\$250	
		LIMEHOUSE, CHIP	R	H	110	\$250	
		LITTLEJOHN, LANNY	R	H	33	\$250	
		LLOYD, WALTER P	D	H	121	\$650	
		MADDOX JR, J CORDELL	D	H	9	\$1,500	
		MARTIN, LARRY A	R	S	2	\$250	
		MASON, RUDY	R	H	81	\$250	
		MATTHEWS JR, JOHN W	D	S	39	\$250	
		MCABEE, JENNINGS G	PROG	H	12	\$250	
		MCCONNELL, GLENN	R	S	41	\$250	
		MCCRAW, E DEWITT	D	H	29	\$750	
		MCKAY, WOODROW M	D	H	60	\$750	
		MCMAHAND, WB	D	H	25	\$250	
		MCTEER JR, DOUGLAS E	R	UNK	UNK	\$250	
		MOODY-LAWRENCE, BESSIE	D	H	49	\$250	
		MOORE, TOMMY	D	S	25	\$1,000	
		NEILSON, DENNY W	D	H	56	\$250	
		PHILLIPS, OLIN R	D	H	30	\$450	
		QUINN, RICK	R	H	71	\$1,000	
		RANKIN, LUKE A	R	S	33	\$1,000	
		REESE, GLENN G	D	S	11	\$250	
		RICHARDSON, SCOTT	R	S	46	\$250	
		RICHTER JR, LAWRENCE E	UNK	S	UNK	\$250	
		RISER, BILL	R	H	69	\$500	
		ROBINSON JR, ALFRED	R	H	5	\$250	
		RUSSELL, JOHN R	R	S	12	\$1,000	
		RYBERG, W GREG	R	S	24	\$250	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		SALEEBY, EDWARD E	D	S	29	\$750	
		SANDIFER, BILL	R	H	2	\$250	
		SCOTT JR, JOHN L	D	H	77	\$1,000	
		SEITHEL, LYNN	R	H	115	\$250	
		SETZLER, NIKKI	D	S	26	\$1,000	
		SHARPE, CHARLES	R	H	86	\$250	
		SHORT, LINDA H	D	S	17	\$250	
		SIMRILL, GARY	R	H	46	\$250	
		SMITH JR, JAMES E	D	H	72	\$750	
		SMITH, DOUG	R	H	32	\$250	
		SMITH, GREG	UNK	S	34	\$1,000	
		SMITH, JAMES R	R	H	84	\$650	
		STODDARD, EUGENE C	D	H	16	\$250	
		THOMAS, DON S	R	H	108	\$250	
		TOWNSEND, RONALD P	R	H	7	\$1,000	
		TRIPP, DAN	R	H	28	\$250	
		TROTTER, TEDDY	R	H	4	\$250	
		TUCKER JR, JOHN W	UNK	H	6	\$250	
		WALDROP JR, DAVE C	R	H	40	\$1,000	
		WALKER, BOB	R	H	38	\$500	
		WASHINGTON JR, MCKINLEY	D	S	45	\$250	
		WELLS, CAROLE C	UNK	H	UNK	\$250	
		WHATLEY, MICKEY	D	H	113	\$250	
		WHIPPER, LUCILLE S	UNK	H	UNK	\$250	
		WILDER, DONNY	D	H	15	\$250	
		WILKES, TIMOTHY C	D	H	41	\$750	
		WILLIAMS, MARSHALL B	UNK	S	UNK	\$250	
		WILSON, ADDISON G JOE	R	S	23	\$250	
		WITHERSPOON, WILLIAM DAVID (BILLY)	R	H	105	\$250	
		WOFFORD, SANDI	R	S	44	\$250	
		YOUNG, ANNETTE	R	H	98	\$500	
		YOUNG, WILLIAM JEFFREY (JEFF)	R	H	67	\$250	
1998		ASKINS, HARRY R	D	H	61	\$500	1998 Total Altria/PM
		BARRETT, GRESHAM	R	H	1	\$250	\$31,950
		BATTLE, JIM	D	H	57	\$1,000	
		BEASLEY, DAVID	R	G	SW	\$3,500	
		BROWN, GRADY	D	H	50	\$500	
		BROWN, THEODORE A	D	H	103	\$500	
		BYRD, DR ALMA W	D	H	74	\$250	
		CATO, HARRY	R	H	17	\$500	
		CONDON, CHARLIE	R	AG	SW	\$3,500	
		COOPER, DAN	R	H	10	\$200	
		DELLENEY JR, FG (GREG)	D	H	43	\$500	
		FELDER, JOHN G	R	H	93	\$500	
		FLEMING, RONALD N	R	H	42	\$500	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		FLOYD, TONY	D	H	65	\$500	
		HARRELL JR, ROBERT W	R	H	114	\$1,000	
		HARRIS JR, C ANTHONY	D	H	53	\$500	
		HODGES, JIM	D	G	SW	\$3,500	
		INABINETT, CURTIS B	D	H	116	\$250	
		JENNINGS JR, DOUGLAS	D	H	54	\$1,000	
		KENNEDY, KENNETH	D	H	101	\$500	
		KLAUBER, JAMES S	R	H	13	\$500	
		KNOTTS, JAKE	R	H	88	\$500	
		LITTLEJOHN, LANNY	R	H	33	\$500	
		MARTIN, BECKY	R	H	8	\$500	
		MCGEE, JIM	R	H	63	\$500	
		MCLEOD JR, E B (MAC)	D	H	67	\$500	
		PINCKNEY, CLEMENTA C	D	H	122	\$250	
		RODGERS, EDIE	R	H	124	\$250	
		SANDIFER, BILL	R	H	2	\$250	
		SCOTT JR, JOHN L	D	H	77	\$750	
		SEITHEL, LYNN	R	H	115	\$500	
		SHARPE, CHARLES	R	H	86	\$500	
		SMITH JR, JAMES E	D	H	72	\$500	
		SMITH, JAMES R	R	H	84	\$250	
		SPEARMAN, MOLLY	R	H	39	\$500	
		THEODORE, NICK A	D	LTG	SW	\$1,000	
		TINDAL, LESLIE D	R	AGRIC	SW	\$1,000	
		TOWNSEND, RONALD P	R	H	7	\$1,000	
		TRIPP, DAN	R	H	28	\$500	
		WEBB, BUD	R	H	3	\$500	
		WHATLEY, MICKEY	D	H	113	\$250	
		WILDER, DONNY	D	H	15	\$500	
		WILKINS, DAVID HORTON	R	H	24	\$1,000	
2000		BATTLE, JIM	D	H	57	\$300	
		BROWN, JOE E	D	H	73	\$200	
		CATO, HARRY	R	H	17	\$1,050	
		EDGE, TRACY	R	H	104	\$200	
		ELLIOTT, DICK	D	H	57	\$200	
		EMORY, ELDRIDGE R	D	H	45	\$200	
		HARRELL JR, ROBERT W	R	H	114	\$300	
		HARVIN III, C ALEXANDER	D	H	64	\$200	
		HAYES, JACKIE E	D	H	55	\$200	
		HODGES, JIM	D	G	SW	\$3,500	
		HOUSE DEMOCRATIC CAUCUS OF SOUTH CAROLINA	D	PP	N/A	\$3,500	
		HOUSE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$7,000	
		JENNINGS JR, DOUGLAS	D	H	54	\$500	
							2000 Total Altra/PM \$30,400

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		KELLEY, MARK S	R	H	107	\$300	
		KENNEDY, KENNETH	D	H	101	\$200	
		KNOTTS, JAKE	R	H	88	\$200	
		LAW, JAMES N	R	H	100	\$250	
		LEE, BRENDA	D	H	31	\$300	
		LIMEHOUSE, CHIP	R	H	110	\$200	
		MADDOX JR, J CORDELL	D	H	9	\$300	
		MCLEOD JR, E B (MAC)	D	H	67	\$300	
		MILLER, VIDA O	D	H	108	\$300	
		OTT, HARRY L	D	H	93	\$300	
		RHOAD, THOMAS N	D	H	90	\$300	
		RISER, BILL	R	H	69	\$200	
		RUTHERFORD, J TODD	D	H	74	\$200	
		SENATE DEMOCRATIC CAUCUS OF SOUTH CAROLINA	D	PP	N/A	\$3,500	
		SENATE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$3,500	
		SHARPE, CHARLES	R	H	86	\$300	
		SHORT, LINDA H	D	S	17	\$500	
		SMITH, DOUG	R	H	32	\$200	
		STUART, ELSIE RAST	R	H	96	\$200	
		TOWNSEND, RONALD P	R	H	7	\$300	
		WHATLEY, MICKEY	D	H	113	\$200	
		WILKINS, DAVID HORTON	R	H	24	\$500	
		WITHERSPOON, WILLIAM DAVID (BILLY)	R	H	105	\$200	
		YOUNG, ANNETTE	R	H	98	\$300	
2002		BATTLE, JIM	D	H	57	\$750	
		BENJAMIN, STEPHEN K	D	AG	SW	\$3,500	
		BOWERS, BILL	D	H	120	\$250	
		BROWN, GRADY	D	H	50	\$500	
		COBB HUNTER, GILDA	D	H	66	\$500	
		EDGE, TRACY	R	H	104	\$500	
		EMORY, ELDRIDGE R	D	H	45	\$500	
		HARRELL JR, ROBERT W	R	H	114	\$1,000	
		HOUSE DEMOCRATIC CAUCUS OF SOUTH CAROLINA	D	PP	N/A	\$7,000	
		HOUSE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$7,000	
		KENNEDY, KENNETH	D	H	101	\$1,000	
		LEVENTIS, PHIL	D	S	35	\$2,000	
		MCCRAW, E DEWITT	D	H	29	\$500	
		RHOAD, THOMAS N	D	H	90	\$500	
		RUTHERFORD, J TODD	D	H	74	\$500	
							2002 Total Altria/PM \$36,750

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		SENATE DEMOCRATIC CAUCUS OF SOUTH CAROLINA	D	PP	N/A	\$3,500	
		SENATE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$3,500	
		TOWNSEND, RONALD P	R	H	7	\$500	
		TRIPP, DAN	R	H	28	\$500	
		VAUGHN, LEWIS RAYMOND	R	H	18	\$500	
		WEEKS, J DAVID	D	H	51	\$250	
		WILKINS, DAVID HORTON	R	H	24	\$1,000	
		YOUNG, ANNETTE	R	H	98	\$1,000	
2004		BATTLE, JIM	D	H	57	\$1,000	2004 Total Altria/PM
		BAUER, ANDRE	R	LTG	SW	\$3,500	\$30,000
		BINGHAM, KENNY	R	H	89	\$500	
		BRYANT, KEVIN L	R	S	3	\$500	
		CEIPS, CATHERINE	R	H	124	\$1,000	
		COOPER, DAN	R	H	10	\$1,000	
		EDGE, TRACY	R	H	104	\$1,000	
		HARRELL JR, ROBERT W	R	H	114	\$1,000	
		HARRISON, JIM	R	H	75	\$1,000	
		HAWKINS, JOHN DAVID	R	S	12	\$500	
		HOUSE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$3,500	
		KIRSH, HERB	D	H	47	\$500	
		KNOTTS, JAKE	R	H	88	\$500	
		KUHN, JOHN	R	S	43	\$500	
		MCCONNELL, GLENN	R	S	41	\$2,000	
		MCMASTER, HENRY	R	AG	SW	\$3,500	
		QUINN, RICK	R	H	71	\$1,000	
		SANFORD, MARK	R	G	SW	\$3,500	
		SCARBOROUGH, WALLACE	R	H	115	\$500	
		TAYLOR, ADAM	R	H	16	\$500	
		WILKINS, DAVID HORTON	R	H	24	\$1,000	
		YOUNG, ANNETTE	R	H	98	\$2,000	
2006		BAILEY, GEORGE	R	H	97	\$500	2006 Total Altria/PM
		BALES, JIMMY C	D	H	80	\$500	\$72,000
		BARFIELD, LISTON	R	H	58	\$500	
		BATTLE, JIM	D	H	57	\$1,000	
		BINGHAM, KENNY	R	H	89	\$1,500	
		BRYANT, KEVIN L	R	S	3	\$1,000	
		COOPER, DAN	R	H	10	\$1,000	
		CROMER, RONNIE W	R	S	18	\$500	
		EDGE, TRACY	R	H	104	\$1,000	
		HARRELL JR, ROBERT W	R	H	114	\$1,000	
		HARRISON, JIM	R	H	75	\$500	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		HOUSE DEMOCRATIC CAUCUS OF SOUTH CAROLINA	D	PP	N/A	\$3,500	
		HOUSE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$7,000	
		JENNINGS JR, DOUGLAS	D	H	54	\$500	
		KENNEDY, KENNETH	D	H	101	\$500	
		LEVENTIS, PHIL	D	S	35	\$1,000	
		MAHAFFEY, JOE	R	H	36	\$500	
		MARTIN, LARRY A	R	S	2	\$1,000	
		MATTHEWS JR, JOHN W	D	S	39	\$1,000	
		MERRILL, JIM	R	H	99	\$500	
		MILLER, VIDA O	D	H	108	\$500	
		ODELL, BILLY	D	S	4	\$500	
		OTT, HARRY L	D	H	93	\$500	
		PATTERSON, GRADY	D	TREAS	SW	\$4,500	
		PITTS, MIKE	R	H	14	\$500	
		RICHARDSON, SCOTT	R	S	46	\$500	
		SANDIFER, BILL	R	H	2	\$500	
		SANFORD, MARK	R	G	SW	\$3,500	
		SENATE DEMOCRATIC CAUCUS OF SOUTH CAROLINA	D	PP	SW	\$7,000	
		SENATE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	SW	\$9,500	
		SOUTH CAROLINA DEMOCRATIC PARTY	D	PP	SW	\$5,000	
		SOUTH CAROLINA REPUBLICAN PARTY	R	PP	SW	\$10,000	
		TALLEY, SCOTT	R	H	34	\$500	
		TAYLOR, ADAM	R	H	16	\$500	
		WHITE, BRIAN	R	H	6	\$500	
		WHITMIRE, BILL	R	H	1	\$500	
		WILLIAMS, KENT	D	S	30	\$1,000	
		WITHERSPOON, WILLIAM DAVID (BILLY)	R	H	105	\$1,000	
		YOUNG, ANNETTE	R	H	98	\$1,000	
						<b>1996-2006 Altria/PM Total</b>	<b>\$257,450</b>
<b>BROWN &amp; WILLIAMSON TOBACCO</b>	1998	BEASLEY, DAVID	R	G	SW	\$3,500	1998 Total B&W \$3,500
	2000	BAILEY, GEORGE	R	H	97	\$200	2000 Total B&W \$8,050
		BATTLE, JIM	D	H	57	\$250	
		CARNELL, MARION P	D	H	14	\$200	
		COBB HUNTER, GILDA	D	H	66	\$250	
		DRUMMOND, JOHN	D	S	10	\$300	
		HARRELL JR, ROBERT W	R	H	114	\$250	
		HODGES, JIM	D	G	SW	\$3,500	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year	
		HOUSE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$1,000		
		JENNINGS JR, DOUGLAS	D	H	54	\$250		
		LAND III, JOHN C	D	S	36	\$500		
		MCCRAW, E DEWITT	D	H	29	\$200		
		ODELL, BILLY	D	S	4	\$200		
		QUINN, RICK	R	H	71	\$250		
		SMITH JR, JAMES E	D	H	72	\$200		
		WILKINS, DAVID HORTON	R	H	24	\$500		
	2002	HOUSE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$1,000	2002 Total B&W	\$1,600
		SNOW, JOHN J	D	H	103	\$200		
		WADE, RICK C	D	SS	SW	\$400		
	2004	MCMASTER, HENRY	R	AG	SW	\$1,500	2004 Total B&W	\$2,000
		SHARPE, CHARLES	R	H	86	\$500		
							<b>1996-2006 Total B&amp;W</b>	<b>\$15,150</b>
<b>CAROLINA TOBACCO EXCHANGE</b>	2002	HINES, MACK T	D	H	59	\$500	2002 Total CTE	\$2,500
		LONG, JOHN	D	AGRIC	SW	\$1,000		
		MCMASTER, HENRY	R	AG	SW	\$1,000		
	2004	HINES, MACK T	D	H	59	\$1,000	2004 Total CTE	\$3,500
		MCMASTER, HENRY	R	AG	SW	\$1,000		
		WILLIAMS, KENT	D	S	30	\$1,500		
							<b>1996-2006 Total CTE</b>	<b>\$6,000</b>
<b>CAROLINA TOBACCO WAREHOUSE</b>	2002	HODGES, JIM	D	G	SW	\$1,000	2002 Total CTW	\$1,000
							<b>1996-2006 Total CTW</b>	<b>\$1,000</b>
<b>DISCOUNT TOBACCO</b>	2004	FLYNN, L W	R	H	78	\$200	2004 Total Discount Tobacco	\$200
							<b>1996-2006 Total Discount Tobacco</b>	<b>\$200</b>
<b>GREGORYS WAREHOUSE</b>	2000	COATES, MARTY	R	H	60	\$500	2000 Total Gregory's Warehouse	\$500
							<b>1996-2006 Total Gregory's Warehouse</b>	<b>\$500</b>
<b>HOLLIDAY ASSOCIATES LLC</b>	1998	BATTLE, JIM	D	H	57	\$100	1998 Total Holliday Associates	\$6,725
		HODGES, JIM	D	G	SW	\$3,850		
		PATTERSON, GRADY	D	TREAS	SW	\$950		
		TENENBAUM, INEZ M	D	SPI	SW	\$525		
		THEODORE, NICK A	D	LTG	SW	\$1,300		
	2000	HODGES, JIM	D	G	SW	\$3,500	2000 Total Holliday Associates	\$5,250
		LAND III, JOHN C	D	S	36	\$750		



Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		RANKIN, LUKE A	R	S	33	\$1,000	
	2002	BENJAMIN, STEPHEN K	D	AG	SW	\$2,000	2002 Total Holliday Associates \$9,100
		GREGG, BEN	D	AGRIC	SW	\$2,000	
		HARVIN III, C ALEXANDER	D	H	64	\$500	
		LAND III, JOHN C	D	S	36	\$200	
		LANDER, JAMES A	D	S	18	\$550	
		LONG, JOHN	D	AGRIC	SW	\$250	
		MCIVER SR, LESLIE H	D	H	58	\$1,000	
		TENENBAUM, INEZ M	D	SPI	SW	\$1,000	
		WADE, RICK C	D	SS	SW	\$1,600	
	2004	LAND III, JOHN C	D	S	36	\$250	2004 Total Holliday Associates \$950
		LANDER, JAMES A	D	S	18	\$200	
		LEVENTIS, PHIL	D	S	35	\$250	
		LOURIE, JOEL	D	S	22	\$250	
							<b>1996-2006 Total Holliday Associates \$22,025</b>
<b>HOLLIDAY FAMILY</b>	1998	FAIRCHILD, ROY BLAKE	D	SS	SW	\$200	1998 Total Holliday Family \$4,325
		HODGES, JIM	D	G	SW	\$3,500	
		TENENBAUM, INEZ M	D	SPI	SW	\$325	
		TURNIPSEED, TOM	D	AG	SW	\$300	
	2000	CARNELL, MARION P	D	H	14	\$250	2000 Total Holliday Family \$5,600
		HODGES, JIM	D	G	SW	\$2,750	
		LAND III, JOHN C	D	S	36	\$750	
		PASSAILAIGUE JR, ERNIE	D	S	43	\$250	
		PATTERSON, KAY	D	S	19	\$100	
		RANKIN, LUKE A	R	S	33	\$1,000	
		SALEEBY, EDWARD E	D	S	29	\$250	
		TENENBAUM, INEZ M	D	SPI	SW	\$250	
	2002	GREGG, BEN	D	AGRIC	SW	\$1,000	2002 Total Holliday Family \$1,000
							<b>1996-2006 Total Holliday Family \$10,925</b>
<b>HOWE, WILLIAM (Individual)</b>	2002	HODGES, JIM	D	G	SW	\$1,000	2002 Total William Howe \$1,000
							<b>1996-2006 Total William Howe \$1,000</b>
<b>J R BATTLE &amp; CO</b>	2006	BARBER, ROBERT	D	LTG	SW	\$1,000	2006 Total J R Battle & Co \$7,750
		CAMPBELL, MIKE	R	LTG	SW	\$250	
		MOORE, TOMMY	D	S	25	\$3,500	
		PATTERSON, GRADY	D	S	19	\$500	
		WEATHERS, HUGH	R	AGRIC	SW	\$1,000	
		WILLIAMS, KENT	D	S	30	\$1,000	
		WILLIS, FRANK	D	G	SW	\$500	
							<b>1996-2006 Total J R Battle &amp; Co \$7,750</b>
<b>LORILLARD TOBACCO</b>	2000	BATTLE, JIM	D	H	57	\$250	2000 Total Lorillard Tobacco \$5,050

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		BRYAN JR, JAMES E	D	S	9	\$250	
		CARNELL, MARION P	D	H	14	\$200	
		DRUMMOND, JOHN	D	S	10	\$500	
		HARRELL JR, ROBERT W	R	H	114	\$200	
		HOUSE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$1,000	
		LAND III, JOHN C	D	S	36	\$250	
		MCGILL, JOHN YANCEY	D	S	32	\$250	
		MOORE, TOMMY	D	S	25	\$250	
		ODELL, BILLY	D	S	4	\$250	
		PASSAILAIGUE JR, ERNIE	D	S	43	\$250	
		QUINN, RICK	R	H	71	\$200	
		REESE, GLENN G	D	S	11	\$250	
		RHOAD, THOMAS N	D	H	90	\$200	
		SALEEBY, EDWARD E	D	S	29	\$250	
		WILKINS, DAVID HORTON	R	H	24	\$500	
2002		BATTLE, JIM	D	H	57	\$250	2002 Total Lorillard Tobacco
		HARRELL JR, ROBERT W	R	H	114	\$500	\$13,900
		HODGES, JIM	D	G	SW	\$3,500	
		HOUSE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	SW	\$3,000	
		MILLER, VIDA O	D	H	108	\$100	
		OTT, HARRY L	D	H	93	\$250	
		PERRY, SKIPPER	R	H	81	\$200	
		SMITH, DOUG	R	H	32	\$500	
		SNOW, JOHN J	D	H	103	\$100	
		SOUTH CAROLINA DEMOCRATIC PARTY	D	PP	N/A	\$3,500	
		SOUTH CAROLINA REPUBLICAN PARTY	R	PP	N/A	\$1,000	
		WILKINS, DAVID HORTON	R	H	24	\$500	
		WITHERSPOON, WILLIAM DAVID (BILLY)	R	H	105	\$500	
2004		BATTLE, JIM	D	H	57	\$250	2004 Total Lorillard Tobacco
		BAUER, ANDRE	R	LTG	SW	\$3,500	\$26,500
		CATO, HARRY	R	H	17	\$750	
		EDGE, TRACY	R	H	104	\$1,000	
		HARRISON, JIM	R	H	75	\$750	
		HOUSE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$3,500	
		KIRSH, HERB	D	H	47	\$250	
		KNOTTS, JAKE	R	H	88	\$1,000	
		MCCONNELL, GLENN	R	S	41	\$1,000	
		MCGEE, JIM	R	H	63	\$250	
		MERRILL, JIM	R	H	99	\$1,000	
		PEELER, HARVEY	R	S	14	\$1,000	
		PITTS, MIKE	R	H	14	\$250	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year	
		QUINN, RICK	R	H	71	\$1,000		
		SANDIFER, BILL	R	H	2	\$500		
		SENATE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$3,500		
		SHARPE, CHARLES	R	H	86	\$2,500		
		SMITH, DOUG	R	H	32	\$750		
		SNOW, JOHN J	D	H	103	\$250		
		TAYLOR, ADAM	R	H	16	\$500		
		TRIPP, DAN	R	H	28	\$500		
		TROTTER, TEDDY	R	H	4	\$500		
		VERDIN, DANNY	R	S	9	\$1,750		
		YOUNG, ANNETTE	R	H	98	\$250		
	2006	COOPER, DAN	R	H	10	\$1,000	2006 Total Lorillard Tobacco	
		HOUSE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$4,500	\$13,250	
		MERRILL, JIM	R	H	99	\$1,000		
		PEELER, HARVEY	R	LTG	SW	\$1,000		
		SANFORD, MARK	R	G	SW	\$1,000		
		SENATE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$4,000		
		VERDIN, DANNY	R	S	9	\$750		
							<b>1996-2006 Total Lorillard Tobacco</b>	<b>\$58,700</b>
<b>MARJORIE R HOLLIDAY REVOCABLE TRUST</b>	2002	HODGES, JIM	D	G	SW	\$1,000	2002 Total MR Holliday Revocable Trust	
								\$1,000
							<b>1996-2006 Total MR Holliday Revocable Trust</b>	<b>\$1,000</b>
<b>NICHOLS HAVEHOUSE TOBACCO</b>	2000	HAYES, JACKIE E	D	H	55	\$1,000	2000 Total Nichols Havehouse Tobacco	
								\$1,000
							<b>1996-2006 Total Nichols Havehouse Tobacco</b>	<b>\$1,000</b>
<b>PRINCE, PATRICIA (Individual/Tobacco Distributor)</b>	2006	MCMASTER, HENRY	R	AG	SW	\$2,000	2006 Total Patricia Prince	
								\$2,000
							<b>1996-2006 Total Patricia Prince</b>	<b>\$2,000</b>
<b>PLANTERS &amp; GROWERS GOLDEN LEAF WAREHOUSE</b>	2002	HODGES, JIM	D	G	SW	\$2,000	2002 Total Planters & Growers Golden Leaf Warehouse	
								\$2,000
							<b>1996-2006 Total Planters &amp; Growers Golden Leaf Warehouse</b>	<b>\$2,000</b>
<b>PLANTERS TOBACCO WAREHOUSE INC</b>	2002	HODGES, JIM	D	G	SW	\$200	2002 Total Planters Tobacco Warehouse	
								\$200

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
						<b>1996-2006 Total Planters Tobacco Warehouse</b>	<b>\$200</b>
<b>RJ REYNOLDS</b>	1996	BATTLE, JIM	D	H	57	\$500	1996 Total RJ Reynolds
		BAXLEY, J MICHAEL	D	H	65	\$250	
		BROWN, GRADY	D	H	50	\$250	
		DAVENPORT, RALPH	R	H	37	\$250	
		GAMBLE, MARGARET	D	H	89	\$250	
		HARRISON, JIM	R	H	75	\$500	
		HOLLAND, DONALD H	D	S	27	\$500	
		JENNINGS JR, DOUGLAS	D	H	54	\$250	
		LAND III, JOHN C	D	S	36	\$1,000	
		LEATHERMAN, HUGH	R	S	31	\$500	
		MCCONNELL, GLENN	R	S	41	\$750	
		MCGILL, JOHN YANCEY	D	S	32	\$500	
		MCKAY, WOODROW M	R	H	60	\$1,000	
		MEACHAM, BECKY	R	H	48	\$250	
		MOORE, TOMMY	D	S	25	\$1,000	
		SETZLER, NIKKI	D	S	26	\$300	
		WILKES, TIMOTHY C	D	H	41	\$250	
	1998	BARFIELD, LISTON	R	H	58	\$150	1998 Total RJ Reynolds
		BAUER, ANDRE	R	LTG	SW	\$250	
		BEASLEY, DAVID	R	G	SW	\$3,500	
		BROWN, JOE E	D	H	73	\$200	
		CARNELL, MARION P	D	H	14	\$500	
		CATO, HARRY	R	H	17	\$500	
		COOPER, DAN	R	H	10	\$250	
		COURSON, JOHN	R	S	20	\$500	
		FELDER, JOHN G	R	H	93	\$500	
		FLEMING, RONALD N	R	H	42	\$250	
		HARRELL JR, ROBERT W	R	H	114	\$500	
		HARRIS JR, C ANTHONY	D	H	53	\$250	
		HINSON, SHIRLEY	R	H	92	\$200	
		HODGES, JIM	D	G	SW	\$3,500	
		JENNINGS JR, DOUGLAS	D	H	54	\$500	
		KEEGAN, THOMAS G	R	H	106	\$500	
		KENNEDY, KENNETH	D	H	101	\$100	
		KINON, MARION (JUDGE)	R	H	55	\$250	
		KLAUBER, JAMES S	R	H	13	\$500	
		LITTLEJOHN, LANNY	R	H	33	\$100	
		LUCAS, JAY	R	H	65	\$250	
		MADDOX JR, J CORDELL	D	H	9	\$250	
		MCGEE, JIM	R	H	63	\$100	
		MCKAY, WOODROW M	R	H	60	\$250	
		MCMASTER, JOE	R	H	78	\$250	
		MEACHAM, BECKY	R	H	48	\$500	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		PEELER, BOB	R	LTG	SW	\$2,500	
		QUINN, RICK	R	H	71	\$1,500	
		RODGERS, EDIE	R	H	124	\$250	
		SANDIFER, BILL	R	H	2	\$200	
		SCOTT JR, JOHN L	D	H	77	\$150	
		TAYLOR, ADAM	R	H	16	\$250	
		TINDAL, LESLIE D	R	AGRIC	SW	\$2,000	
		TOWNSEND, RONALD P	R	H	7	\$200	
		TRIPP, DAN	R	H	28	\$500	
		TROTTER, TEDDY	R	H	4	\$200	
		WHITE, BRIAN	R	H	6	\$250	
		WILKES, TIMOTHY C	D	H	41	\$300	
		WILKINS, DAVID HORTON	R	H	24	\$1,000	
2000		ALEXANDER, THOMAS C	R	S	1	\$200	2000 Total RJ Reynolds \$43,200
		ALTMAN, JOHN GRAHAM	R	H	119	\$250	
		ASKINS, HARRY R	D	H	61	\$200	
		BATTLE, JIM	D	H	57	\$1,250	
		BAUER, ANDRE	R	LTG	SW	\$850	
		BINGHAM, KENNY	R	H	89	\$250	
		BOWERS, BILL	D	H	120	\$200	
		BRANTON JR, WILLIAM STROBEL	R	S	38	\$200	
		BROWN, JOE E	D	H	73	\$500	
		BRYAN JR, JAMES E	D	S	9	\$200	
		CATO, HARRY	R	H	17	\$500	
		COATES, MARTY	R	H	60	\$500	
		COBB HUNTER, GILDA	D	H	66	\$250	
		COOPER, DAN	R	H	10	\$150	
		DRUMMOND, JOHN	D	S	10	\$500	
		EDGE, TRACY	R	H	104	\$200	
		ELLIOTT, DICK	D	S	28	\$300	
		FLEMING, RONALD N	R	H	42	\$1,050	
		FORD, ROBERT	D	S	42	\$550	
		FRYE, MARION	R	H	39	\$500	
		GAMBLE, MARGARET	D	H	89	\$250	
		GILHAM, JO ANNE	R	H	123	\$250	
		HARRELL JR, ROBERT W	R	H	114	\$500	
		HARVIN III, C ALEXANDER	D	H	64	\$250	
		HAYES, JACKIE E	D	H	55	\$200	
		HINSON, SHIRLEY	R	H	92	\$600	
		HODGES, JIM	D	G	SW	\$3,500	
		HOLLAND, DONALD H	D	S	27	\$500	
		HOUSE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$7,000	
		HUGGINS, CHIP	R	H	85	\$200	
		HUTTO, BRAD	D	S	40	\$200	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		JENNINGS JR, DOUGLAS	D	H	54	\$500	
		KEEGAN, THOMAS G	R	H	106	\$250	
		KELLEY, MARK S	R	H	107	\$400	
		KENNEDY, KENNETH	D	H	101	\$250	
		KLAUBER, JAMES S	R	H	13	\$800	
		KNOTTS, JAKE	R	H	88	\$300	
		LAND III, JOHN C	D	S	36	\$500	
		LAW, JAMES N	R	H	100	\$400	
		LEATHERMAN, HUGH	R	S	31	\$1,000	
		LIMEHOUSE, CHIP	R	H	110	\$200	
		LOFTIS, DWIGHT A	R	H	19	\$200	
		LUCAS, JAY	R	H	65	\$250	
		MADDOX JR, J CORDELL	D	H	9	\$550	
		MARTIN, BECKY	R	H	8	\$450	
		MCCONNELL, GLENN	R	S	41	\$200	
		MCCRAW, E DEWITT	D	H	29	\$200	
		MCGEE, JIM	R	H	63	\$200	
		MCGILL, JOHN YANCEY	D	S	32	\$500	
		MERRILL, JIM	R	H	99	\$200	
		MILLER, VIDA O	D	H	108	\$150	
		MOORE, TOMMY	D	S	25	\$750	
		OWENS, DAVID J	R	H	97	\$500	
		PASSAILAIGUE JR, ERNIE	D	S	43	\$500	
		PATTERSON, KAY	D	S	19	\$200	
		PEELER, HARVEY	R	S	14	\$200	
		RAVENEL, ARTHUR J	R	S	34	\$200	
		RHOAD, THOMAS N	D	H	90	\$400	
		RODGERS, EDIE	R	H	124	\$250	
		SALEEBY, EDWARD E	D	S	29	\$750	
		SANDIFER, BILL	R	H	2	\$200	
		SCARBOROUGH, WALLACE	R	H	115	\$200	
		SEITHEL, LYNN	R	H	115	\$200	
		SENATE DEMOCRATIC CAUCUS OF SOUTH CAROLINA	D	PP	N/A	\$3,500	
		SETZLER, NIKKI	D	S	26	\$250	
		SHARPE, CHARLES	R	H	86	\$1,000	
		SMITH JR, FLETCHER N	D	H	23	\$200	
		SMITH, JEFFERSON VERNE	D	S	5	\$500	
		SMITH, MURRELL	R	H	68	\$500	
		SNOW, JOHN J	D	H	103	\$250	
		TAYLOR, ADAM	R	H	16	\$700	
		TROTTER, TEDDY	R	H	4	\$150	
		WEST, JOHN S	UNK	S	37	\$500	
		WILKINS, DAVID HORTON	R	H	24	\$1,000	
		YOUNG, WILLIAM JEFFREY (JEFF)	R	H	67	\$750	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
	2002	CATO, HARRY	R	H	17	\$250	2002 Total RJ Reynolds \$34,850
		CEIPS, CATHERINE	R	H	124	\$250	
		CHELLIS, CONVERSE	R	H	94	\$200	
		CLEMMONS, ALAN	R	H	107	\$250	
		COATES, MARTY	R	H	60	\$500	
		CONDON, CHARLIE	R	AG	SW	\$3,500	
		DUNCAN, JEFF	R	H	15	\$250	
		EDGE, TRACY	R	H	104	\$400	
		FLEMING, RONALD N	R	H	42	\$500	
		GROOMS, LARRY	R	S	37	\$250	
		HARRELL JR, ROBERT W	R	H	114	\$1,000	
		HASKINS, TERRY EDWARD	R	H	22	\$250	
		HODGES, JIM	D	G	SW	\$3,500	
		HOUSE DEMOCRATIC CAUCUS OF SOUTH CAROLINA	D	PP	N/A	\$5,000	
		HOUSE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$7,000	
		JENNINGS JR, DOUGLAS	D	H	54	\$250	
		KEEGAN, THOMAS G	R	H	106	\$300	
		KENNEDY, KENNETH	D	H	101	\$200	
		LIMEHOUSE, CHIP	R	H	110	\$300	
		PINSON, GENE	R	H	13	\$250	
		PITTS, MIKE	R	H	14	\$300	
		SIMRILL, GARY	R	H	46	\$400	
		SOUTH CAROLINA DEMOCRATIC PARTY	D	PP	N/A	\$7,000	
		STILLE, HARRY C	R	H	11	\$250	
		TAYLOR, ADAM	R	H	16	\$500	
		WHITE, BRIAN	R	H	6	\$500	
		WILKINS, DAVID HORTON	R	H	24	\$1,000	
		YOUNG, ANNETTE	R	H	98	\$500	
	2004	ALTMAN, JOHN GRAHAM	R	H	119	\$300	2004 Total RJ Reynolds \$34,051
		BAILEY, GEORGE	R	H	97	\$250	
		BARFIELD, LISTON	R	H	58	\$200	
		BATTLE, JIM	D	H	57	\$500	
		BAUER, ANDRE	R	LTG	SW	\$1,000	
		BINGHAM, KENNY	R	H	89	\$350	
		BRYANT, KEVIN L	R	S	3	\$500	
		CEIPS, CATHERINE	R	H	124	\$500	
		CHALK, RICHARD	R	H	123	\$300	
		CHELLIS, CONVERSE	R	H	94	\$750	
		COATES, MARTY	R	H	60	\$800	
		COOPER, DAN	R	H	10	\$1,000	
		COURSON, JOHN	R	S	20	\$500	
		CROMER, RONNIE W	R	S	18	\$300	
		DUNCAN, JEFF	R	H	15	\$300	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		EDGE, TRACY	R	H	104	\$750	
		ELLIOTT, DICK	D	S	28	\$300	
		GROOMS, LARRY	R	S	37	\$1,000	
		HARDWICK, NELSON	R	H	106	\$300	
		HARRELL JR, ROBERT W	R	H	114	\$1,000	
		HAWKINS, JOHN DAVID	R	S	12	\$300	
		HINSON, SHIRLEY	R	H	92	\$250	
		HOUSE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$7,000	
		LAND III, JOHN C	D	S	36	\$500	
		LEATHERMAN, HUGH	R	S	31	\$1,000	
		LIMEHOUSE, CHIP	R	H	110	\$167	
		LOFTIS, DWIGHT A	R	H	19	\$500	
		MCCONNELL, GLENN	R	S	41	\$500	
		MERRILL, JIM	R	H	99	\$417	
		MOORE, TOMMY	D	S	25	\$500	
		ODELL, BILLY	D	S	4	\$500	
		OTT, HARRY L	D	H	93	\$200	
		PEELER, HARVEY	R	S	14	\$1,000	
		QUINN, RICK	R	H	71	\$750	
		RANKIN, LUKE A	R	S	33	\$300	
		RITCHIE, JIM	R	S	13	\$300	
		SANDIFER, BILL	R	H	2	\$500	
		SCARBOROUGH, WALLACE	R	H	115	\$167	
		SCOTT JR, JOHN L	D	H	77	\$300	
		SENATE DEMOCRATIC CAUCUS OF SOUTH CAROLINA	D	PP	N/A	\$2,000	
		SETZLER, NIKKI	D	S	26	\$1,000	
		SMITH, JAMES R	R	H	84	\$250	
		TALLEY, SCOTT	R	H	34	\$300	
		TAYLOR, ADAM	R	H	16	\$150	
		TROTTER, TEDDY	R	H	4	\$1,000	
		UMPHLETT JR, C DAVID	R	H	100	\$200	
		VERDIN, DANNY	R	S	9	\$1,000	
		VIERS, THAD	R	H	68	\$300	
		WHIPPER, J SETH	D	H	113	\$300	
		WINGATE, KEN	R	S	22	\$500	
		YOUNG, ANNETTE	R	H	98	\$1,000	
2006		ALEXANDER, THOMAS C	R	S	1	\$500	2006 Total RJ Reynolds
		BAILEY, GEORGE	R	H	97	\$250	\$59,300
		BANNISTER, BRUCE W	R	H	24	\$250	
		BATTLE, JIM	D	H	57	\$500	
		BAUER, ANDRE	R	LTG	SW	\$3,500	
		BEDINGFIELD, ERIC M	R	H	28	\$200	
		BINGHAM, KENNY	R	H	89	\$250	



Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		BOWEN, DON	R	H	8	\$200	
		BRADY, JOAN	R	H	78	\$250	
		BRYANT, KEVIN L	R	S	3	\$500	
		CHALK, RICHARD	R	H	123	\$200	
		CLARK, KEN	R	H	96	\$250	
		DUNCAN, JEFF	R	H	15	\$600	
		EDGE, TRACY	R	H	104	\$500	
		FLOWERS, JOE	R	H	120	\$0	
		FLOYD, KAREN	R	SPI	SW	\$200	
		GROOMS, LARRY	R	S	37	\$500	
		HALEY, NIKKI	R	H	87	\$250	
		HARDWICK, NELSON	R	H	106	\$150	
		HARRISON, JIM	R	H	75	\$1,000	
		HOUSE DEMOCRATIC CAUCUS OF SOUTH CAROLINA	D	PP	N/A	\$750	
		HOUSE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$17,000	
		KELLY, KEITH	R	H	35	\$200	
		LOWE, PHILLIP	R	H	60	\$250	
		MAHAFFEY, JOE	R	H	36	\$200	
		MCMASTER, HENRY	R	AG	SW	\$1,500	
		MOORE, TOMMY	D	S	25	\$500	
		MULVANEY, MICK	R	H	45	\$250	
		PATTERSON, GRADY	D	TREAS	SW	\$250	
		PERRY, SKIPPER	R	H	81	\$1,000	
		PINSON, GENE	R	H	13	\$150	
		PITTS, MIKE	R	H	14	\$250	
		RHOAD, THOMAS N	D	H	90	\$250	
		SANDIFER, BILL	R	H	2	\$350	
		SANFORD, MARK	R	G	SW	\$1,000	
		SCARBOROUGH, WALLACE	R	H	115	\$250	
		SENATE DEMOCRATIC CAUCUS OF SOUTH CAROLINA	D	PP	N/A	\$7,000	
		SENATE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$6,000	
		SHOOPMAN, PHIL	R	H	18	\$200	
		SKELTON, B R	R	H	3	\$250	
		SOUTH CAROLINA REPUBLICAN PARTY	R	PP	N/A	\$9,500	
		SPIRES, KIT	R	H	96	\$200	
		STACY, DANNY	R	H	29	\$250	
		TAYLOR, ADAM	R	H	16	\$600	
		VICK, TED MARTIN	D	H	53	\$250	
		VIERS, THAD	R	H	68	\$150	
		WALKER, BOB	R	H	38	\$500	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		WHITMIRE, BILL	R	H	1	\$200	
							<b>1996-2006 Total RJ Reynolds</b> \$203,601
<b>SMOKELESS TOBACCO COUNCIL</b>	1996	LAND III, JOHN C	D	S	36	\$500	1996 Total STC \$1,050
		MCCONNELL, GLENN	R	S	41	\$200	
		MCGILL, JOHN YANCEY	D	S	32	\$350	
	1998	BEASLEY, DAVID	R	G	SW	\$500	1998 Total STC \$500
	2000	HOUSE DEMOCRATIC CAUCUS OF SOUTH CAROLINA	D	PP	N/A	\$1,000	2000 Total STC \$5,500
		HOUSE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$3,500	
		SENATE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$1,000	
	2002	HODGES, JIM	D	G	SW	\$1,500	2002 Total STC \$16,000
		HOUSE DEMOCRATIC CAUCUS OF SOUTH CAROLINA	D	PP	N/A	\$1,000	
		HOUSE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$7,000	
		MCMASTER, HENRY	R	AG	SW	\$1,000	
		SENATE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$4,500	
		SOUTH CAROLINA DEMOCRATIC PARTY	D	PP	N/A	\$1,000	
							<b>1996-2006 Total STC</b> \$23,050
<b>SOUTH CAROLINA TOBACCO ASSOCIATION</b>	1996	BATTLE, JIM	D	H	57	\$200	1996 Total SC Tobacco Assc. \$1,200
		DAVENPORT, RALPH	R	H	37	\$300	
		LEVENTIS, PHIL	D	S	35	\$300	
		RISER, BILL	R	H	69	\$200	
		WEBB, BUD	R	H	3	\$200	
	1998	ASKINS, HARRY R	D	H	61	\$200	1998 Total SC Tobacco Assc. \$2,500
		BEASLEY, DAVID	R	G	SW	\$500	
		CONDON, CHARLIE	R	AG	SW	\$1,000	
		HARRELL JR, ROBERT W	R	H	114	\$200	
		HODGES, JIM	D	G	SW	\$400	
		LEATHERMAN, HUGH	R	S	31	\$200	
	2000	ASKINS, HARRY R	D	H	61	\$500	2000 Total SC Tobacco Assc. \$26,000
		BATTLE, JIM	D	H	57	\$2,000	
		BROWN, GRADY	D	H	50	\$500	
		DRUMMOND, JOHN	D	S	10	\$1,000	
		HARRELL JR, ROBERT W	R	H	114	\$1,000	

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year	
		HINES, JESSE	D	H	62	\$1,000		
		HINES, MACK T	D	H	59	\$1,000		
		HODGES, JIM	D	G	SW	\$3,500		
		JENNINGS JR, DOUGLAS	D	H	54	\$1,000		
		KELLEY, MARK S	R	H	107	\$1,000		
		LAND III, JOHN C	D	S	36	\$2,000		
		LEATHERMAN, HUGH	R	S	31	\$1,000		
		LEVENTIS, PHIL	D	S	35	\$1,000		
		LUCAS, JAY	R	H	65	\$1,000		
		MCGILL, JOHN YANCEY	D	S	32	\$2,000		
		MILLER, VIDA O	D	H	108	\$1,000		
		MOORE, TOMMY	D	S	25	\$1,000		
		ODELL, BILLY	D	S	4	\$1,000		
		SETZLER, NIKKI	D	S	26	\$1,000		
		SNOW, JOHN J	D	H	103	\$500		
		WILKINS, DAVID HORTON	R	H	24	\$1,000		
		WITHERSPOON, WILLIAM DAVID (BILLY)	R	H	105	\$1,000		
							<b>1996-2006 Total South Carolina Tobacco Association</b>	\$29,700
<b>SOUTH CAROLINA TOBACCO WAREHOUSE</b>	1996	LAND III, JOHN C	D	S	36	\$200	1996 Total SC Tobacco Warehouse	\$200
	1998	RHOAD, THOMAS N	D	H	90	\$300	1998 Total SC Tobacco Warehouse	\$300
							<b>1996-2006 Total SC Tobacco Warehouse</b>	\$500
<b>SOUTHEASTERN TOBACCO</b>	1996	RENDER, DR PHILIP N	R	S	33	\$250	1996 Total Southeastern Tobacco	\$250
							<b>1996-2006 Total Southeastern Tobacco</b>	\$250
<b>SOUTHERN TOBACCO</b>	2000	PEELER, HARVEY	R	S	14	\$100	2000 Total Southern Tobacco	\$100
	2002	RICHARDSON, BECKY	R	H	48	\$250	2002 Total Southern Tobacco	\$250
							<b>1996-2006 Total Southern Tobacco</b>	\$350
<b>STAR NEW HOME TOBACCO WAREHOUSE</b>	2002	LONG, JOHN	D	AGRIC	SW	\$100	2002 Total Star New Home Tobacco Warehouse	\$100
							<b>1996-2006 Total Star New Home Tobacco Warehouse</b>	\$100
<b>SWISHER INTERNATIONAL</b>	2006	HOUSE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$5,000		
		SENATE DEMOCRATIC CAUCUS OF SOUTH CAROLINA	D	PP	N/A	\$2,000	2006 Total Swisher International	\$7,000
							<b>1996-2006 Total Swisher International</b>	\$7,000

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
<b>TOBACCO INSTITUTE</b>	1996	BATTLE, JIM	D	H	57	\$500	1996 Total Tobacco Institute \$500
	1998	HARRIS JR, C ANTHONY	D	H	53	\$200	1998 Total Tobacco Institute \$200
							<b>1996-2006 Total Tobacco Institute</b>
<b>UNIVERSAL LEAF TOBACCO</b>	1998	TINDAL, LESLIE D	R	AGRIC	SW	\$250	1998 Total Universal Leaf Tobacco \$250
						<b>1996-2006 Total Universal Leaf Tobacco</b>	<b>\$250</b>
<b>US SMOKELESS TOBACCO</b>	2000	DRUMMOND, JOHN	D	S	10	\$300	2000 Total US Smokeless Tobacco \$2,157
		GAMBLE, MARGARET	D	H	89	\$225	
		LAND III, JOHN C	D	S	36	\$500	
		MADDOX JR, J CORDELL	D	H	9	\$225	
		MILLER, VIDA O	D	H	108	\$225	
		ODELL, BILLY	D	S	4	\$225	
		SENATE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$232	
	WHATLEY, MICKEY	D	H	113	\$225		
	2002	BATTLE, JIM	D	H	57	\$200	2002 Total US Smokeless Tobacco \$4,783
		HODGES, JIM	D	G	SW	\$2,500	
		LITTLEJOHN, LANNY	R	H	33	\$250	
		LLOYD, WALTER P	D	H	121	\$200	
		MACK III, DAVID	D	H	109	\$200	
		OTT, HARRY L	D	H	93	\$200	
		PERRY, SKIPPER	R	H	81	\$200	
		RHOAD, THOMAS N	D	H	90	\$200	
		SCOTT JR, JOHN L	D	H	77	\$200	
		SENATE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$233	
	WEEKS, J DAVID	D	H	51	\$200		
	WITHERSPOON, WILLIAM DAVID (BILLY)	R	H	105	\$200		
2004	HARRELL JR, ROBERT W	R	H	114	\$500	2004 Total US Smokeless Tobacco \$1,000	
	LAND III, JOHN C	D	S	36	\$250		
	LEATHERMAN, HUGH	R	S	31	\$250		
2006	BAUER, ANDRE	R	LTG	SW	\$1,200	2006 Total US Smokeless Tobacco \$192,000	
	DUNCAN, JEFF	R	H	15	\$500		
	HOUSE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	SW	\$10,000		
	LEATHERMAN, HUGH	R	S	31	\$500		
	MCMASTER, HENRY	R	AG	SW	\$1,500		
	SENATE DEMOCRATIC CAUCUS OF SOUTH CAROLINA	D	PP	N/A	\$1,000		
	SENATE REPUBLICAN CAUCUS OF SOUTH CAROLINA	R	PP	N/A	\$3,500		

Contributor	Year	Recipients	Party	Office	District	Amount	Total By Year
		SOUTH CAROLINA REPUBLICAN PARTY	R	PP	N/A	\$1,000	<b>1996-2006 Total US Smokeless Tobacco</b> \$27,140
<b>US TOBACCO PUBLIC AFFAIRS INC</b>	1998	HODGES, JIM	D	G	SW	\$1,000	1998 Total US Tobacco Public Affairs Inc. \$1,000
							<b>1996-2006 Total US Tobacco Public Affairs Inc.</b> \$1,000

**Appendix C: Tobacco Industry Contributions to Political Party Organizations, 2000-2006**

<b>Recipient</b>	<b>Year</b>	<b>Contributor</b>	<b>Amount</b>	<b>Total by Year</b>		
<b>DEMOCRATIC ORGANIZATIONS</b>				<b>DEMOCRAT TOTAL 00-06</b>	<b>\$67,750</b>	
HOUSE DEMOCRATIC CAUCUS OF SOUTH CAROLINA	2000	ALTRIA/PM	\$3,500	2000 Total	\$4,500	
		SMOKELESS TOBACCO COUNCIL	\$1,000			
	2002	ALTRIA/PM	\$7,000	2002 Total	\$13,000	
		RJ REYNOLDS	\$5,000			
	2006	SMOKELESS TOBACCO COUNCIL	\$1,000	2006 Total	\$4,250	
		ALTRIA/PM	\$3,500			
		RJ REYNOLDS	\$750			
					<b>Sum Total 00-06</b>	<b>\$21,750</b>
	SENATE DEMOCRATIC CAUCUS OF SOUTH CAROLINA	2000	ALTRIA/PM	\$3,500	2000 Total	\$7,000
			RJ REYNOLDS	\$3,500		
2002		ALTRIA/PM	\$3,500	2002 Total	\$3,500	
		RJ REYNOLDS	\$2,000			
2006		ALTRIA/PM	\$7,000	2006 Total	\$17,000	
		RJ REYNOLDS	\$7,000			
		SWISHER INTERNATIONAL	\$2,000			
		US SMOKELESS TOBACCO	\$1,000			
				<b>Sum Total 00-06</b>	<b>\$29,500</b>	
SOUTH CAROLINA DEMOCRATIC PARTY		2002	LORILLARD TOBACCO	\$3,500	2002 Total	\$11,500
	RJ REYNOLDS		\$7,000			
	SMOKELESS TOBACCO COUNCIL		\$1,000			
	2006	ALTRIA/PM	\$5,000	2006 Total	\$5,000	
						<b>Sum Total 00-06</b>
<b>REPUBLICAN ORGANIZATIONS</b>				<b>REPUBLICAN TOTAL 00-06</b>	<b>\$162,965</b>	
HOUSE REPUBLICAN CAUCUS OF SOUTH CAROLINA	2000	ALTRIA/PM	\$7,000	2000 Total	\$19,500	
		BROWN & WILLIAMSON TOBACCO	\$1,000			
		LORILLARD TOBACCO	\$1,000			
		RJ REYNOLDS	\$7,000			
	2002	SMOKELESS TOBACCO COUNCIL	\$3,500	2002 Total	\$25,000	
		ALTRIA/PM	\$7,000			
		BROWN & WILLIAMSON TOBACCO	\$1,000			
		LORILLARD TOBACCO	\$3,000			
		RJ REYNOLDS	\$7,000			
	2004	SMOKELESS TOBACCO COUNCIL	\$7,000	2004 Total	\$14,000	
		ALTRIA/PM	\$3,500			
		LORILLARD TOBACCO	\$3,500			
	2006	RJ REYNOLDS	\$7,000			
		ALTRIA/PM	\$7,000			
				\$4,500		

Recipient	Year	Contributor	Amount	Total by Year	
		RJ REYNOLDS	\$17,000		
		SWISHER INTERNATIONAL	\$5,000		
		US SMOKELESS TOBACCO	\$10,000	2006 Total	\$43,500
				Sum Total 00-06	\$102,000
SENATE REPUBLICAN CAUCUS OF SOUTH CAROLINA	2000	ALTRIA/PM	\$3,500		
		SMOKELESS TOBACCO COUNCIL	\$1,000		
		US SMOKELESS TOBACCO	\$232	2000 Total	\$4,732
	2002	ALTRIA/PM	\$3,500		
		SMOKELESS TOBACCO COUNCIL	\$4,500		
		US SMOKELESS TOBACCO	\$233	2002 Total	\$8,233
	2004	LORILLARD TOBACCO	\$3,500	2004 Total	\$3,500
	2006	ALTRIA/PM	\$9,500		
		LORILLARD TOBACCO	\$4,000		
		RJ REYNOLDS	\$6,000		
		US SMOKELESS TOBACCO	\$3,500	2006 Total	\$23,000
				Sum Total 00-06	\$39,465
SOUTH CAROLINA REPUBLICAN PARTY	2002	LORILLARD TOBACCO	\$1,000	2002 Total	\$1,000
	2006	ALTRIA/PM	\$10,000		
		RJ REYNOLDS	\$9,500		
		US SMOKELESS TOBACCO	\$1,000	2006 Total	\$20,500
				Sum Total 00-06	\$21,500

**Appendix D: Tobacco Industry Contributions, January 2007-May 2008**

\*Contributions from US Smokeless Tobacco (UST), Philip Morris (PM) and RJ Reynolds (RJR) from January 2007 - May 2008. Does not represent total tobacco industry contributions for 2008 election cycle. Includes all available data as of December 2008.

**D1: 2007/2008 Contributions to Legislative Candidates**

Name	Party	Office	District	Relevant 2008 Committee Assignment	UST	PM	RJR	Total 2007/2008	Total 1996-2006	Total Known Contributions 1996-2008
Alexander, Thomas C	R	S	1	Senate Finance		\$1,000		\$1,000	\$1,700	\$2,700
Barfield, Liston	R	H	58	House Ways and Means		\$1,000	\$500	\$1,500	\$850	\$2,350
Battle, Jim	D	H	57	House Ways and Means		\$1,000	\$1,000	\$2,000	\$11,550	\$13,550
Bedingfield, Eric M	R	H	28				\$250	\$250	\$200	\$450
Bingham, Kenny	R	H	89	House Ways and Means		\$1,000		\$1,000	\$2,850	\$3,850
Bryant, Kevin L	R	S	3	Senate Finance			\$1,000	\$1,000	\$2,500	\$3,500
Campbell, Paul	R	S	44	Senate Judiciary			\$1,000	\$1,000	n/a	\$1,000
Campsen, George "Chip"	R	S	43	Senate Judiciary			\$500	\$500	\$0	\$500
Ceips, Catherine	R	S	Lost	Senate Judiciary		\$500	\$500	\$1,000	\$1,750	\$2,750
Chalk, Richard	R	H	123				\$250	\$250	\$500	\$750
Cleary, Raymond	R	S	34	Senate Judiciary		\$500	\$500	\$1,000	\$0	\$1,000
Cooper, Dan	R	H	10	Chairman House Ways and Means		\$1,000	\$1,000	\$2,000	\$4,850	\$6,850
Cromer, Ronnie W	R	S	18	Senate Finance		\$500		\$500	\$800	\$1,300
Duncan, Jeff	R	H	15			\$1,000		\$1,000	\$1,650	\$2,650
Edge, Tracy	R	H	104	House Ways and Means		\$1,000	\$500	\$1,500	\$5,550	\$7,050
Erickson, Shannon	R	H	124				\$250	\$250	n/a	\$250
Frye, Marion	R	H	39				\$250	\$250	\$500	\$750
Gambrell, Michael "Mike"	R	H	7				\$250	\$250	\$0	\$250
Grooms, Larry	R	S	37	Senate Finance			\$1,500	\$1,500	\$1,750	\$3,250
Gullick, Carl Lee	R	H	48				\$250	\$250	\$0	\$250
Haley, Nikki	R	H	87			\$500	\$250	\$750	\$250	\$1,000
Harrell, Robert "Bobby"	R	H	114	Speaker of the House	\$1,000		\$1,000	\$2,000	\$10,200	\$12,200
Harrison, James "Jim"	R	H	75	House Judiciary		\$1,000	\$250	\$1,250	\$4,750	\$6,000
Hayes, Robert "Wes"	R	S	15	Senate Finance			\$500	\$500	\$250	\$750
Herbkersman, William "Bill"	R	H	118	House Judiciary			\$250	\$250	\$0	\$250
Hinson, Shirley	R	S	Lost			\$500	\$1,000	\$1,500	\$1,050	\$2,550
Huggins, Chip	R	H	85			\$500	\$250	\$750	\$200	\$950
Hutto, Brad	D	S	40	Senate Judiciary		\$500		\$500	\$750	\$1,250
Jennings, Douglas	D	H	54	House Judiciary		\$1,000		\$1,000	\$5,750	\$6,750
Kelly, Keith	R	H	35	House Judiciary			\$250	\$250	\$200	\$450
Kennedy, Kenneth	D	H	101	House Ways and Means		\$500	\$500	\$1,000	\$3,000	\$4,000
Kirsch, Herb	D	H	47	House Ways and Means			\$500	\$500	\$1,000	\$1,500
Knotts, Jake	R	S	23	Senate Judiciary		\$500		\$500	\$2,750	\$3,250
Land, John C	D	S	36	Senate Finance		\$1,000		\$1,000	\$9,400	\$10,400
Leatherman, Hugh	R	S	31	Chairman Senate Finance		\$1,000	\$1,000	\$2,000	\$5,200	\$7,200
Lowe, Phillip	R	H	60			\$500		\$500	\$250	\$750
Lucas, Jay	R	H	65	House Ways and Means		\$500		\$500	\$1,500	\$2,000
Malloy, Gerald	D	S	29	Senate Judiciary		\$500		\$500	\$0	\$500



Name	Party	Office	District	Relevant 2008 Committee Assignment	UST	PM	RJR	Total 2007/2008	Total 1996-2006	Total Known Contributions 1996-2008
Martin, Larry A	R	S	2	Senate Judiciary			\$750	\$750	\$1,250	\$2,000
Massey, Shane	R	S	25	Senate Judiciary			\$500	\$500	\$0	\$500
McConnell, Glenn	R	S	41	President Pro Tempore Chairman Senate Judiciary		\$1,000		\$1,000	\$4,900	\$5,900
McGill, John Yancey	D	S	32	Senate Finance		\$1,000		\$1,000	\$3,600	\$4,600
Merrill, James "Jim"	R	H	99	House Ways and Means		\$1,000	\$500	\$1,500	\$3,117	\$4,617
Miller, Vida O	D	H	108			\$500		\$500	\$2,275	\$2,775
O'Dell, Billy	D	S	4	Senate Finance		\$500	\$500	\$1,000	\$2,675	\$3,675
Ott, Harry L	D	H	93	House Ways and Means		\$500		\$500	\$1,450	\$1,950
Peeler, Harvey	R	S	14	Senate Finance		\$1,000	\$1,000	\$2,000	\$3,300	\$5,300
Perry, Robert "Skipper"	R	H	81			\$500	\$500	\$1,000	\$1,400	\$2,400
Pitts, Edward "Ted"	R	H	69		\$500	\$1,000		\$1,500	\$0	\$1,500
Rankin, Luke A	R	S	33	Senate Judiciary			\$500	\$500	\$3,300	\$3,800
Ritchie, Jim	R	S	13	Senate Judiciary		\$1,000	\$1,000	\$2,000	\$300	\$2,300
Sandifer, Bill	R	H	2			\$500	\$750	\$1,250	\$2,750	\$4,000
Scarborough, Wallace	R	H	115				\$250	\$250	\$1,117	\$1,367
Setzler, Nikki	D	S	26	Senate Finance		\$1,000	\$750	\$1,750	\$3,550	\$5,300
Shoopman, Phil	R	S	18				\$500	\$500	\$200	\$700
Simrill, Gary	R	H	46	House Ways and Means		\$500	\$250	\$750	\$650	\$1,400
Smith, Murrell	R	H	68	House Judiciary			\$500	\$500	\$500	\$1,000
Smith, James Roland	R	H	84	House Ways and Means			\$250	\$250	\$1,150	\$1,400
Talley, Scott	R	S	Lost	House Judiciary			\$500	\$500	\$800	\$1,300
Taylor, Adam	R	H	16	House Ways and Means		\$1,000		\$1,000	\$3,700	\$4,700
Thompson, Michael	R	H	9			\$500	\$250	\$750	\$0	\$750
Verdin, Danny	R	S	9	Senate Finance		\$1,000	\$1,000	\$2,000	\$3,500	\$5,500
White, Brian	R	H	6	House Ways and Means		\$500	\$500	\$1,000	\$1,250	\$2,250
Young, Annette	R	H	98	House Ways and Means		\$1,000	\$500	\$1,500	\$6,550	\$8,050
<b>TOTAL</b>					<b>\$1,500</b>	<b>\$31,000</b>	<b>\$26,500</b>	<b>\$59,000</b>		

**D2: 2007/2008 Contributions to Statewide Candidates**

Name	Party	Office	District	UST	PM	RJR	Total 2007/2008	Total 1996-2006	Total Known Contributions 1996-2008
Bauer, Andre	R	Lieutenant Governor	SW			\$2,000	\$2,000	\$14,200	\$16,200
Chellis, Converse	R	Treasurer	SW			\$1,000	\$1,000	\$1,000	\$2,000
McMaster, Henry	R	Attorney General	SW	\$1,500		\$1,000	\$2,500	\$13,000	\$15,500
Ravenel, Arthur J	R	Treasurer (Lost)	SW			\$1,000	\$1,000	\$2,000	\$3,000
<b>TOTAL</b>				<b>\$1,500</b>	<b>\$0</b>	<b>\$5,000</b>	<b>\$6,500</b>		

**D3: 2007/2008 Contributions to Political Party Organizations**

Organization	UST	PM	RJR	Total 2007/2008	Total 2000-2006	Total Known Contributions 2000-2008
<b>REPUBLICAN</b>						
South Carolina Senate Republican Caucus	\$3,500		\$2,000	\$5,500	\$39,465	\$44,965
South Carolina House Republican Caucus	\$1,500		\$8,500	\$10,000	\$102,000	\$112,000
SC Republican Party			\$3,500	\$3,500	\$21,500	\$25,000
<b>Total Republican</b>	<b>\$5,000</b>	<b>\$0</b>	<b>\$14,000</b>	<b>\$19,000</b>	<b>\$162,965</b>	<b>\$181,965</b>
<b>DEMOCRAT</b>						
SC Senate Democratic Caucus			\$2,500	\$2,500	\$29,500	\$32,000
SC House Democratic Caucus				\$0	\$21,750	\$21,750
SC Democratic Party				\$0	\$16,500	\$16,500
<b>Total Democrat</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,500</b>	<b>\$2,500</b>	<b>\$67,750</b>	<b>\$70,250</b>
<b>TOTAL POLITICAL PARTIES</b>	<b>\$5,000</b>	<b>\$0</b>	<b>\$16,500</b>	<b>\$21,500</b>	<b>\$230,715</b>	<b>\$252,215</b>

**Appendix E: Other Tobacco Industry Political Expenditures, January 2006-May 2008**

**E1: RJ Reynolds' Other Political Expenditures**

Date(s) Recipient Paid	Recipient	Explanation of Expense	Total Amount
<b><u>2006</u></b>			
3/8/06	Not reported	Dinner - SC House Rules Committee	\$516.60
5/15/06	Strategic Public Partners of Columbus, OH	Grassroots Activity	\$17,115.09
4/30/06	Strategic Public Partners of Columbus, OH	Grassroots Activity - Compensation of Support Personnel	\$7,742.80
3/28/06	BFG Communications of Hilton Head, SC	Axe the Tax Event Venue (opposing cigarette tax increase bill)	\$1,000
3/30/06	Third Wave Digital of Macon, GA	Axe the Tax Event On-line Coverage	\$4,573.08
3/30/06	Video Monitoring Services of Newark, NJ	Axe the Tax Event	\$390.00
6/14/06	Video Monitoring Services of Newark, NJ	Grassroots Activity	\$288.50
4/10/06	Not reported	Events Sponsor of SC General Assembly Women's Caucus	\$250.00
7/21/06	Not reported	Sponsor SC State Night Dinner for ALEC (American Legislative Exchange Council)	\$1,562.40
Event 5/16/06, paid 6/6/06	Northern Exposure in Columbia, SC	Up on the Roof, Rep. Doug Jennings Event Sponsor	\$165.00
4/10/06, 4/11/06	Arizona FLS, LLC of Phoenix, AZ	Grassroots Activity	\$5,647.50
5/31/06	Not reported	Rep. Ronny Townsend Event Sponsor at Clarion Hotel, Columbia, SC	\$500.00
4/26/06	Separate Payments made on this date to the following prominent newspapers: <i>The State, The Greenville News, The Post and Courier, Florence Morning News, Anderson Independent-Mail, The Sun News</i>	Grassroots Activity	\$10,657.65
8/25/06	Charleston Place	2006 House Republican Caucus Golf Tournament Sponsor	\$1,500.00
5/10/06	Executive Communications of Louisville, KY	Grassroots Activity	\$17,646.50
<b>RJR Total 2006</b>			<b>\$69,555.12</b>
<b><u>2007</u></b>			
4/27/07	Red Fish in Hilton Head, SC December 11, 2008	Sponsor dinner held during ALEC (American Legislative Exchange Council) Spring Task Force	\$1067.08

2/12/07	Don Weaver of Columbia, SC	Grassroots Activity	\$15,235.22
3/28/07, 5/8/07, 5/17/07, 7/20/07	Arizona FLS Connect, LLC of Saint Paul, MN	Grassroots Activity	\$28,480
3/30/07, 4/30/07, 5/30/07, 10/31/07, 11/30/07, 12/31/07	Strategic Public Partners Group of Columbus, OH	Grassroots Activity - Compensation of Support Personnel	\$27,654.22
3/30/07, 4/30/07, 5/30/07, 10/31/07, 11/30/07, 12/31/07	Strategic Public Partners Group of Columbus, OH	Grassroots Activity	\$51,339.18
4/20/07, 5/18/07	SC Association of Taxpayers of Columbia, SC	Two \$30,000 Contributions	\$60,000.00
5/11/07	ABC Stores of SC in Columbia, SC	Grassroots Activity	\$1,000.00
5/18/07, 6/25/07, 7/20/07	Executive Communications of Louisville, KY	Grassroots Activity	\$3,493.50
5/30/07	Starboard Communications, Inc. of Lexington, SC	Grassroots Activity	\$1,425.00
7/27/07	The Oceannaire Seafood Room in Philadelphia, PA	Sponsor SC State Night Dinner during ALEC (American Legislative Exchange Council)	\$940.80
<b>RJR Total 2007</b>			<b>\$190,635</b>
<u>2008 (January - May)</u>			
1/31/08, 1/31/08, 2/29/08, 2/29/08, 5/7/08, 5/23/08, 5/22/08, 5/22/08	FLS Connect, LLC of Saint Paul, MN	Grassroots Activity	\$9,813.75
3/20/08, 4/11/08, 5/22/08	Executive Communications of Louisville, KY	Grassroots Activity	\$2,500
2/25/08	Rath Young and Pignatelli PC of Concord, NH	Legal Fees - Compensation of Support Personnel	\$140
2/1/08 - 5/31/08	Epsilon Interactive of New York, NY	Grassroots Activity	\$1,019
1/31/08	Strategic Public Partners of Columbus, OH	Grassroots Activity - Compensation of Support Personnel	\$11,610
1/31/08	Strategic Public Relations of Columbus, OH	Grassroots Activity	\$10,051.37
<b>RJR Total 2008 January - May</b>			<b>\$35,134.12</b>
<b>TOTAL RJR 2006-2008</b>			<b>\$295,324.24</b>

**E2: Philip Morris' Other Political Expenditures**

Date(s) Recipient Paid	Recipient	Explanation of Expense	Total Amount
<u>2007</u>			
5/1/07	Not reported	Co-sponsored Dinner for Senate Finance Committee	\$870.00
9/19/07	Not reported	Atlanta Braves Baseball Game; Rep. Jeff Duncan - All of the Laurens County Legislative Delegation invited, but Rep. Duncan was only member to attend	\$28.00
<b>TOTAL PM 2006-2008</b>			<b>\$898</b>

**E3: US Smokeless Tobacco's Other Political Expenditures**

Date(s) Recipient Paid	Recipient	Explanation of Expense	Total Amount
<u>2006</u>			
8/17/06	Not included.	Dinner – South Carolina Delegation to National Conference of State Legislatures Conference	\$55.00
<b>Total UST 2006</b>			<b>\$55.00</b>
<u>2007</u>			
2/17/07	Not Included.	Dinner – House Agriculture and Public Works Committee and Speaker Bobby Harrell	\$737.85
5/1/07	Not Included.	Dinner – Senate Finance Committee	\$263.60
6/28/07	Not Included.	Luncheon – SC House Republican Caucus	\$1,500.00
<b>Total UST 2007</b>			<b>\$2,501.45</b>
<u>2008 (January - May)</u>			
1/23/08	Congaree Grill	Luncheon – Women's Democratic Caucus	\$97.20
2/6/08	Congaree Grill	Luncheon – Senate Democratic Caucus	\$254.16
4/2/08	DiPrato's	Luncheon – Women's Democratic Caucus	\$231.89
<b>Total UST 2008</b>			<b>\$583.25</b>
<b>TOTAL UST 2006-2008</b>			<b>\$3,139.70</b>

**Appendix F: Legislative Policy Scores, 117<sup>th</sup> Session of the General Assembly (2007/2008)**

\* Rated by four knowledgeable individuals engaged in tobacco control advocacy in the state. Legislators were scored on their receptiveness to tobacco control policies on a scale of 0 to 10, with 0 being extremely pro-tobacco and 10 being extremely pro-tobacco control. Presented here are legislators average scores.

**F1: Policy Scores, 2007/2008 House of Representatives**

<b>Legislator</b>	<b>Party</b>	<b>District</b>	<b>Policy Score</b>
Agnew, Paul L.	D	11	9.3
Alexander, Terry	D	59	7.5
Allen, Karl B.	D	25	8
Anderson, Carl L.	D	103	8.5
Anthony, Michael A.	D	42	9
Bales, Dr. Jimmy C.	D	80	8.3
Ballentine, Nathan	R	71	6.7
Bannister, Bruce W.	R	24	3
Barfield, Liston D.	R	58	0.3
Battle Jr., James A.	D	57	0.3
Bedingfield, Eric M.	R	28	1.5
Bingham, Kenneth A.	R	89	3.7
Bowen, Don C.	R	8	4.5
Bowers, William K.	D	120	7.5
Brady, Joan B.	R	78	5.7
Branham Jr., Lester P.	D	61	8.7
Brantley, Curtis	D	122	7
Breeland, Floyd	D	111	8.3
Brown, Grady A.	D	50	8
Brown, Robert L.	D	116	9
Cato, Harry F.	R	17	0.7
Chalk Jr., Richard E.	R	123	5
Clemmons, Alan D.	R	107	2
Clyburn, William	D	82	9
Cobb-Hunter, Gilda	D	66	9.7
Coleman, Creighton B.	D	41	8
Cooper, Daniel T.	R	10	0
Cotty, Bill	R	79	6.7
Crawford, Dr. Kris R.	R	63	3.7
Daning, Joseph S.	R	92	4
Dantzler, Thomas M.	R	117	7
Davenport, G. Ralph	R	37	8
Delleney, F. Gregory	R	43	4
Duncan, Jeffrey D.	R	15	3
Edge, Tracy R.	R	104	3
Erickson, Shannon S.	R	124	5
Frye, Marion B.	R	39	4
Funderburk, Laurie	D	52	9.5
Gambrell, Michael W.	R	7	4
Govan Jr., Jerry N.	D	95	8.3
Gullick, Carl L.	R	48	5.5
Hagood Jr., Ben A.	R	112	6
Haley, Nikki	R	87	3
Hamilton, Glenn L.	R	20	3
Hardwick, Nelson L.	R	106	2.5
Harrell Jr., Robert W.	R	114	0.7

<b>Legislator</b>	<b>Party</b>	<b>District</b>	<b>Policy Score</b>
Harrison, James H.	R	75	3.3
Hart, Christopher R.	D	73	8
Harvin, Cathy B.	D	64	8.7
Haskins, Gloria Arias	R	22	3.7
Hayes, Jackie E.	D	55	7.5
Herbkersman, William	R	118	5.7
Hiott, David R.	R	4	6
Hodges, Kenneth F.	D	121	9
Hosey, Lonnie	D	91	9
Howard, Leon	D	76	8.3
Huggins, Chip	R	85	5.7
Hutson, Heyward G.	R	94	4
Jefferson, Joseph H.	D	102	8.5
Jennings Jr., Douglas	D	54	9
Kelly, R. Keith	R	35	5
Kennedy, Kenneth	D	101	4
Kirsh, Herb	D	47	0.7
Knight, Patsy G.	D	97	8
Leach Sr., Robert W.	R	21	5
Limehouse III, Harry	R	110	7.3
Littlejohn, Lanny F.	R	33	6.3
Loftis, Dwight A.	R	19	2
Lowe, Phillip D.	R	60	3
Lucas, James H.	R	65	6
Mack III, David J.	D	109	9.3
Mahaffey, Joseph G.	R	36	4
McLeod, Walton J.	D	40	9.3
Merrill, James H.	R	99	3
Miller, Vida O.	D	108	8.3
Mitchell Jr., Harold	D	31	8.3
Moody-Lawrence, B.	D	49	9
Moss, Dennis C.	D	29	7.5
Mulvaney, J. Michael	R	45	0.3
Neal, James M.	D	44	8.3
Neal, Joseph H.	D	70	9.3
Neilson, Denny W.	D	56	3.7
Ott Jr., Harry L.	D	93	9.3
Owens, Phillip D.	R	5	4
Parks, J. Anne	D	12	9
Perry Jr., Robert S.	R	81	2
Phillips, Olin R.	D	30	5
Pinson, Lewis E.	R	13	8
Pitts Jr., Edward H.	R	69	4.3
Pitts, Michael A.	R	14	1
Rice, Rex F.	R	26	9.7
Rutherford, J. Todd	D	74	7
Sandifer III, William E.	R	2	0
Scarborough, Wallace	R	115	2.7
Scott Jr., John L.	D	77	8.7
Sellers, Bakari T.	D	90	9
Shoopman, Phillip W.	R	18	2
Simrill, J. Garry	R	46	3.5
Skelton, B. R.	R	3	5

<b>Legislator</b>	<b>Party</b>	<b>District</b>	<b>Policy Score</b>
Smith, Donald C.	R	83	5
Smith Jr., Fletcher N.	D	23	7.5
Smith Jr., G. Murrell	R	67	5
Smith, Garry R.	R	27	3
Smith, J. Roland	R	84	2.5
Smith Jr., James E.	D	72	9.7
Smith, W. Douglas	R	32	3
Spires, L. Kit	R	96	3
Stavrinakis, Leonidas	D	119	7.7
Stewart Jr., James E.	R	86	5.5
Talley, Scott F.	R	34	5
Taylor, J. Adam	R	16	5.5
Thompson, Michael	R	9	4
Toole, McLain R.	R	88	1
Umphlett Jr., C. David	R	100	2
Vick, Ted Martin	D	53	7.5
Viers, Thad T.	R	68	0
Walker, Robert E.	R	38	1
Weeks, J. David	D	51	8.3
Whipper, J. Seth	D	113	8.7
White, W. Brian	R	6	0.5
Whitmire, William R.	R	1	4.5
Williams, Robert Q.	D	62	7
Witherspoon, William	R	105	0
Young, Annette D.	R	98	0.3
<b>AVERAGE HOUSE OF REPRESENTATIVES:</b>			<b>5.4</b>

**F2: Policy Scores, 2007/2008 Senate**

<b>Legislator</b>	<b>Party</b>	<b>District</b>	<b>Policy Score</b>
Alexander, Thomas C.	R	1	9.7
Anderson, Ralph	D	7	9.5
Bryant, Kevin L.	R	3	2
Campbell, Paul G.	R	44	8
Campsen III, George	R	43	3
Ceips, Catherine C.	R	46	8
Cleary III, Raymond E.	R	34	8
Courson, John E.	R	20	5.3
Cromer, Ronnie W.	R	18	8
Drummond, John W.	D	10	9.3
Elliott, Dick	D	28	7.5
Fair, Michael L.	R	6	8
Ford, Robert	D	42	7.3
Gregory, Chauncey K.	R	16	8
Grooms, Lawrence K.	R	37	1
Hawkins, John D.	R	12	0.3
Hayes Jr., Robert W.	R	15	9
Hutto, C. Bradley	D	40	9.7
Jackson, Darrell	D	21	9.3
Knotts Jr., John M.	R	23	6.7
Land III, John C.	D	36	9.7
Leatherman Sr., Hugh	R	31	9



<b>Legislator</b>	<b>Party</b>	<b>District</b>	<b>Policy Score</b>
Leventis, Phil P.	D	35	8.7
Lourie, Joel	D	22	10
Malloy, Gerald	D	29	9
Martin, Larry A.	R	2	7.7
Massey, A. Shane	R	25	2.3
Matthews Jr., John	D	39	8.7
McConnell, Glenn F.	R	41	3.7
McGill, J. Yancey	D	32	6.7
O'Dell, William H.	R	4	8.5
Patterson, Kay	D	19	9
Peeler Jr., Harvey S.	R	14	4
Pinckney, Clementa C.	D	45	7.3
Rankin, Luke A.	R	33	2.7
Resse, Glenn G.	D	11	8
Ritchie Jr., James H.	R	13	1
Ryberg, W. Greg	R	24	0
Scott, Randy	R	38	6.7
Setzler, Nikki G.	D	26	5.7
Sheheen, Vincent A.	D	27	8.3
Short, Linda H.	D	17	9.3
Thomas, David L.	R	8	4.3
Vaughn, Lewis R.	R	5	0.7
Verdin III, Daniel B.	R	9	0
Williams, Kent M.	D	30	6.3
<b>AVERAGE SENATE:</b>			<b>6.4</b>

