

Approved _____

Date 2/29/88

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin L. Littlejohn at _____
Chairperson

1:30 a.m./p.m. on February 24, 1988 in room 423-S of the Capitol.

All members were present except:

Representative Pottorff, Representative Harder, both excused.

Committee staff present:

Emalene Correll, Research
Bill Wolff, Research
Norman Furse, Revisor
Sue Hill, Committee Secretary

Conferees appearing before the committee:

Roberta Kunkle, American Lung Assoc. Kansas Division
Tom Forman, Director of Respiratory Care/Stormont Vail
Jenny Ranson, Department of Health/Environment/Promotion Program
Bill Mitchell, Tobacco Institute
Steven Bellissimo, Phoenix Marketing and REsearch
Clausen Ely, Covington & Burlington Law Firm
Paul Coleman, Tobacco/ Candy Distributors
Ron Hein, Smokeless Tobacco Council
Jon Brax, Kansans For Life At Its Best
Representative Ed Bideau
Robb Tabor, National Federation of Blind of Kansas
Steve Fisher, Kansas State Extension Service
Marta Laylander, Neosho County Extension Service
R. J. Edlund, President of National Foundation of Blind of Ks.
Michael Byington, Ks. Association for Blind/Visually Handicapped
Bill Fansler, Kansas Association for Deaf/Hearing Impaired

Chairman called meeting to order when quorum was present, noting a busy agenda with hearings scheduled on HB 2830, HB 2901, HB 2972.

Chair noted he has recommended Rep. Baker and Rep. Whiteman work to reconcile language into a workable form on HB 2823. If this can be done, committee will hold further discussions on it.

Hearings began on HB 2830:

Roberta Kunkle, gave hand-out, (Attachment No. 1-A, 1-B). She highlighted her testimony, but did call attention to a block paragraph on page 2 of text, i.e., Atlanta bans free cigarette give-aways". Minnesota has banned distribution of samples of tobacco products, and there is pending legislation in 13 other states. She talked about advertising campaigns being geared to the youth of our country. Tobacco companies spend more on advertising a new brand of cigarettes than the Lung Association has in their budget for the entire country.

Tom Forman, Director of Respiratory Care, Stormont Vail, (Attachment No.2), spoke in support of HB 2830. For many people making the connection between smoking or chewing now and gasping for breath in the ICU later is hard to make. For smokers in the last stages of respiratory cancer, emphysema or heart disease, their long smoking history cannot be recalled. Free samples of tobacco products can start a young person on a lifetime addiction to nicotine. He stated they believe enactment of HB 2830 will contribute to a more positive health image in the state of Kansas, and place some limits on access to a deadly product.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S Statehouse, at 1:30 a.m./p.m. on February 24, 1988

Jenny Ransom, Administrator Health Promotion, Health & Environment, (Attachment No.3), stated their Department supports passage of HB 2830, then yielded her time for others.

Mr. Bill Mitchell, Tobacco Institute, opposed HB 2830 and yielded time to others who would explain how sampling works.

Mr. Clausen Ely, Covington/Burlington law firm, (Attachment No.4) called attention to a legal issue that is involved relative to HB 2830. He noted Federal statutes, "no requirement or prohibition based on smoking and health shall be imposed under State law with respect to the advertising or promotion of any (properly packaged) cigarettes." 15 U.S.C. § 1334 (emphasis added). The Federal Cigarette Labeling and Advertising Act represents a carefully drawn balance between providing information about smoking and health and protecting the interests of the national economy. He stated it is clear that sampling is a form of cigarette advertising or promotion shielded from state and local regulations by Section 1334 (b) of the Federal Cigarette Labeling and Advertising Act. A sampling ban for Kansas would be invalid under that provision. He answered numerous questions, i.e., they have not yet brought suit against the state of Minnesota, but that may yet occur; point is very clear the government has decided not to ban sampling and has directed other states not to ban as well. Scores of other states have considered similar legislation but feel it will be challenged in court.

Steven J. Bellissimo, Phoenix Marketing REsearch, New York, (Attachment No.5) explained the rationale for sampling. He stressed his company is not a tobacco company, but an independent business. Primary purpose of sampling is to convert adult smokers to a brand which is most like cigarettses they are currently smoking. Minors are not given samples, they are very careful about this. He explained procedures followed i.e., they never sample to minors, to non-smokers, and do not sample on or near educational facilities. He answered numerous questions. He urged for defeat of this measure.

Paul Coleman, Executive Secretary of Tobacco/Candy Distributors, stated they do not believe this legislation is a restriction for the small business man. There is no evidence to the contrary that sampling is only a legitimate advertising expression. We are opposed to HB 2830.

Ron Hein, (Attachment No.6). He stated on behalf of Smokeless Tobacco Council, he says they are unsure of intent that prompted introduction of HB 2830, but if the intent was to insure tobacco products are not sampled by minors, this bill is unnecessary. Their industry opposes use of smokeless tobacco products by minors and makes a strong effort to discourage use of such by minors. Further, if the intent of HB 2830 is to discourage use of a lawful product by adults, in addition to being unconstitutional and illegal, the bill is unnecessary. He urged for defeat of the bill. (He offered a brochure, "Because We Care") indicated as Attachment No.6-A. He answered questions, no he didn't have the number of free samples given out in Kansas, but he would be willing to check into it

Jon Brax, Kansans For Life At Its Best spoke in support of HB 2830 and urged for is favorable passage.

Mr. Hein answered further questions.

Hearings closed on HB 2830.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S Statehouse, at 1:30 a/m./p.m. on February 25, 1988

Hearings began on HB 2972:

Rep. Bideau stated he has requested this bill in behalf of the Neosho County 4-H groups. He introduced Marta Laylander who is deeply involved in this program. He noted a letter of support from Mr. Ralph Barkley, Superintendent of Kansas State School of Visually Impaired. Rep. Bideau stated also the language drawn will set up a new statute.

Marta Laylander, Neosho County Extension Agricultural Agent, offered (Attachment No.7). Ms. Laylander started the 4-H guide puppy raising program in 1986. They work through the Pilot Dog, Inc. in Ohio. She detailed the program of raising puppies for the visually impaired. This program is supported by public contributions, there is no state or federal or city aid. She explained the training procedures; success rate; and importance of being accepted in public situations, public businesses. Attachment includes letters of support, signed petition, and brochures depicting puppies during training program. She offered large boards of photographs of the progression of the training program of 4-H members and their families in the process of the training. Each dog wears an identification jacket during training so they are highly recognizable. In the best of circumstances the select puppy has 60% chance of becoming a guide dog for the visually impaired. She answered questions, i.e., there are 8 schools in the country, Pilot Dogs of Ohio is the closest one to Kansas; Delta Airlines flies the puppies to us free of charge.

Robb Tabor, National Federation of the Blind of Kansas (Attachment No.8), noted the Kansas White Cane Law, K.S.A. 39-1101 is adequate to accomplish the purposes for which it was originally enacted, i.e., provide protected right of way for blind pedestrians who carry long white cane or who are accompanied by guide dog/provide rights to access to public places without encumbrances/ without imposition of monetary charges for the presence of a guide dog. As we see it, HB 2972 would not effectively extend or enhance this legal protection currently offered. They feel Kansas White Cane Law would be modified. They believe proponents of HB 2972 have entered into an agreement with one guide dog center, and the role of 4-H program would entail a type of training that ordinarily is undertaken by highly trained staff at a guide dog training center. The blind of Kansas does not sanction or support the use of young, untrained adolescents in such a highly technical training process. He made no comment in reference to hearing assistance dog candidates or trainees.

R. J. Edlund, President of National Foundation of Blind of Kansas, supports comments made by Robb Tabor, and yielded his time to other conferees.

Mr. Steve Fisher, Extension 4-H Specialists, Kansas State University spoke in support of HB 2972, saying he helps coordinate this program with 4-H students. He has a letter of support included in Attachment No.7 of Ms. Laylander's testimony. In light of Mr. Tabor's comments and concerns, he stated he feels if the trainers of these dogs have access to all situations, they could do a better job of training.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,

room 423-S, Statehouse, at 1:30 /// 1/11 p.m. on February 25, 1988

Michael Byington, Kansas Association for the Blind/Visually Impaired, offered hand-out, (Attachment No.9). He spoke to the support of HB 2972, noting it does not throw open the door for any well meaning person regardless of dog training qualifications. The training program in which the dog is enrolled must be approved by the Kansas State University Extension Service. We see the bill as being consistent with K.S.A. 39-1101, a long standing and well proven statute. He stated further, he felt it is appropriate to bland dog guides for the blind and hearing assistance dogs into the same legislation. The two type of dogs' functions are very different. There should be statutes assuring the right of use of training for both types of animal aids, he felt these issues best covered in separate legislation. He urged for support of this particular bill, HB 2972.

Rep. Bideau spoke to issue of dogs being used for hearing impaired, i.e., he prepared language for HB 2972 and included language about hearing impaired since it looked compatable.

Chair asked if conferees scheduled to present testimony on HB 2901 could return tomorrow? Time will not allow for a full hearing this date. Mr. Bill Fansler, unable to return another day was given permission to present his testimony.

Hearings on HB 2901:

Mr. Bill Fansler spoke in support of HB 2901, saying the hearing impaired have been discriminated against in the use of smoke detectors. We cannot hear the regular type of detector. We need signals to make lights flash to get our attention in case of fire. He explained the detector that is available to hearing impaired. If Hotel and Motel owners supplied these, it would add greatly to the safety of those individuals. He offered to make available a printed copy of his remarks. He urged for support of this measure, and said one life saved would make it all worthwhile.

Chair noted hearings would continue tomorrow on HB 2901.

Meeting adjourned 3:05 p.m.

GUEST REGISTER

HOUSE

PUBLIC HEALTH AND WELFARE COMMITTEE

Date 2-24-88

NAME	ORGANIZATION	ADDRESS
Bob	Soy	
Paul Paige	KBHF	Topeka
Beel Dean	Merrill Doss	O. P. KS.
William L. Mitchell	Tobacco Inst.	Hutchinson
CLAUSEN ELY	TOBACCO INST	WASH. D.C.
STEVEN BELLISSIMO	TOBACCO INST	N.V.
KEVIN ROBERTSON	Ks Redging Assn	Topeka
Paul D. Coleman	Ks Tob. Can. Dist & Vendors	Topeka
DICK TAYLOR	Life at the Best	Topeka
MARK BESHEARS	Tobacco Inst.	Topeka
Marta Laylander	Extension Service	Pie
Steve Fisher	KSU Extension	Manhattan
Tom Forman	KANS Lung Assn	Lawrence
Johnny Daman	McDill Assn.	Topeka
Eugene Ash	Topeka Assn of Deaf	Topeka
BILL FANSLER	KANSAS ASSN of the DEAF KANS. COMM. for Deaf/HFE	TOPEKA
Mike Dood	Ks. Academy of Family Practitioners	Cherry Center
Amy Dood		
Barbara Sieder	McGee Assn	
Roberta Kunkle	American Lung Association of KS	Topeka
Jan Hanson	KS. Dept. Health & Env.	Topeka
Jan Dray	Life at the Best	Topeka

James A Ladd	Wichita	K577A
John E Corlett	Ks. State Fire Marshal Office	Topeka
Ed C. Redman	Ks State Fire Marshal	Topeka
Karl M ^o Norton	KS State Fire Marshal Office	Topeka

TESTIMONY PRESENTED BY
ROBERTA B. KUNKLE
SMOKING EDUCATION CONSULTANT

TO THE PUBLIC HEALTH AND WELFARE COMMITTEE

IN SUPPORT OF HOUSE BILL 2830

FEBRUARY 24, 1988



*Attn. #1. A
2-24-8
PHW*

My name is Roberta Kunkle, Smoking Education Consultant for the American Lung Association of Kansas. I am here in support of House Bill 2830, which bans the distribution of free samples of tobacco products in the State of Kansas.

Cigarette smoking is the number preventable cause of death and disability in the United States today. The Surgeon General of the United States made that statement. Clearly, the way to substantially improve the overall health of this country is to reduce tobacco consumption. That is why the Surgeon General has called upon the major health agencies and has asked all Americans to work together towards the goal of a smoke-free society by the year two thousand.

Tobacco is our most heavily advertised consumer product. In 1985, the tobacco industry spent about two billion dollars on advertising and promotion to attract new smokers, to retain current smokers and to increase consumption of smokeless tobacco products.

Tobacco And Youth Reporter
Summer 1987

Atlanta Bans Free Cigarette Give-Aways

In 1983 cigarette companies spent \$275 million giving away free cigarettes on street corners, at athletic events, rock music concerts, and other locations where young people congregate. They spent another \$140 million giving away cigarettes through coupons. In all, they gave away nearly a billion free packs of cigarettes--nearly a two week supply for every adult smoker in the country.

Of course, not every adult smoker got a free two week supply. A great many packs went to young nonsmokers who couldn't resist the temptation to experiment with the illicit (for them) drug. Give-away programs have been one of the fastest growing elements of cigarette companies' efforts to promote smoking for a good reason--they are so effective at snaring children.

The city of Atlanta has had enough of the tobacco merchants giving away free samples to children. It is now illegal to give away free cigarettes in that city.

Through the association of tobacco use with youthful vigor independence, social and athletic success, and with individuals and activities most likely to be admired by young people, tobacco advertising and promotion influences the attitude of teenagers and their perception about cigarette smoking and the use of other tobacco products. Although the tobacco industry denies any purposeful attempt to recruit young users, increased distribution of free tobacco products at industry-sponsored sporting events and rock concerts, attended by large numbers of teenagers, make such claims untenable. (Add any local stories that may be relevant.)

Since the early 70's the practice of distributing free samples of tobacco products in public places or public events, commonly referred to as "sampling," has become a vital marketing tool for tobacco manufacturers. The widespread use of sampling was promoted when the federal ban on television and radio advertising took effect in 1970. The tobacco industry was forced to find other ways to promote the sale of its products. In contrast to advertising, which communicates and identifies its products, promotional activities lead directly to consumer action, such as trying or buying the product. Thus, it was only natural for the tobacco industry to step up its promotional activities, and distributing free samples of its products became a viable alternative.

Today, cigarette manufacturers in the United States spend more money on promotional activities than they do media on advertising. For example, promotional expenditures grew from under 10 percent of their total advertising and promotional costs in 1963 of over one-half of total expenditures in 1983. Of those totals, sampling expenditures increased from almost 13 million dollars in 1963 to over 125 million dollars in 1983.

Moreover, tobacco companies do not limit their sampling practices to cigarettes alone. With the increasing prevalence of smokeless tobacco use, especially among young males, and the federal law banning the advertising of smokeless tobacco on both television and radio in 1986, sampling of smokeless products has occurred on a greater scale. Given these facts and all of the tobacco industry's activities, the American Cancer Society, the American Heart Association and the American Lung Association are now prompted to call for the total elimination of tobacco products sampling. We believe that rather than limiting the distribution of tobacco products to above the legal age, it would be a more effective practice to ban sampling entirely.

While there are numerous facts that support our position, two stand out. First and foremost, tobacco products inevitably fall into the hands of minors. Despite

the fact that the tobacco industry has developed its own "voluntary" code of cigarette sampling practices, which claims to set up certain standards to avoid distributing cigarette samples to under-age children, random reports and spot checking of sampling distribution points have proved that no such restrictions are being observed. (Perhaps you have seen this on 60 minutes.) Secondly, the distribution of tobacco products on sidewalks and street corners and at entrances to sporting and cultural events creates congestion of pedestrian traffic and litter. Traffic tie ups and litter on sidewalks are a nuisance to pedestrians and to the taxpayers who must bear the burden of the clean up cost.

Whereas, in the past, significant legislative and regulatory limits were placed on tobacco advertising, we believe that attention should now be shifted to restricting the promotional activities of tobacco manufacturers. Action at the state and local levels is now necessary.

This legislation is being introduced in 13 other states this year. Please send House Bill 2830 to the floor so that all Kansas State Representatives will have a chance to decide on this issue that is so important to health and welfare of the people of Kansas.

**ARE STATE AND LOCAL GOVERNMENTS PREEMPTED
FROM BANNING THE FREE DISTRIBUTION
OR SAMPLING OF TOBACCO PRODUCTS?**

While representatives of the tobacco industry are likely to argue that any ban on the free distribution of cigarettes and other tobacco products, or "sampling," by state or local governments is preempted by federal law, a careful reading of the applicable laws and legal principles leads to the conclusion that the enactment of such a ban is permissible and is not preempted by federal law.

1. **What are the federal laws that must be examined to determine whether a state or local government may lawfully ban the free distribution or sampling of tobacco products?**

There are only two federal laws that address these issues. They are the Federal Cigarette Labeling and Advertising Act, as amended by the Comprehensive Smoking Education Act of 1984, 15 U.S.C. Sections 1331-1340, and the Comprehensive Smokeless Tobacco Education Act of 1986, 15 U.S.C. Sections 4401-4406.

The text of the relevant provisions of these acts is as follows:

**The Federal Cigarette Labeling and Advertising Act: 15
U.S.C. Section 1334**

- (a) No statement relating to smoking and health, other than the statement required by Section 1331 of the Title, shall be required on any cigarette package.
- (b) No requirement or prohibition based on smoking and health shall be imposed under state law with respect to the advertising or promotion of any cigarettes the packages of which are labeled in conformity with the provisions of this Chapter.

**The Comprehensive Smokeless Tobacco Education Act: 15
U.S.C. Section 4406**

- (b) No statement relating to the use of smokeless tobacco products and health, other than the statement required by Section 4402 of this Title, shall be required by any state or local statute or regulation to be included on

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any package or in any advertisement (unless the advertisement is an outdoor billboard advertisement) of a smokeless tobacco product.

2. **Why doesn't the Federal Cigarette Labeling and Advertising Act prohibit a state or local government from banning the free distribution of cigarette products?**

There are three sound reasons why the Federal statute does not preempt state or local action in this area. They are:

- A. A ban on free sampling is a restriction on the distribution, not the promotion of cigarettes. While the Federal Cigarette Labeling and Advertising Act preempts efforts to restrict "the promotion" of cigarettes, it does not preempt state or local efforts to limit or restrict the "distribution" of cigarettes. A state or local government remains free to restrict when and where and to whom cigarettes may be sold. A ban on the free sampling or free distribution of cigarettes is a restriction on the "distribution" of cigarettes, not on the "promotion" of cigarettes. This conclusion is confirmed by Section 1332 of the Act, which defines the terms "sale or distribution" as including "sampling or other distribution not for sale." Thus, just as a state or local government remains free to restrict the sale of cigarettes to minors or to prohibit the sale of cigarettes in schools or other facilities populated largely by minors, a state or local government remains free to limit the "distribution" of cigarettes by banning their free distribution and sampling.
- B. A ban on free sampling is consistent with the goals and purposes of the Federal Act. The preemption provision in the Federal Cigarette Labeling and Advertising Act must be examined in the context of the declared Congressional policy and purpose of the Act. The preemption provision was enacted to insure that state and local governments did not take actions which were inconsistent with the purposes of the Act.

15 U.S.C. Section 1331 states that Congress had two goals in the enactment of the Federal Cigarette Labeling and Advertising Act. First, Congress wished to inform the public about the hazards of cigarettes. Second, Congress did not want to unnecessarily impede the cigarette manufacturer's ability to sell cigarettes "by diverse, non-uniform, and confusing cigarette labeling and advertising regulations with respect to any relationship between smoking and health." 15 U.S.C. Section 1331(2).

A ban on the free sampling and free distribution of cigarette products is not inconsistent with the policy and purposes of the Federal Cigarette Labeling and Advertising Act, nor does it set up conflicting and confusing requirements that will otherwise impede the ability of cigarette manufacturers to market their products. The preemption provision was enacted to prohibit state and local restrictions on advertising and promotion that would make it difficult or impossible for a manufacturer to conduct a national advertising and promotional campaign. A ban on the free distribution of cigarette products within a particular jurisdiction does not conflict with this goal.

- C. A ban on free sampling may be enacted for reasons other than smoking and health. Even if the federal statute is considered to preempt an effort to ban the free sampling of cigarettes when such a prohibition is "based on smoking and health" considerations, a state and local government is free to enact such a ban if it does so to avoid congestion on its streets, to control or reduce litter, to protect pedestrians from annoyance and invasion of their privacy, or to avoid facilitating the availability of cigarettes and other tobacco products to minors. The preemption provision is limited to laws enacted based on "smoking and health" considerations only.

3. Does the Federal Cigarette Labeling and Advertising Act provision that says "No Requirement or Prohibition Based on Smoking or Health Shall be Imposed Under State Law with Respect to the Advertising and Promotion" of cigarettes preempt a state or local government from banning the free distribution of cigarettes?

Probably not. The tobacco industry argues that a ban on the free distribution of cigarettes amounts to a prohibition on its promotional efforts and, therefore, is preempted by the federal statute. No court has explicitly addressed this issue yet. Nonetheless, there are sound reasons for concluding that the Federal Cigarette Labeling and Advertising Act does not preempt a state or local government from banning the free distribution, or sampling, of cigarettes.

4. Does the Comprehensive Smokeless Tobacco Health Education Act of 1986 preempt state or local governments from banning the free distribution, or sampling, of smokeless tobacco products?

No. The preemption provision in the Smokeless Tobacco Act is careful and narrowly limited. It only prevents a state or local government from enacting a statute that requires a different warning label required by the federal statute. State and local governments remain free otherwise to limit or restrict the advertisement of these products and to limit or prohibit any promotional efforts for smokeless tobacco products that take place within their jurisdiction.

Compiled by the Coalition on Smoking or Health, a public policy project supported by the American Cancer Society, the American Heart Association, and the American Lung Association, Washington, D.C.

Testimony Presented by
Tom Forman, R.R.T.

To the Public Health and Welfare Committee
in support of House Bill 2830
February 24, 1988

Alt #2
PH iW
2-24-88

I am Tom Forman, a Registered Respiratory Therapist, and Director of Respiratory Care at Stormont-Vail Regional Medical Center. My purpose here today is to urge your support of House Bill 2830, an act prohibiting the distribution of free samples of tobacco products.

You have heard and received much testimony related to the use of tobacco as the Number One cause of death and disability in our country today. For many people making the connection between smoking or chewing now and gasping for breath in the ICU later is hard to make. For my colleagues and myself, this is a harsh reality as we treat such individuals daily. For those smokers in the last stages of respiratory cancer, emphysema or heart disease, their long smoking history cannot be recalled.

A free sample pack of cigarettes can start a young person on a lifetime addiction to nicotine. For other smokers of all ages, the passing out of free samples makes it appear that smoking and chewing are still very socially acceptable and part of the "good life."

Several of you are surely asking yourselves, how can a ban on sampling reduce smoking-related diseases? The advertising of tobacco on television and radio has been banned since 1971. The tobacco industry spends 2 billion dollars every year to advertise and promote its product. The distribution of free samples is an active part of the promotional package. It is part of a carefully planned strategy to replenish the supply of smokers. This is quite a challenge since each year one million smokers quit and 350,000 die from smoking-related illnesses. The industry must recruit 1.5 million new smokers each year to maintain its market. This means 4,000 new smokers must begin each day.

Minnesota has set the standard by banning all distribution of tobacco products. Kansas, along with New Hampshire and Utah, prohibits distribution of free samples to minors. Some of you may ask, isn't it good enough to prohibit distribution to people under 18? Here is why we believe that it would be more effective to ban the practice altogether:

- The people hired by tobacco companies to hand out their free samples rarely ask for IDs, and tobacco samples thrown away by adults can easily be picked up by children.
- Free samples are tempting for adults who want to quit using tobacco or who have already kicked the habit.
- Many people believe that if it is legal to hand out cigarettes and smokeless tobacco in public places, it must be OK to use them.

Thirteen other states have introduced similar measures this year. They are: New York, Wisconsin, Pennsylvania, California, Florida, Illinois, Indiana, Massachusetts, Michigan, Tennessee, Oregon, Washington, Texas and Hawaii. Let us add Kansas to this list.

We believe that enactment of House Bill 2830 will contribute to a more positive health image in the State of Kansas and places some limit on the access to a deadly product. I urge the committee to act quickly and favorably on this legislation.

STATE OF KANSAS



DEPARTMENT OF HEALTH AND ENVIRONMENT

Forbes Field

Topeka, Kansas 66620-0001

Phone (913) 296-1500

Mike Hayden, *Governor*

Stanley C. Grant, Ph.D., *Secretary*

Gary K. Hulett, Ph.D., *Under Secretary*

Testimony Presented to
House Public Health and Welfare Committee

by

Kansas Department of Health and Environment

HOUSE BILL 2830

Tobacco companies have for a long time given away free cigarettes as an advertising ploy. This practice was and is especially popular around armed forces installations and college campuses. The majority of states have laws against the sale of cigarettes to minors under the age of 18. When cigarettes are given away, checking the age of the recipient becomes difficult and defeats the purpose of the tobacco company.

Tobacco companies give their products away not only to convert users to their brands but also to induce non-users to become users. The younger they can reach potential customers, the higher the conversion rate.

H.B. 2830 would prohibit the practice of giving away free cigarettes or other tobacco products to any individual regardless of age. The present law prohibits this practice to individuals under the age of 18.

We support H.B. 2830 and recommend that it be passed.

Presented by:

Jenny Ransom, Administrator
Health Promotion Program
February 24, 1988

Alt #3
PA: W
2-24-88

Mr Ely

February 19, 1988

MEMORANDUM CONCERNING THE PROPOSED
KANSAS CIGARETTE SAMPLING BAN - HB 2830

The bill currently under consideration, HB 2830, would, if passed and approved, amend Kansas state law so as to ban all promotional distribution of cigarette samples without charge or at a nominal cost "to members of the general public." State law now prohibits the sale or distribution of cigarettes to persons under 18. See Kan. Stat. Ann. § 79-3390 (1984). HB 2830 would repeal this law in favor of a more expansive prohibition that would forbid cigarette sampling to adults as well as to youths in Kansas.

Insofar as it applies to cigarettes, the proposed sampling ban is prohibited by the Federal Cigarette Labeling and Advertising Act. This is the federal statute that, as amended by the Public Health Cigarette Smoking Act of 1969, banned cigarette advertising in the broadcast media. 15 U.S.C. § 1335. As amended in 1969, the federal law contains a "preemption" provision that provides:

"(a) No statement relating to smoking and health, other than the statement required by section 1333 of this title, shall be required on any cigarette package.

(b) No requirement or prohibition based on smoking and health shall be imposed under State law with respect to the advertising or promotion of any [properly packaged] cigarettes." 15 U.S.C. § 1334 (emphasis added).

The Federal Cigarette Labeling and Advertising Act represents "a carefully drawn balance" between providing the

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PAW

public with information about smoking and health -- through mandated health warnings and otherwise -- "and protecting the interests of the national economy." Cipollone v. Liggett Group, Inc., 789 F.2d 181, 187 (3d Cir. 1986), cert. denied, 107 S. Ct. 906 (1987).^{1/} Congress adopted the preemption provision so that "commerce and the national economy" would not be "impeded by diverse [and] nonuniform * * * advertising regulations" (See 15 U.S.C. § 1331(2)) based on smoking and health.

That cigarette "advertising or promotion" includes sampling is clear both from the interpretation of the statutory language given by the Federal Trade Commission and from the legislative history of the statute itself. In the federal statute, Congress directed the Federal Trade Commission to report annually to Congress on "current practices and methods of cigarette advertising and promotion," and to make appropriate legislative recommendations. 15 U.S.C. § 1337(b). Sampling consistently has been treated as a form of "advertising or promotion" by the FTC.

In 1978, for example, the FTC discussed "the use of other forms of current cigarette advertising and promotion," including "advertising of special events [and] free samples."

^{1/} Two other federal Courts of Appeal have reached the same conclusion. Stephen v. American Brands, Inc., 825 F.2d 312, 313 (11th Cir. 1987) (per curiam); Palmer v. Liggett Group, Inc., 825 F.2d 620, 622, 626, 629 (1st Cir. 1987).

FTC Report to Congress Pursuant to the Public Health Cigarette Smoking Act for the Year 1978, p. 4. In 1977, the FTC noted that, in addition to promotion through the print media and outdoor advertising, "the cigarette companies in 1977 increased the distribution of free samples to encourage smokers to try a particular brand." FTC Report to Congress Pursuant to the Public Health Cigarette Smoking Act for the Year 1977, p. 7. A 1981 FTC staff report referred to sampling as a "promotional technique" and a "form of advertising." An FTC Staff Report in 1981 on the Cigarette Advertising Investigation, p. 2-6.

Courts would likely give considerable weight to the FTC view that sampling is a form of cigarette advertising and promotion. Apart from the strong deference normally given to an administrative agency's interpretation of a statute that it is directed to implement, the courts frequently have characterized brand sampling as a form of advertising or promotion. See, e.g., Indian Coffee Corp. v. Proctor & Gamble Co., 482 F. Supp. 1104, 1106 (W.D. Pa. 1980) ("Consumer promotions were aimed directly at the consumer, and included free samples, refunds, premium offers, and * * * consumer coupons.").

The FTC's interpretation of the statutory language is firmly supported by the legislative history of the statute. That sampling is a form of cigarette advertising or promotion was taken for granted during the hearings on the 1969 legisla-

tion. For example, in opposing a broadcast advertising ban, the President of the National Association of Broadcasters observed that sampling was a form of "promotion" to which the broadcast advertising ban would not apply.^{2/} Congressman Harvey stressed that the tobacco companies "advertise[d] not only in the communications field, on radio and on television, but they do extensive advertising in newspapers, on billboards, by direct mail, [and] by other media of all kinds."^{3/}

At the same time, others recommended that Congress not limit itself to banning broadcast advertising but impose restrictions on all cigarette advertising, including sampling. Arthur De Moss, President, National Liberty Life Insurance Company, urged "[e]ffective legislation to restrict all cigarette advertising * * *. This would include written as well as visual advertising, and would prohibit as well the giving of free samples of cigarettes to anyone, regardless of age."^{4/} Congress, of course, rejected this advice.

2/ Cigarette Advertising and Labeling: Hearing on H. R. 6543 before the Consumer Subcommittee of the Senate Commerce Committee, 91st Cong., 1st Sess. 146 (1969) ("Senate Subcommittee Hearing") (letter of Oct. 8, 1969, from Vincent T. Wasilewski to Chairman Moss). See also 115 Cong. Rec. 38,738 (1969) (remarks of Sen. Goodell).

3/ Cigarette Labeling and Advertising: Hearings before the House Comm. on Interstate and Foreign Commerce, 91st Cong., 1st Sess. 209 (1969) (emphasis added). See also id. at 343 (remarks of Rep. Kuykendall).

4/ Id. at 1351 (emphasis added).

The cigarette industry resisted more severe advertising restrictions by pointing to its voluntary Cigarette Advertising Code. Under Article IV, concerning "Advertising Standards," Section 1 provides:

"All cigarette advertising and promotional activities shall be subject to the following:

* * *

(b) Sample cigarettes shall not be distributed to persons under twenty-one years of age.

(c) No sample cigarettes shall be distributed or promotional efforts conducted on school, college, or university campuses * * *."5/

The cigarette industry repeatedly represented that schools and colleges were to be "put absolutely off limits to cigarette advertising and other promotions like the distribution of free samples. Sampling to persons under 21 was ruled out in any event."6/ Industry representatives repeatedly cited the distribution of sample cigarettes as one type of

5/ Id. at 1313.

6/ Id. at 1285 (statement of Robert B. Meyner, Administrator of the Cigarette Advertising Code) (emphasis added).

"cigarette advertising in other media."^{7/} The Senate report on the 1969 legislation noted the industry's position that,

"with respect to all other advertising [than broadcast advertising], they would avoid advertising directed to young persons, and would continue to abstain from advertising in school and college publications, would continue not to distribute sample cigarettes or engage in promotional activities on school and college campuses * * *."^{8/}

Some sampling ban proponents have nevertheless asserted that the preemption provision in the 1969 law was intended only to prohibit state requirements concerning the content of cigarette advertising. However, Congress in 1969 considered and rejected a version of Section 1334(b) that might have supported this interpretation of the provision. H.R. 6543, as passed by the House, provided in Section 5(b):

"No statement relating to smoking and health shall be required in the advertising of any cigarettes the packages of which are labeled in conformity with the provisions of this Act." 115 Cong. Rec. 16,275 (1969) (emphasis added).

^{7/} Senate Subcommittee Hearing at 79 (statement of Joseph F. Cullman III, Chairman, Philip Morris, Inc.).

^{8/} S. Rep. No. 566, 91st Cong., 1st Sess. 9 (1969). See also Senate Subcommittee Hearing at 121 (statement of Senator Goodell characterizing distribution of sample cigarettes as a type of cigarette advertising); id. at 87 (letter of July 28, 1969, from Mr. Cullman to Chairman Moss, to the same effect); id. at 144 (letter of Sept. 2, 1969, from Mr. Cullman to Chairman Moss, to the same effect).

As passed by the Senate and approved by the Conference Committee, however, Section 5(b) provided:

"No other requirement or prohibition based on smoking and health shall be imposed by any state statute or regulation with respect to the advertising or promotion of any cigarettes the packages of which are labeled in conformity with the provisions of this Act." H.R. Rep. No. 897, 91st Cong., 2d Sess. 1, 5 (1970) (emphasis added).

It was this broadened version of the preemption provision that Congress enacted in 1969, replacing a narrower version that had been enacted in 1965. Moreover, when Congress subsequently considered the legislation ultimately enacted as the Comprehensive Smoking Education Act of 1984, it squarely rejected an attempt to narrow the reach of Section 1334(b) to prohibit only state or local labeling requirements.^{9/} The Supreme Court has stated that it would be "improper * * * to give a reading to [a statute] that Congress considered and rejected." Pacific Gas & Electric Co. v. State Energy Resources Conservation & Development Comm'n, 461 U.S. 190, 194 (1983).

Thus, it is clear that sampling is a form of cigarette "advertising or promotion" shielded from state and local

^{9/} Compare H.R. 3979, § 6(c), as introduced, with H.R. 3979, as reported by the House Energy and Commerce Committee. H.R. Rep. No. 805, 98th Cong., 2d Sess. 27 (1984).

regulation by Section 1334(b) of the Federal Cigarette Labeling and Advertising Act, as amended by the Public Health Cigarette Smoking Act of 1969. As Professor Edward T. Popper, an antitobacco advocate, acknowledged in recent testimony in Congress, "[t]he tradition of free cigarette sampling is deeply rooted in our society."^{10/} Congress intended Section 1334(b) to reach state and local restrictions on this and all other forms of cigarette "advertising or promotion." The sampling ban proposed for Kansas would be invalid under that preemption provision.

COVINGTON & BURLING

^{10/} Advertising of Tobacco Products: Hearings before the Subcomm. on Health and the Environment of the House Comm. on Energy and Commerce, 99th Cong., 2d Sess. 136 (1986).

TESTIMONY OF STEVEN J. BELLISSIMO

My name is Steven J. Bellissimo I am Vice President of Phoenix Marketing & Research, Inc. located in Long Island, New York. I have been involved in sampling tobacco products for eight years.

It is important that you understand that companies like mine are independent businesses. We are not tobacco companies. I make this point to present an accurate assessment as to who else is affected by legislative action of this type.

In my opinion, there are many inaccuracies perceived of sampling objectives. I would like to present more accurate explanations of the purpose of a sampling campaign:

1) The primary purpose of a cigarette sampling campaign is to convert adult smokers 21 years of age or older to a brand which is most like he/she is currently smoking.

2) The rules governing all sampling campaigns are taken directly from the Code of Cigarette Sampling practices. These rules are major components of the contract we must sign before starting a campaign.

Attm # 5
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Violations of these very clear rules results in the loss of considerable dollars. More importantly, it is grounds for dismissal as an independent contractor. Local personnel not adhering to the rules are terminated on the spot. There are no exceptions. We cannot afford to jeopardize our contracts.

- 3) Sampling crews are trained in detail, prior to the start of a promotion. We role play specific situations which can occur on the streets and prepare employees to deal with them. Our role playing exercises also alert us to personnel that are not suited for the job and they are not permitted to work.
- 4) The tobacco industry does have specific objectives in mind when a sampling program is planned. Never have these plans included:
 - a) Sampling to minors
 - b) Sampling non-smokers
 - c) Sampling on or near educational facilities

In conclusion, I state emphatically that anti-smoking groups have exaggerated, distorted and deliberately misled legislators around the country to believe that companies like mine and the tobacco companies have no regard for the non-smoking community or minors.

This is absolutely false representation. The real intention of these groups is the complete prohibition of smoking and that is entirely another issue. Prohibition did not work in the past and will not work now.

More importantly, there is no reason to do so. Smoking is a matter of personal choice. Cigarette sampling is a lawful business aimed at adults who have decided to smoke.

I strongly ask you to reject this bill. The industry polices itself, and there are local laws which prohibit the sale and/or sampling of tobacco products to minors.

Thank you for permitting me to express my point of view. I would be happy to answer any questions that you may have.

EXHIBIT A

CODE OF CIGARETTE SAMPLING PRACTICES

STATEMENT OF PURPOSE

Cigarette Sampling is a form of cigarette advertising conducted through the free distribution of sample packages of cigarettes directly to adult smokers. The purpose of the Code is to ensure that certain standards are observed in connection with cigarette sampling, particularly avoiding the distribution of cigarettes to minors and the disruption of pedestrian or vehicular traffic, and to provide a means whereby compliance with those standards can be monitored and enforced.

ARTICLE I

DEFINITIONS

1. "Sampling" means giving or distributing without charge packages of cigarettes in a public place for commercial advertising purposes ("cigarette samples"), but does not include isolated offerings of complimentary packages or the distribution of such packages to wholesale or retail customers or to company shareholders or employees in the normal course of business.

2. "Public place" includes any street, sidewalk, park, plaza, public mall, and the public areas of shopping centers and office buildings.

ARTICLE II

RESTRICTIONS ON CIGARETTE SAMPLING

1. Persons who engage in sampling shall refuse to give a sample to any person whom they know to be under 21 years of age or who, without reasonable identification to the contrary, appears to be less than 21 years of age.

2. Sampling shall not be conducted in any public place within two blocks of any centers of youth activities, such as playgrounds, schools, college campuses, or fraternity or sorority houses.

3. The mails shall not be used to distribute unsolicited cigarette samples.

4. Persons who engage in sampling shall not urge any adult 21 years of age or over to accept a sample if the adult declines or refuses to accept such sample.

5. No cigarette samples shall be distributed by a sampler in a public place to any person in a vehicle.

6. Persons distributing cigarette samples shall secure their stocks of samples in safe locations to avoid inadvertent distribution of samples contrary to the provisions of the Article.

7. Persons distributing cigarette samples shall avoid blocking or otherwise significantly impairing the flow of pedestrian traffic.

8. In the event that circumstances arise at the particular location that make it unlikely that sampling can be conducted in a manner consistent with the provisions of this Article, sampling shall be stopped at that location until such circumstances abate.

9. Persons distributing samples shall promptly dispose of empty sample boxes and shall take reasonable steps to ensure that no litter remains in the immediate area of sampling as a result of sampling activities.

ARTICLE III

COMPLIANCE AND ENFORCEMENT PROVISIONS

1. Each cigarette manufacturer that subscribes to the Code shall impose by contract on all independent contractors who conduct cigarette sampling on the manufacturer's behalf a set of sampling standards no less stringent than those contained in this Code. In addition, each cigarette manufacturer shall require such sampling contractors to inform all personnel employed by the contractor who engage in sampling activities of the provisions of this Code, both orally and in writing.

2. Persons who engage in sampling shall be monitored on a periodic basis by supervisory personnel of the cigarette manufacturer and/or independent contractor for whom the sampling activities are being conducted to ensure compliance with the provisions of this Code.

3. Each cigarette manufacturer that subscribes to this Code shall take all reasonable steps to ensure that any person who engages in sampling and knowingly violates any of the provisions of Article II of this Code shall be discharged from employment as a cigarette sampler.



PHILIP MORRIS

U.S.A.

120 PARK AVENUE, NEW YORK, N.Y. 10017 TELEPHONE (212) 880-5000

AGREEMENT made as of _____ between PHILIP MORRIS
U.S.A., a division of Philip Morris Incorporated, 120 Park
Avenue, New York, New York 10017 ("PM") and PHOENIX MARKETING &
RESEARCH, INC., 62 South Second Street, Suite 1, Deer Park, New
York 11729 ("Sampler").

PM wishes to retain Sampler for certain services in connection
with a sampling program of its _____ cigarette brands (the
"Product"), and Sampler is experienced in performing such
services and is agreeable to being retained by PM on the terms
set out herein.

THEREFORE, the parties agree as follows:

1. Beginning _____ Sampler will effect the
distribution of _____ samples of Product, furnished by PM,
in accordance with the sampling program agreed on between
the parties, to be conducted in the
area during the period _____
2. Sampler agrees at all times to comply with the Code of
Cigarette Sampling Practices attached as Exhibit A hereto.

3. The services of Sampler under this Agreement will include selecting proper mass intercept locations in the market, including special events and a limited environmental delivery, and spacing distributors so as to minimize the probability of duplication; furnishing home office personnel to oversee and supervise the sampling program; recruiting suitable sampling distributors, drivers and helpers, all over twenty-one (21) years of age; holding orientation meetings for all such persons to go over all details and requirements of the program (it being understood that one or more PM personnel will participate in such meetings if reasonably possible but may in any event instruct Sampler of times to be covered in such meetings); transporting distributors, Product and related necessary materials to sampling locations; rendering reports upon completion of distribution supplying additional personnel to clean up discarded sample packs as necessary; creating a sampling plan with PM employees for effectively reaching potential consumers; establishing appropriate security measures to protect Product (it being understood that no Product will be left in vehicles overnight); and further related services as requested by PM.
4. Sampler will be paid against invoice the sum of _____ for each 1,000 samples distributed. PM will also furnish _____ Product and necessary supplies. Included in the supplies will be the sampling carriers which will be delivered to the Sampler assembled.

5. Sampler is an independent contractor and PM does not and will not have any actual, potential or other control over it except as otherwise set forth in the Agreement. None of Sampler's employees shall be or become employees of PM by reason of this Agreement.
6. Sampler shall procure and maintain in full force and effect Workmen's Compensation Insurance covering all employees of the Sampler performing services required by this Agreement. Sampler shall provide PM with a valid Certificate of Insurance confirming said Workmen's Compensation Insurance prior to
7. Without limiting paragraph 2 above, Sampler warrants that it will comply fully with all federal, state and municipal laws, regulations, rules and ordinances of every nature including, but not limited to, those relating to its distribution of sample cigarettes and other items pursuant to this Agreement and to its employment of personnel hereunder. Sampler will promptly advise PM if Sampler receives any notice from any governmental authority, or otherwise learns of any questions, relating to its services hereunder or any proposed or actual restriction upon them.
8. Sampler hereby indemnifies, saves and holds harmless PM and its subsidiaries and their officers, employees, directors and agents from any and all suits, damages, loss, liability, penalties (whether civil or criminal) and all

expenses including reasonable attorney's fees arising out of or claimed to have arisen out of the negligent acts or omissions of Sampler, its employees, agents or assigns or arising out of or claimed to have arisen out of the performance of Sampler, its employees, agents or assigns or its warranties or obligations under this Agreement including, but not limited to, the breach of any warranty or obligation undertaken by Sampler hereunder of the furnishing of sample cigarettes and/or items to any person, whether or not by inadvertence, who is in fact under twenty-one (21) years of age, but excluding, however, claims for product liability, unless such claims arise from negligent acts or omissions of Sampler, its employees, agent or assigns.

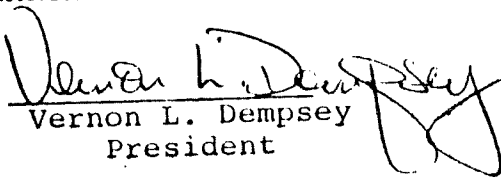
9. Sampler gives its full assurance to PM that the sampling program will be conducted efficiently and effectively and to the complete satisfaction of PM.
10. PM may terminate the services of Sampler hereunder by written notice at any time. In the case of any termination, PM will pay Sampler all amounts owed to it in accordance with this Agreement to the time of termination.
11. All notices under this Agreement shall be in writing, signed by the party giving notice, and addressed as set forth at the beginning of this Agreement, if to PM to the attention of _____ and if to Sampler, to the attention of Mr. Vernon Dempsey, President. Notices shall

be effective when hand delivered or, if mailed, when deposited in the United States mail, postage prepaid, certified or registered mail, return receipt requested.

12. This Agreement may not be assigned by either party without the consent of the other. No modification to this Agreement shall be valid unless in writing and signed by the party to be charged. No waiver by either party of a breach of the other shall be deemed a waiver of any preceding or subsequent breach of the same or any other breach of the Agreement. This Agreement shall be governed by the laws of the State of New York.

Signed as of the date first set out above.

PHOENIX MARKETING &
RESEARCH INC.

By: 
Vernon L. Dempsey
President

PHILIP MORRIS U.S.A.

By: _____
Brand Manager,

BRIEFING FORMAT FOR RIO MENTHOL

All persons participating in our sampling program must strictly adhere to the following:

1. Only SMOKERS, 21 years of age or older, are eligible to receive a free sample.
2. Only ONE sample is to be distributed to each person.
3. Distributors will ask each smoker their preference, Menthol Kings or Menthol 100's.
4. All personnel will be courteous. Your performance represents the high quality of all Philip Morris products.
5. No smoking or gum chewing is permissible while working. During breaks ONLY RIO Menthol is to be smoked. This insures a professional image and continuity with the promotion.
6. ONLY pedestrian traffic may receive a sample. Samples may not be distributed to anyone in a vehicle.
7. All distributors (FEMALES) will be provided with a uniform for the duration of the promotion. Crew suppliers (MALES) should wear dark or neutral trousers. NO Jeans (Designer Jeans included) or athletic footwear may be worn. Comfortable shoes should be worn. ALL promotional materials MUST be returned at the conclusion of the promotion. Failure to comply will delay in payment of your compensation.
8. Damaged product should NOT be distributed and must be reported to your Market Manager.
9. Security of the product is your responsibility! NEVER leave any material unprotected.
10. All questions pertaining to this promotion MUST be directed to your Market Manager. No discussions, interviews or photos are allowed with anyone.
11. In the event of a retailer complaint, STOP sampling immediately and notify your Market Manager.
12. I certify that I am 21 years of age or older and will carry proper identification at ALL TIMES.

I FULLY understand the above rules, and any violation of these regulations will result in immediate dismissal.

AGENCY: _____

NAME (PRINT): _____ DATE OF BIRTH: _____

ADDRESS: _____

PHONE #: _____ SOCIAL SECURITY #: _____

DATE: _____ SIGNATURE: _____

TESTIMONY TO THE
HOUSE PUBLIC HEALTH & WELFARE COMMITTEE
BY RON HEIN
ON BEHALF OF SMOKELESS TOBACCO COUNCIL, INC.
HOUSE BILL 2830
February 24, 1988

Mr. Chairman, members of the Committee:

My name is Ron Hein, and I am legislative counsel for the Smokeless Tobacco Council, Inc. an association of manufacturers of smokeless tobacco products.

We urge you to defeat HB 2830. We are unsure of the intent that prompted introduction of HB 2830. However, if its intent was to insure that products are not sampled by minors, the bill is absolutely unnecessary. The Smokeless Tobacco Council, Inc. opposes use of smokeless tobacco products by minors, and makes a significant effort to discourage use of such products by minors. I previously gave to you a copy of the Code of the Smokeless Tobacco Industry, but I have attached another one with this committee testimony.

Not only does the smokeless tobacco industry discourage the use by minors, but they impose upon themselves extremely stringent requirements to insure that minors are not given free samples. In light of the voluntary restrictions and requirements, and in light of statutory restrictions from distributing tobacco products to minors, this bill is totally unnecessary.

If the intent of the bill is to exercise police power of the State of Kansas to discourage or prohibit use of a lawful commodity, we are opposed to the bill on numerous grounds. First of all, smokeless tobacco products are lawful products under

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Federal legislation, and therefore the ability of the State to regulate the product or advertising regarding the product is extremely limited. HB 2830 is an attempt by the State to utilize its police power in a field which has already been preempted by the Federal Government, and which constitutes an unconstitutional interference with free speech. There is significant case law with regards to what steps can be taken to limit advertising of a lawful product, especially where the Federal Government has preempted the field. In our opinion, the provisions of HB 2830 are not in compliance with constitutional, statutory, or common law requirements. In short, this legislation will not meet the tests necessary to be upheld as constitutionally, in our opinion.

Secondly, if the intent of this legislation is to discourage use of a lawful product by adults, in addition to being unconstitutional and illegal, the bill is simply unnecessary. There is significant evidence that sampling of smokeless tobacco products does not generate additional consumption. Sampling of smokeless tobacco products was designed primarily to encourage an existing user of smokeless tobacco products to use a product of a different brand. Brand competition is the name of the game in sampling. Evidence to support a contention that sampling is used as a means of encouraging use of the product where it would otherwise not be used, or that such advertising has such an influence upon the general populace does not result from several significant studies in this area.

Thank you very much for permitting me to testify this afternoon.

THE CODE of the Smokeless Tobacco Industry

In order to ensure that the advertising and the sampling or free distribution of smokeless tobacco products — chewing tobacco and snuff — are conducted in a responsible and uniform manner, the Subscribing Members of the Smokeless Tobacco Industry Code, hereby adopt and make known to all the following standards. In accordance with their longstanding policy, the Subscribing Members confirm 18 years as the minimum age for purchase of smokeless tobacco products.

ADVERTISING

- Smokeless tobacco advertisements shall be directed to adults and shall not appear in publications that are primarily youth-oriented.
- Models who appear in smokeless tobacco advertising shall be at least 25 years of age.
- No athlete actively competing in professional sports shall be used to present any smokeless tobacco product in any advertisements by way of oral or written endorsement or by depiction of use of any such product.
- No professional entertainer who appeals primarily to persons under the age of 18 shall be used to present any smokeless tobacco product in any advertisements by way of oral or written endorsement or by depiction of use of any such product.
- Promotional offers of smokeless tobacco products and of premium items that require proof of purchase of smokeless tobacco products shall carry the designation "Offer not available to minors" and, on the coupon for mail-in offers, a statement by which the person requesting product certifies that (s)he is 18 years of age or older.
- Mail-in and telephone requests for smokeless tobacco products may be honored by a company if it can be reasonably ascertained that the intended recipients are at least 18 years of age.

SAMPLING

- Smokeless tobacco samples shall be distributed only to persons who are at least 18 years of age. Persons who appear to be under 18 years of age shall be required to furnish proof of age.
- No sampling shall be conducted within two blocks of any premises identified as being used primarily for youth activities, such as schools or organized youth centers, at times when such premises are being used for their primary purpose.
- Sample products shall be kept secure and under control at all times, so that samples will not be obtained by persons under 18 years of age.
- No unsolicited samples shall be sent through the mails.
- Persons conducting sampling activities shall do so in such manner as to avoid the impairment or obstruction of orderly pedestrian and vehicular traffic.
- Persons conducting sampling shall ensure that no littering or unsightly conditions are created as a result of the activity.
- All sampling activities shall be conducted in compliance with state and local laws and ordinances.
- All persons conducting sampling activities — whether in the direct employ or as agents of the Subscribers to the Code — shall be furnished copies of this Code and shall agree to comply with its terms.
- All persons conducting sampling activities shall be at least 18 years of age.
- Persons found to have violated any provisions of this Code shall be immediately removed from sampling activities and disciplined.

We, the Subscribing Members, shall monitor and enforce the provisions of this Code in order to ensure compliance.



Smokeless Tobacco Council, Inc., 1925 K Street, NW, Suite 504, Washington, DC 20006



Because We Care . . .



A public awareness
campaign produced
by the Smokeless
Tobacco Council
as part of its
continuing program
of industry
responsibility.

Altman 6-A

BECAUSE WE CARE . . .

For many years, the members of the Smokeless Tobacco Council have adhered to **The Code of the Smokeless Tobacco Industry**, a strict code of ethics governing the marketing and advertising of chewing tobacco and snuff. The Code is based on the firm belief that the use of smokeless tobacco is an adult custom properly reserved for adults only.

The members of the Smokeless Tobacco Council actively discourage those under 18 years of age from using smokeless tobacco products.

The industry sponsors the **Because We Care** program to inform parents, teachers, elementary and high school coaches, retailers and other youth authority figures about the official policies governing its products.

Program goals include:

- Discourage those under 18 from using smokeless tobacco;
- Enlist the help of parents, teachers and others in enforcing this policy; and
- Urge individual states to set 18 as the minimum age of purchase for smokeless tobacco.

Since inception of the public awareness campaign in 1985, millions of adult Americans have seen, read and heard these messages sponsored by the Smokeless Tobacco Council.

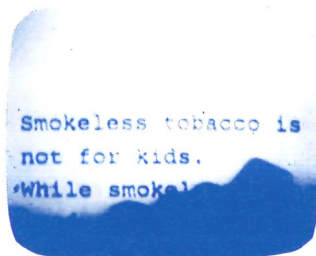
TELEVISION PUBLIC SERVICE ANNOUNCEMENTS



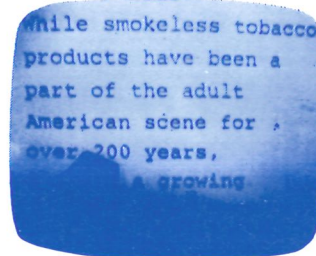
(MUSICAL TONE)



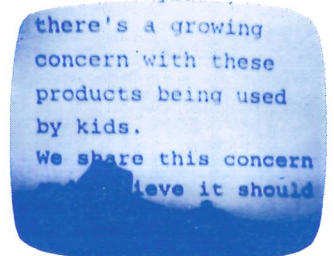
ANNCR. (V.O.):
ADULTS ONLY!



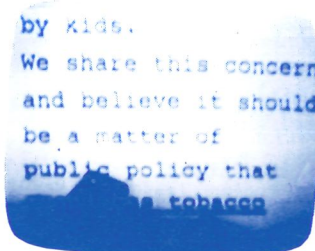
(TELETYPE SFX)
Smokeless tobacco is not for kids.



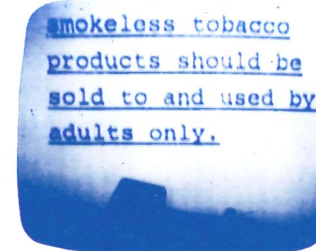
While smokeless tobacco products have been a part of the adult American scene for over 200 years,



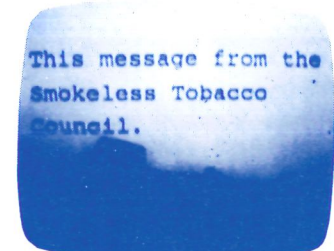
there's a growing concern with these products being used by kids.



We share this concern and believe it should be a matter of public policy that



smokeless tobacco products should be sold to and used by adults only.



This message from the Smokeless Tobacco Council.

"Smokeless Tobacco is NOT for kids" was the message of this hard-hitting public service announcement released for nationwide distribution to some 300 television stations in the fall of 1985. This frank industry message — developed with the input of some members of Congress — was seen in most of the nation's major media markets.

POINT OF PURCHASE MATERIALS

Because retailers have the ability to sell, or not sell, smokeless tobacco products to youth, they form a critical link in the chain of enforcement of the industry's minimum age policy. Therefore, materials developed to reach retailers are a principal element of **Because We Care** . . .

Point of sale materials — developed to discourage retailers from selling smokeless tobacco to those underage — were distributed to more than 50,000 retail stores in 1985-86. One piece urges retailers to limit sales of smokeless tobacco products to those over 18 years of age, while a second informational placard asks purchasers not to be offended if proof of age is required by the retailer.

**It is the policy
of this store to sell
chewing tobacco and snuff
only to persons 18 or older.**

**Please do not be offended
if we ask for proof of age.**



Smokeless
Tobacco
Council, Inc.

Smokeless tobacco and youth...

know the law and obey it.

**Laws in 36 states establish a minimum age
for purchasing chewing tobacco and snuff.**

Minimum age requirement for purchase of smokeless tobacco products*

<i>15 and over</i>	<i>18 and over</i>	New Mexico
Hawaii	Arizona	New York
<i>16 and over</i>	Arkansas	North Dakota
Alaska	California	Ohio
Connecticut	Florida	Oklahoma
Illinois	Idaho	Oregon
Indiana	Iowa	South Carolina
Maryland	Maine	Tennessee
New Jersey	Massachusetts	Washington
Pennsylvania	Michigan	West Virginia
Texas	Minnesota	Wyoming
<i>17 and over</i>	Mississippi	<i>19 and over</i>
Delaware	Nebraska	Utah
Vermont	Nevada	<i>*verified August 1985</i>

If your state is not on the list, or if the minimum age in your state is less than 18, the Smokeless Tobacco Council urges you to adopt its policy—sell chewing tobacco and snuff only to persons 18 or older.



Smokeless
Tobacco
Council, Inc.

Washington, D.C.

NATIONAL ADVERTISING

The total number of readers who have read the Smokeless Tobacco Council's public information messages in newspapers, general interest publications and special interest magazines easily approaches 25 million adults over the last two years.

From *Parade Magazine* and *The Washington Post* to *Convenience Store News*, the *U.S. Tobacco & Candy Journal* and *Education Week*, the Smokeless Tobacco Council's messages have reached into America's homes, offices, stores, factories and meeting rooms, educating adults about the smokeless tobacco industry's responsible marketing, advertising and sales policies.

"Some things are still for adults only" was the message that premiered in 1985-86, to be followed in 1987 by four "Open Letters" to parents, coaches, teachers and retailers, asking their cooperation in educating the nation's youth about the industry's minimum age policy.

The San Diego Union

The Tribune - Democrat
Johnstown

East
DAILY
Except Sunday
Oregonian

Minneapolis
STAR
and Tr

Some things are still for adults only.

Smokeless tobacco is intended expressly for the enjoyment of adults 18 years old or older.

So, if you're under 18, please don't attempt to buy it, and if you're a retailer, please refrain from selling it to people under 18.



Smokeless Tobacco Council, Inc.

Any questions or comments should be directed to Michael J. Kerrigan, Pres. Smokeless Tobacco Council, Inc. 1925 K Street, N.W. Washington, D.C. 20006

This advertisement is part of a Public Service Campaign to support the Council's policy that chewing tobacco and snuff are intended for adults only.

Because we care
an open letter
to America's
convenience store retailers
from the
Smokeless Tobacco Council

Dear Retailer:

We want you to know the policy of the smokeless tobacco industry is that chewing tobacco and snuff are not for those under 18 years of age. This is part of our official Code of the Smokeless Tobacco Industry.

Although there are laws in 40 states which establish a minimum age of purchase, these laws vary. We ask you to know your state law and abide by it. In those cases where the minimum age is less than 18, we ask that you strictly enforce our minimum age policy.

You see, we firmly believe that smokeless tobacco is an adult custom; that our products, like serving in the military, voting and holding public office, are still for adults only.

So the next time you are not sure whether a customer of yours is old enough to buy smokeless tobacco, please ask him to show proof of age. It may take a little more time, but we believe it is well worth it.

Won't you please help us to enforce our policy? We care.

Sincerely yours,

Michael J. Kerrigan

Michael J. Kerrigan
President
Smokeless Tobacco Council



Smokeless Tobacco Council, Inc.
1925 K Street, N.W.
Suite 504
Washington, D.C. 20006

THE FLINT JOURNAL

PARADE

THE SPOKESMAN
Spokane Chronicle

Fort Worth Star-Telegram

The Phoenix

The Washington Post

MODEL LEGISLATION

As part of its comprehensive approach to informing those in authority about its policies, the smokeless tobacco industry has worked closely with local, state and federal officials over the last three years in an effort to have laws passed establishing uniform age of purchase regulations at the state level.

It is significant that the industry's position is in complete accord with that of the Department of Health and Human Services, as expressed in an official letter in October, 1986, by Secretary Otis R. Bowen, who wrote in part: *"This Department urges that all jurisdictions establish 18 as the minimum age of purchase for cigarettes and other tobacco products."*

Minimum Age of Purchase

The draft legislation developed by the smokeless tobacco industry to govern the sale or purchase of smokeless tobacco products states:

"SEC. 1. SALE OF SMOKELESS TOBACCO PRODUCTS — It shall be unlawful for any person, firm, corporation, partnership, or any other entity engaged in the sale of smokeless tobacco products to knowingly sell, barter, give, or in any other way furnish to a person under the age of eighteen (18) years any smokeless tobacco products, including chewing tobacco, snuff, or any other form of smokeless tobacco.

"SEC. 2. PURCHASE OF SMOKELESS TOBACCO PRODUCTS — It shall be unlawful for any person under the age of eighteen (18) years to purchase, barter, or in any other way receive from any person, firm, corporation, partnership, or any other entity engaged in the sale of smokeless tobacco products any smokeless tobacco product, including chewing tobacco, snuff, or any other form of smokeless tobacco."

Supporting Testimony

On behalf of the industry, the Smokeless Tobacco Council has testified and written letters in support of 18 years as the minimum age for purchase of smokeless tobacco products to such state legislatures as Colorado, Maryland, New York, Pennsylvania and Virginia.

In this effort, Michael J. Kerrigan, president of the Smokeless Tobacco Council, has stated ". . . the industry has encouraged state legislatures to limit the sale or distribution of smokeless tobacco products to those persons 18 years of age or older."

Continuing Efforts

As the following examples indicate, the Smokeless Tobacco Council continually seeks to inform the public, members of Congress, state legislators, parents, teachers, coaches, retailers and others in positions of youth guidance about its long-standing policies regarding use of smokeless tobacco products. The Council welcomes responsible commentary on its programs. For further information, please contact:

The Smokeless Tobacco Council, Inc.
1925 K Street, N.W., Suite 504
Washington, DC 20006

Lincoln Journal

INDEPENDENT RECORD FROM MONTANA'S CAPITAL



The Sacramento Bee

Bangor Daily News

Waterloo

Courier Cedar Falls

The Register-Guard

The Miami Herald

Because we care
an open letter to
America's teachers
from the
Smokeless Tobacco Council

Dear Teacher:
Did you know the smokeless tobacco industry actively discourages the use of chewing tobacco and snuff by those under 18 years of age? It is our official policy, part of The Code of the Smokeless Tobacco Industry.
You see, we believe that some things are still for adults only, our products, for example; or serving in the military; or voting in public office.
And because we care about the kinds of choices our children make, I am writing to you to ask for your help. The next time your students talk about adult issues, tell them what we say about tobacco.
We say "Smokeless tobacco is NOT for kids."
Why? Because that has been our policy for a long time. Tobacco is an adult custom; has been ever since our industry began more than 200 years ago. We believe adult Americans have the information and the right to make choices for themselves, including our products. Isn't that what our democracy is all about?
But we also believe we have a duty to help our children learn how adults make responsible decisions, free from peer pressure.
Won't you please help us? We care.

Sincerely yours,
Michael J. Keenan
Michael J. Keenan
President
Smokeless Tobacco Council

P.S. Although we believe parental responsibility and adult guidance are the best way to help our children, we recognize state government also has an appropriate role to play. That is why we support legislation setting 18 as the minimum age of purchase for smokeless tobacco products.

Smokeless Tobacco Council, Inc.
1925 K Street, N.W. Suite 504 Washington, D.C. 20006

Because we care
an open letter to
America's elementary and
high school coaches
from the Smokeless Tobacco Council

Dear Coach:
Did you know the smokeless tobacco industry actively discourages the use of chewing tobacco and snuff by those under 18 years of age? It is our official policy, part of The Code of the Smokeless Tobacco Industry.
You see, we believe that some things are still for adults only, our products, for example; or serving in the military; or voting in public office.
And because we care about the kinds of choices our children make, I am writing to you to ask for your help. The next time your players talk about adult issues, tell them what we say about tobacco.
We say "Smokeless tobacco is NOT for kids."
Why? Because that has been our policy for a long time. Tobacco is an adult custom; has been ever since our industry began more than 200 years ago. We believe adult Americans have the information and the right to make choices for themselves, including our products. Isn't that what our democracy is all about?
But we also believe we have a duty to help our children learn how adults make responsible decisions, free from peer pressure.
Won't you please help us? We care.

Sincerely yours,
Michael J. Keenan
Michael J. Keenan
President
Smokeless Tobacco Council

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Smokeless Tobacco Council, Inc.
1925 K Street, N.W. Suite 504 Washington, D.C. 20006

The Boston Herald

Because we care
an open letter to
America's parents
from the
Smokeless Tobacco Council

Dear Parents:
Did you know the smokeless tobacco industry actively discourages the use of chewing tobacco and snuff by those under 18 years of age? It is our official policy, part of The Code of the Smokeless Tobacco Industry.
You see, we believe that some things are still for adults only, like our products, for example; or serving in the military; or voting and holding public office.
And because we care about the kinds of choices our children make, I am writing to you to ask for your help. The next time you and your children talk about adult issues, tell them what we say about smokeless tobacco.
We say "Smokeless tobacco is NOT for kids."
Why? Because that has been our policy for a long time. Smokeless tobacco is an adult custom; has been ever since our industry began more than 200 years ago. We believe adult Americans have the information and the right to make choices for themselves, including using our products. Isn't that what our democracy is all about?
But we also believe we have a duty to help our children learn how adults make responsible decisions, free from peer pressure.
Won't you please help us? We care.

Sincerely yours,
Michael J. Keenan
Michael J. Keenan
President
Smokeless Tobacco Council

P.S. Although we believe parental responsibility and adult guidance are the best way to help our children, we recognize state government also has an appropriate role to play. That is why we support legislation setting 18 as the minimum age of purchase for smokeless tobacco products.

Smokeless Tobacco Council, Inc.
1925 K Street, N.W. Suite 504 Washington, D.C. 20006

Charleston Gazette

The Times

Congressional Record

SMOKELESS TOBACCO

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1986

Mr. BLILEY. Mr. Speaker, earlier this year the Congress passed and the President signed the "Comprehensive Smokeless Tobacco and Health Education Act of 1985." One of the goals of this legislation was to dis-

courage the use of smokeless tobacco products by minors.

Unfortunately, some manufacturers of bubble gum are attempting to market their product by imitating chewing tobacco. Recently, the smokeless tobacco industry shared their concern with me over the mixed messages this line of marketing may be sending to America's youth. A product meant for children is being promoted through imitating a product meant specifically for adults.

The smokeless tobacco industry has consistently maintained that it does not promote its product for use by children under 18. I want to take this opportunity to include in the

RECORD a copy of a letter which I recently received from the Smokeless Tobacco Council on this very subject.

SMOKELESS TOBACCO COUNCIL, INC.,

June 30, 1986

HON. THOMAS J. BLILEY, JR.
United States House of Representatives
Washington, DC

DEAR TOM: It has come to our attention that some manufacturers of bubble gum are attempting to market their product through direct imitation of chewing tobacco.

Caricatures of major league baseball pitchers adorn soft-pouch packages of bubble gum. The pouches display hard-sell messages to "kids and coaches," urging them to purchase the bubble gum, save the pouches and receive trade-in value on expensive athletic equipment.

The smokeless tobacco industry is deeply concerned about the mixed messages this line of marketing may be sending to America's youth. Bubble gum, a product primarily for the enjoyment of children, is being promoted in the guise of a product meant specifically for adults.

At a time when questions have been raised about the way in which the smokeless tobacco industry promotes its products, it is appropriate to reiterate our industry's concerns about the purchase of chewing tobacco and snuff by individuals 18 years of age and under.

Smokeless tobacco products are meant for adults only. The industry's voluntarily developed and adopted "Advertising and Sampling Code" reflects this intention. Our public service advertising delivers a clear and direct message.

Last year, our television public service announcement, distributed to more than 300 television markets nationwide, opened with the imperative statement: "Smokeless tobacco is NOT for kids."

Extensive newspaper advertising space, purchased for a complementary ad called "Some Things are Still for Adults Only," presented a similar, straightforward perspective: smokeless tobacco, a product that has been bought by Americans for more than 300 years, should be reserved for adults.

Our industry's education campaign is aimed toward smokeless tobacco users and the general public. Last year, more than 100,000 point-of-sale "Adults Only" notices were distributed to retail outlets in every state of the union.

The men and women who cultivate, manufacture, market, distribute, sell and purchase smokeless tobacco products are justifiably proud of their long record of responsible cultural and economic contribution to American life. The smokeless tobacco industry, one of America's oldest industries, does not condone the marketing of candy products imitative of smokeless tobacco products meant specifically for adults.

Because of your continued interest in the tobacco industry, we have taken this opportunity to make our position on this matter abundantly clear.

Sincerely,

MICHAEL J. KERRIGAN,
President.

The Phoenix Gazette

Fri., April 24, 1987

FOR ADULTS ONLY

On smokeless tobacco

By MICHAEL J. KERRIGAN

Michael J. Kerrigan is president of the Smokeless Tobacco Council, the Washington-based trade association which represents the manufacturers of chewing tobacco and snuff.

From ancient Greece and Rome to modern America, societies have traditionally honored the transition from childhood to adulthood.

Practically everyone agrees that some things are for adults only: serving in the armed forces, consuming alcohol, using tobacco and other adult products, voting, and running for public office are for adults. Our belief is reflected by the laws codifying each of these privileges.

The members of the Smokeless Tobacco Council accept this principle unequivocally. They understand that the decision to use smokeless tobacco should be made by adults only.

This is why they do not condone nor encourage the use of chewing tobacco or snuff by those under 18 years of age.

As a responsible industry, we have invested significant time, energy and resources in measures designed to inform parents, guidance counselors, smokeless tobacco retailers and others that, as stated in The Code of the Smokeless Tobacco Industry, "...the Subscribing Members confirm 18 years as the minimum age for purchase of smokeless tobacco products."

The Code, which is subscribed to by the five companies that produce the vast majority of smokeless tobacco consumed in the United States, prohibits advertising to anyone except adults.

For example, advertisements cannot be placed in youth-oriented publications. Active athletes and entertainers appealing to the youth market are barred from promoting smokeless tobacco; models appearing in ads shall be at least 25 years of age.

It further prohibits the distribution of samples of smokeless tobacco products to anyone younger than 18 years and requires proof of age as a safeguard.

The Council backs its Code with a model age-of-purchase statute developed for state legislatures.

This legislation would serve the public interest better in those states having no minimum age legislation as well as in states that permit those under 18 to purchase smokeless tobacco products. We have testified in support of this legislation on numerous occasions.

The Council is also opposed to marketing campaigns by other industries that are directed at children in which such products as bubble gum — manufactured and packaged to look like chewing tobacco — are aggressively promoted.

The smokeless tobacco industry is committed to the accepted societal norm of "adults only" and is deeply concerned about the misuse of its products.

The manufacture of smokeless tobacco is a 200-year-old industry with a proud history of economic and cultural contribution to the American way of life. We recognize our responsibilities and duties.

As the record shows, we have expended — and will continue to exert — all efforts necessary to enlist the participation of those who care about America's youth in helping us to carry out our policy: "Smokeless tobacco is NOT for kids."

THE CODE of the Smokeless Tobacco Industry

In order to ensure that the advertising and the sampling or free distribution of smokeless tobacco products — chewing tobacco and snuff — are conducted in a responsible and uniform manner, the Subscribing Members of the Smokeless Tobacco Industry Code, hereby adopt and make known to all the following standards. In accordance with their longstanding policy, the Subscribing Members confirm 18 years as the minimum age for purchase of smokeless tobacco products.

ADVERTISING

- Smokeless tobacco advertisements shall be directed to adults and shall not appear in publications that are primarily youth-oriented.
- Models who appear in smokeless tobacco advertising shall be at least 25 years of age.
- No athlete actively competing in professional sports shall be used to present any smokeless tobacco product in any advertisements by way of oral or written endorsement or by depiction of use of any such product.
- No professional entertainer who appeals primarily to persons under the age of 18 shall be used to present any smokeless tobacco product in any advertisements by way of oral or written endorsement or by depiction of use of any such product.
- Promotional offers of smokeless tobacco products and of premium items that require proof of purchase of smokeless tobacco products shall carry the designation "Offer not available to minors" and, on the coupon for mail-in offers, a statement by which the person requesting product certifies that (s)he is 18 years of age or older.
- Mail-in and telephone requests for smokeless tobacco products may be honored by a company if it can be reasonably ascertained that the intended recipients are at least 18 years of age.

SAMPLING

- Smokeless tobacco samples shall be distributed only to persons who are at least 18 years of age. Persons who appear to be under 18 years of age shall be required to furnish proof of age.
- No sampling shall be conducted within two blocks of any premises identified as being used primarily for youth activities, such as schools or organized youth centers, at times when such premises are being used for their primary purpose.
- Sample products shall be kept secure and under control at all times, so that samples will not be obtained by persons under 18 years of age.
- No unsolicited samples shall be sent through the mails.
- Persons conducting sampling activities shall do so in such manner as to avoid the impairment or obstruction of orderly pedestrian and vehicular traffic.
- Persons conducting sampling shall ensure that no littering or unsightly conditions are created as a result of the activity.
- All sampling activities shall be conducted in compliance with state and local laws and ordinances.
- All persons conducting sampling activities — whether in the direct employ or as agents of the Subscribers to the Code — shall be furnished copies of this Code and shall agree to comply with its terms.
- All persons conducting sampling activities shall be at least 18 years of age.
- Persons found to have violated any provisions of this Code shall be immediately removed from sampling activities and disciplined.

We, the Subscribing Members, shall monitor and enforce the provisions of this Code in order to ensure compliance.



About ...

PILOT DOGS, INC.

625 West Town Street

Columbus, Ohio 43215

614-221-6367



Elizabeth Morris & Albert
Class 12—1986



*A non-profit organization
train and furnish pilot dogs to guide
the blind.*



WANTED



German Shepherd



Boxer



Doberman Pinscher



Labrador Retriever



Vizsla

Pilot Dogs, Inc.

Do You Have A Dog To Guide The Blind?

What is Pilot Dogs?

Pilot Dogs, Inc. is a non-profit organization chartered by the State of Ohio in 1950. It is their purpose to train the finest of guide dogs and their blind masters in the satisfactory use of such guide dogs.

What is unique about this service to the blind?

Pilot Dogs gives its trained animals to the blind at absolutely no charge. The blind person, his family, friends or a sponsoring agency are not obligated for this service. The Pilot Dog, four weeks room and board for the student, all equipment, round trip transportation are provided to the qualified student. The cost to the organization for this service is approximately \$3410.

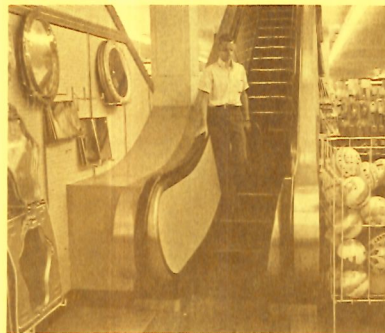
How are the students chosen?

A sightless person who is physically and mentally capable of receiving benefit from the Pilot Dog may apply. Students of all races and creeds are served after being approved by the school's Student Selection Committee.



How long does it take to train a dog and its master?

Pilot Dogs are put through a basic training program consisting of an extensive three-to-four months training period. The blind person and the dog are trained together for an additional four-week period.



How are the dogs and masters trained together?

When the blind student arrives, he immediately begins to take care of his dog. This usually starts with the new master bathing the dog. This bathing process is the preliminary teaching to the student about the dog's care. Simple short walks are taken, always in the company of our professional trainers. The walks and obstacles become increasingly more difficult. Eventually, the dog and master find their way about our largest department stores, off and on the busses and across our busiest thoroughfares by themselves.



Tell us something about the dogs themselves.

Pilot Dogs, Inc. trains four breeds: German Shepherd, Doberman Pinscher, Boxer and Labrador Retriever. We prefer female and they need not be registered. The dogs are trained between the ages of one and two and a half years. Of course, they must be in good health, strong and have good dispositions.

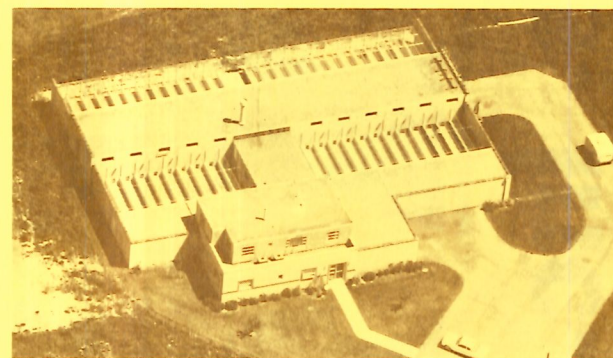
How are the dogs obtained?

Pilot Dogs are obtained through donations. Out of every six dogs brought to the attention of Pilot Dogs, an average of only one finally makes the grade as a Pilot Dog. A much higher average is being experienced from the agency's breeding program. Selected pups are placed in foster homes until they are a year old, as home-raised dogs make better adjustment as guides than do kennel-raised dogs.



Where are the dogs trained?

The preliminary obedience training is done at our kennels. As the dogs advance, the training schedules are changed so that the dogs are then trained in Columbus on the streets, busses, revolving doors, escalators, elevators and under all of the other conditions which the blind are called upon to face when they return home with their dogs.



How is the work at Pilot Dogs, Inc. supported?

Pilot Dogs, Inc. is supported entirely by public contributions. There is no federal, state, or city aid. Pilot Dogs, Inc. has been officially recognized by the U.S. Treasury Department as a tax deductible charity.



DOG CARE AND TRAINING/ VISION EDUCATION PROGRAM

DOG GUIDES

FOR THE BLIND



Photo from Michigan State University, Jayne Marsh, Information Services



Dogs, although our pets and friends, also may perform many practical functions for us. For example, some dogs faithfully guard homes and property, while others herd cattle and sheep. But one of the most fascinating examples of the human-canine relationship is that of the dog guide and its blind master.

Whenever we observe a dog carefully leading a blind person through the crush of a rush-hour crowd, we must marvel at the animal's display of training and discipline. Together, the team can move through numerous situations not ordinarily accomplished by either. This teamwork gives the blind person a much greater opportunity for personal independence as he logically gives commands to which the

dog responds.

It is estimated that approximately 5,000 people in the United States and Canada have dog guides. The use of dog guides is more common in English-speaking nations such as the United States, Canada, the United Kingdom and Australia. Dog guides are used in other countries far less frequently and are usually bred and trained in the United States.

Despite the fact that dogs have been serving mankind since prehistoric times, their use as guide or leader dogs began in the early 1920's. Following World War I, the German government began a program in which dogs were used to guide blind war veterans. While this program was never really successful, it caused interest



in the concept of using dog guides. Dorothy Harrison Eustis, an American breeder of German shepherds, learned of the program while living in Switzerland. With the help of Morris Franks, a 19-year-old blind person from Nashville, Tennessee, she trained her first dog guide. Their combined efforts were successful, and in 1929 they founded The Seeing Eye, Inc., to provide dogs for blind Americans.

Today, there are several organizations in the United States training dogs for the blind. Some of these groups are listed in the back of this activity guide. These organizations train and place a total of about 1,000 dogs per year. The average dog guide is about 18 months old when it is placed with its blind master. Together they

receive four weeks of orientation and training. The total cost of raising and training a dog and its master-to-be ranges from \$3,000 to as much as \$8,000 per dog. However, the training is provided without charge to the recipient at most of the schools.

Usually dog guides are selected from well known lines of purebred German shepherds, golden retrievers, Labrador retrievers, Doberman pinschers and boxers, but mixed breeds can be used. The method of selecting dogs as candidates for dog guides varies with the providing organization. Some organizations have very extensive breeding programs which serve as their sole supply of puppies. Others rely on a selected pool of breeders as a source for puppies.

How The Team Works

Dog guides are trained to act only on their master's command. For example, dog guides cannot "read" traffic signals. Rather, the master waits for audio signals such as the stop of traffic or the movement of other pedestrians, and then gives the command to proceed. The trained dog will do so only if the street is free of moving vehicles. However, the master must know where he is going or be able to ask directions. He must direct his dog correctly so that they work smoothly as a team. He may give directions by hand movements as well as voice. For instance, "forward" may be indicated by a wave forward with the hand as well as by the word command.

Dog guides are not always the answer for every blind person. The individual must have very little or no usable vision to fully use the dog's guidance. Not all blind people can, or want to have to take care of an animal. Some find use of a cane or other methods preferable.

Caution

Never give special attention to a dog guide without permission of the owner. Usually this means that if the dog is in harness, you should not pet, feed or talk to the dog or call his name. The dog is "on duty" at such times, and disrupting his concentration may make him unreliable and spoil him for his work.



A Leader Dog makes the going a lot easier and safer.



Instructor and dog guide crossing a street.

A 4-H Puppy Raising Story

(reprinted, in part, from PILOT DOGS Inc. Newsletter)



T.J. (as a puppy)

Susan Morahan

Tami

Susan Morahan, 15, is raising her fifth prospective Pilot Dog, a black Labrador Retriever. The dog moved into the family's home in November 1977.

Susan was the first Lorain County, Ohio, resident to receive a pilot puppy in April of 1974, working through Pilot Dogs, Inc. in Columbus and the local Elyria Evening Lions Club. Unfortunately, the dog, Tami, developed a hip problem which made the animal ineligible for further training. Tami still lives with the Morahans as a family pet.

Mrs. Donald Morahan, Susan's mother, said except for when Susan is in school the dog is her full responsibility.

"I think the program has helped Susan mature. She has raised steers, but this is different—a dog is in the house and becomes part of the family."

"We still look forward to seeing our dogs lead a blind person. This is the reward for raising the dog," Mrs. Morahan said.

"Sure you miss the dog when the time comes for it to go back to the kennel for training, but sometimes in order to love you have to let go. Raising guide dogs provides a direct service to a human being. So many hundreds of people want the dogs, and the great bottle-neck now is finding good homes. It gives you a real sense of worth. Everyone is so interested when they find out it's a guide puppy. It's really heartwarming." This sums up the feelings of this 4-H family.



A TEAM IN ACTION

Pilot Dog, T.J., with master Dan Mock from Toledo, Ohio

Training Dog Guides

Potential dog guides must undergo several months of intensive training. Prior to acceptance, they must be a little over a year in age and have met the criteria for intelligence, temperament, confirmation and health. Dogs are evaluated on these standards throughout their training.

Their first lessons are in basic obedience—learning to respond to the commands “come,” “sit” and “down.” Next, they work in harness and are taught the commands “forward,” “left” and “right.” After mastering these commands, dog and trainer are ready to test them in “the real world” of traffic, crowds, sidewalks, stairways, curbs and stop-and-go lights. Here they learn to stop at curbs, judge the flow of traffic and safely avoid obstacles. Then the dog is ready to be matched with a blind master and continue training of about four weeks in order to become a team, each knowing the other’s individual habits.

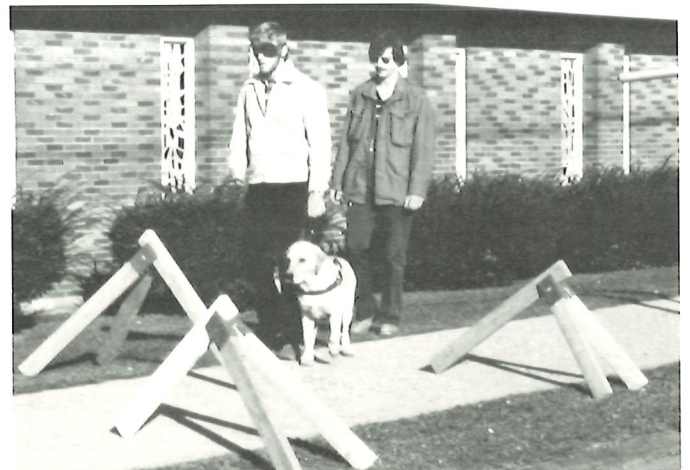
At first the team works in usual situations—crossing streets, walking in crowds and moving through stores. Toward the end of the four-week training, the team will work on specifics such as how to successfully negotiate a subway if the new master lives in a city.



Instructor works dog onto train and up stairs.



Two instructors, one working dog with blindfold, maneuver around barriers including “overhead” problem.



Richard and Sam: time of parting

(reprinted from *The Davison Index*, Davison, Michigan)

Eleven-year-old fifth grader Richard Fuller and Sam have been inseparable companions for a year.

Next Sunday they'll say their good-bys when Richard returns Sam, a golden retriever, to the Leader Dogs for the Blind School at Rochester, Michigan.

Richard is a member of the 4-H Lapeer County Puppy Raisers made up of seven families who have taken a puppy to raise for the Leader Dog program, and now Sam at the age of one is ready to be trained as a leader dog.

Sure, and it's a hard thing to part with a buddy like Sam, but Richard, even though his voice drops a bit talking about it and he has to firm his chin, recognizes and accepts the situation.

Young Richard is more aware of the dark world of the blind than most adults.

At one point during the past year while he was raising Sam from puppyhood, a blind woman sat the 4-H Lapeer County Puppy Raisers down to a dinner. They wore blindfolds to learn firsthand that even

eating for a blind person is a major task. It taught Richard, too, of how much Sam could help a blind person. That eases the burden of saying good-by to Sam.

Richard received Sam from the Rochester Leader Dog for the Blind School when Sam was five weeks old.

Puppies such as Sam come from the school's own breeding stock and from some private breeders. They are placed in homes such as Richard's to be raised until they're one year of age and old enough to start training as leader dogs.

The objective of a puppy raiser for the Leader Dog School for the Blind is to prepare the puppy for his future training as a leader dog.

In the main it's housebreaking them—Sam accomplished that in two days—and getting them into different noise situations such as at airports and crowded, busy places so he becomes use to people.

"We even took Sam on the Huckleberry Railroad," said Mrs. Jan Fuller, Richard's mother. "We

took him to church and he has gone to school several times. He was a visitor at Homer Hill Men's and Ladies' Wear and Wickes Big Acre in Davison. The idea is to take them anyplace a blind person might have their dog take them to."

When they're at public places both Sam and Richard were easily identifiable. Richard wore a Western hat with a leader dog emblem and Sam wore a cloth saddle with a similar emblem. Most business places allow such pups entry. Of course, they're always on a leash.

"They must have constant human companionship," said Mrs. Fuller. "It's important they be with people 24 hours a day. They sleep by your bed, sit by your dining table and even watch TV with you," she laughed.

"Sam became one of our family but he's not a pet. Our friends and neighbors have taken him home on overnight visits to strange homes and people so he will be used to being away from us. When we take him back to Rochester we don't want



parting to be a traumatic thing for him. Some dogs arrive at the Rochester school and pine away for their former masters. They fail the course so it is important that they do not feel the closeness as we do."

That doesn't mean that Sam didn't receive his share of love from the Fullers. When he didn't think he had enough attention, he'd demand it with a low bark or a raised paw.

Sam was trained for courtesy, but he already had that.

"We called him our gentleman," said Mrs. Fuller.

When he wasn't working and learning the rudiments of a leader-dog-to-be, Sam was like any other puppy. He chewed up several pairs of shoes and a rug and still goes through a tennis ball a week.

"But we don't try to break him of that. The Rochester school will do that. They don't want a trained dog; they want to train them," Mrs. Fuller explained.

Sam loves to play Frisbee during off-duty hours, too.

Richard's father, Densel, is a machine operator with Buick Motor Division. The family lives on Elba Road just over the Richfield Township line.

Both Richard's mother and father are animated supporters of the Leader Dog puppy program, though admitting it will be a wrench for all to say good-by to Sam.

"We're thinking of another puppy," said Mr. Fuller. "In fact, there's a great possibility we will bring him home from Rochester the same day we take back Sam."

Stumbling blocks and stepping stones . . . Julie Smith

(reprinted, in part, from the *Quad-City Herald*, Brewster, Washington)

by Jean A. Silivius staffwriter

"The greatest test of courage on earth is to bear defeat without losing heart."

...Robert Green Ingersoll

Although Julie Smith is sightless, she may have more insight into the important things of life than most with perfect vision.

Just a few short years ago, this courageous twenty-three year old woman was very active in Brewster High School. She was a student body officer, a member of the National Honor Society and played basketball. She was an expert horsewoman as well, competing in barrel races which took her to the National Finals in Utah. Julie was also the Washington State High School Rodeo Queen. In 1979 Julie had an accident with a horse resulting in detached retinas, complicated by diabetes acquired when she was a child of eight years old. Tragically, she lost her vision.

Julie confesses to having temporary "why me" problems, although her mother, Jan Smith says, "Julie never once made it difficult for us, if she felt bitter at any time, she kept it to herself." Her mother also said, "We are extremely proud of her, she has such courage."

For eight months Julie attended the Seattle Orientation Center where she learned mobility with a cane and general confidence. "It was there I also learned to read braille," said Julie.

In March of this year Julie was accepted at Seeing Eye, Incorporated, in Morristown, New Jersey. It was here that she acquired her constant companion, "Crumpet," a Golden Retriever. "They studied me before matching me with a dog," laughed Julie, explaining that it was necessary for them to observe her nature and learn what

type of situations she would be involved in upon returning home, in order to make a good match.

Julie, an advocate of 4-H spoke proudly of the fact that Crumpet spent one year in training with a 4-H family, prior to being placed into service. "She works great with horses," exclaimed the obviously proud Julie.

Julie's remarkable insight surfaced at this time as she spoke of the three directions she learned at school; right, left and forward. These commands have become part of her own positive thinking. "In one of Peter Marshall's books he tells of the oyster who may experience much pain when a grain of sand enters its shell, but with God's help, is able to heal the wound and make a beautiful pearl," Julie says confidently. She says, "It gets frustrating at times, especially if you misplace something." However, when asked what the hardest thing for her to cope with is, she



responded quickly with assurance that, "I never dwell on the hard things, but I can tell you the good things."

She has many good things to tell about, too! "Everyone has been so wonderful, so caring, and I've found that anything can be overcome

with love," she said. "I've had alot of big decisions to make, but I believe the skies the limit and I most certainly believe in healing," she said as she smiled warmly.

When asked of her future plans, this lovely young woman threw back her head

and laughed as she said, "My future will certainly include working with horses but I may seek out a secretarial job, since I have a degree as an executive secretary. One thing is for certain," she continued, "I'll stay here because I love it here and I love the people."

One of the most significant things about Julie is her optimistic outlook. Her charming personality and marvelous sense of humor quickly dispel any desire to be sympathetic toward her. She has no time for self pity, she is too busy enjoying life and making plans for her future.

The radiance she displays, along with her tremendous courage, soon surrounds anyone in her presence.

Everyone who touches shoulders with Julie will go away knowing that they have been touched by something and someone . . . very, very, special.

4-H'ers and Dog Guides

In some states, 4-H'ers can participate in various aspects of raising dog guides. There are a few 4-H dog breeders who supply puppies which eventually become dog guides. This is very rare, however. The usual procedure is that 4-H families provide foster homes for puppies until they are old enough to be trained. In these projects, the 4-H'er gets a puppy about 8-12 weeks old and raises it until it is about one-year-old.

In some states, 4-H'ers can participate in various aspects of raising dog guides. There are a few 4-H dog breeders who supply puppies directly to 4-H'ers, who then raise them, with no previous planning with a training center, in the expectation that they will be accepted for training as dog guides. This is very rare, however. The usual procedure is that 4-H families provide foster homes for puppies obtained from training centers. In these projects, the 4-H'er gets a puppy about 8-12 weeks old and raises it until it is about one year old and is old enough to be trained as a dog guide.

By living with a 4-H family, the dog learns the very essential function of getting used to people and their activities. Although other family pets are permitted, the 4-H'er is allowed to raise only one dog guide puppy at a time.

During this period, the puppy learns simple commands and, of course, is housebroken. Other "socializing" training includes getting used to riding in cars, meeting strangers and various other aspects of human environment. The puppy learns to socialize with other dogs and people, and not to jump at unusual noises like the popping of balloons or the noise of two garbage pail lids banging together.

Direct 4-H involvement in raising dog guide puppies is limited to programs already in existence within the state. Officials of the various dog guide organizations emphasize that their puppy suppliers and raisers must be located near the training centers to facilitate supervision, training and eventual distribution. If you are interested in raising a dog guide puppy as a 4-H project, check with your county Extension office to determine if this is possible in your area.

The following two books are good references

The New Knowledge of Dog Behavior by Clarence Pfaffenberger covers the development of testing and training programs for Guide Dogs for the Blind of San Rafael, California. It is available in most public libraries, or it can be purchased from Howell Book House, Inc., 845 Third Avenue, New York, NY 10022.

Banner Forward by Eva Rappaport covers the birth and development, the testing and training by a 4-H'er of a golden retriever for Guide Dogs for the Blind of San Rafael, California. It also includes her training at Guide Dogs for the Blind and her life work with her blind master. Available from E. P. Dutton and Company, Inc., 201 Park Avenue South, New York, NY 10003.



Dog guides wait at curb for safe crossing.



Instructor under blindfold with cat distraction.

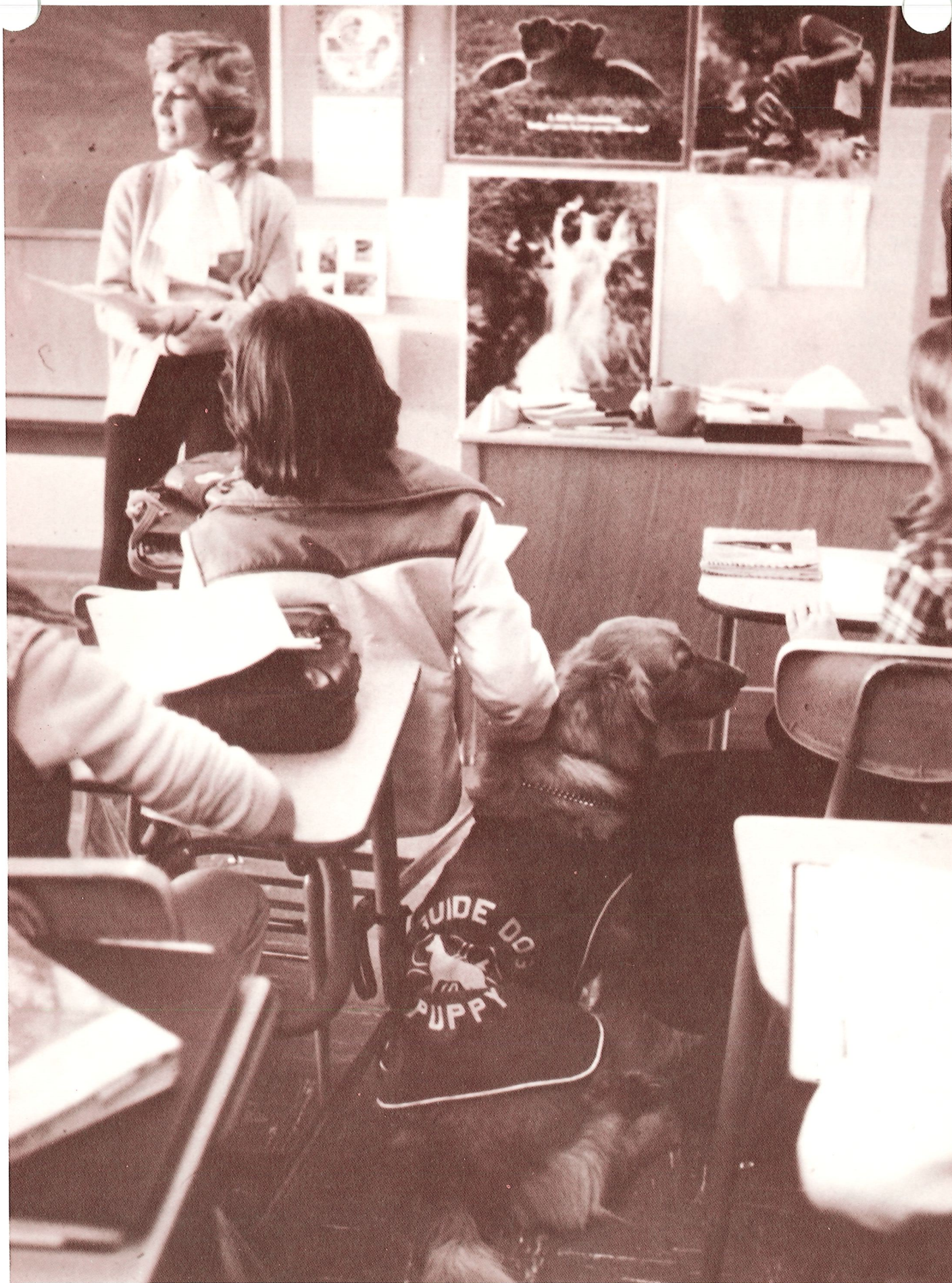


Photo by Liane Enkelis, Palo Alto, CA

/ You Can Get Involved

Some, but not all, of the dog guide organizations accept financial contributions from private individuals and organizations. 4-H'ers interested in dog guide programs may want to consider fund-raising activities to help support one or more of the organizations which do accept financial assistance. If you or your club are interested in helping support a dog guide program, *check first* with the organization and get *written approval* before starting this kind of project.

Another way to help supply dog guide financial support is through Lions International.

This service organization conducts numerous activities related to assisting the blind and visually handicapped. For more information on how you might be of assistance to this effort, contact a member of your local Lions Club or write Lions International, York and Cermak Roads, Oak Brook, Illinois 60521.

CAUTION: Some people will take advantage of charitable inclinations of people who want to help the blind. Be certain that any program in which your group participates—especially fund raising—is legitimate and connected with one of the approved organizations.



Photo courtesy of Livingston County Press, Howell, Michigan

Activities ^{and} Projects

1

Nearly all of the organizations which provide dog guides have information and/or films about their programs. Make a report to your club based on material you receive from one or more of the dog guide organizations. Borrow films for a club program.

2

Some of the dog guide organizations encourage groups and individuals to tour their facilities. Plan a trip to one of them, but be sure to contact the organization before making such a trip.

3

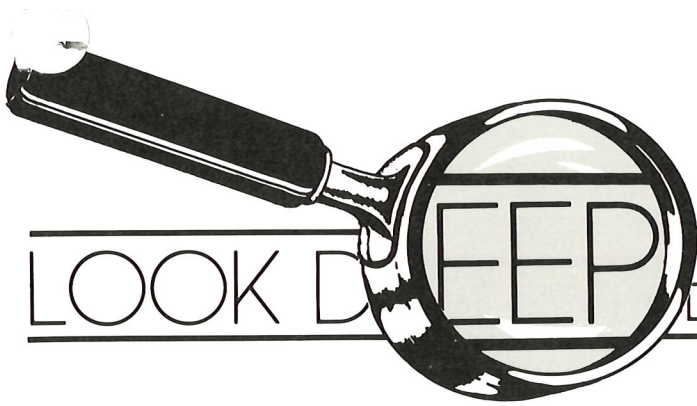
With assistance from your local library, study the history of using dog guides. Develop a display or exhibit on your research project for a community fair or other appropriate event. (One excellent reference is *Emma and I* by Sheila Hocken, E. P. Dutton, New York 1977, an autobiography of an English girl and her dog guide, Emma.)

4

If there is a visually handicapped person in your community who has a dog guide, see if you might be able to visit to observe how the dog-master team works in daily life. Invite them to meet with your 4-H group. Write up a report on your experiences to share with other club members.

5

If your local Lions Club is involved in a program for the visually handicapped, ask if a representative can visit your club to talk about the program and how 4-H might be able to assist.



Dogs are now being used to assist the hearing impaired and also the physically handicapped, particularly persons who have arthritis. Study these areas and how the training and use of these dogs might be different from that of dogs used for helping the visually handicapped. Two sources of information are: 1) "Dogs for the

Deaf," a non-profit division of Applegate Behavior Station, Inc., 13260 Hwy. 238, Jacksonville, Oregon 97530, and 2) Hearing Dog Program, The American Humane Association, 5351 S. Roslyn Street, Englewood, Colorado 80111.

Dog Guide Schools and Associations *

Guide Dogs for the Blind, Inc.
P.O. Box 1200
San Rafael, CA 94902
(415) 479-4000

Leader Dogs for the Blind
1039 Rochester Road
Rochester, MI 48063
(313) 651-9011

Guide Dog Foundation for the Blind, Inc.
109-19 72nd Avenue
Forest Hills, NY 11375
(212) 263-4885

International Guiding Eyes, Inc.
13445 Glenoaks Blvd.
Sylmar, CA 91342
(213) 362-5834

*The generic term is "dog guide." Some people say "Seeing Eye Dog" or "Guide Dog" for all dog guides, but these proper names refer to those dogs trained at certain centers. It

The Seeing Eye, Inc.
P.O. Box 375
Morristown, NJ 07960
(201) 539-4425

Guiding Eyes for the Blind, Inc.
611 Granite Springs Road
Yorktown Heights, NY 10598
(914) 245-4024

Guide Dog Users
American Council of the Blind
1211 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 833-1251

Pilot Dogs, Inc.
625 West Town St.
Columbus, OH 43215
(614) 221-6367

is similar to many people calling all copying machines "Xerox," all cellophane tape "Scotch tape," or all gelatin "Jello."

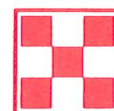
Acknowledgements

This activity guide is part of a series on vision education published by National 4-H Council, 7100 Connecticut Avenue, Chevy Chase, Maryland 20815 with financial and technical support from the Purina Dog Foods Group, Ralston Purina Company. It supports the 4-H Dog Care and Training program and is part of a series on vision education. National 4-H Council is a not-for-profit educational organization that utilizes private resources to help expand and strengthen the

4-H program. 4-H is the youth education program of the Cooperative Extension Service of the State Land-Grant Universities and the U.S. Department of Agriculture.

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PILOT DOGS, INC.

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January 27, 1988

*Representative Edwin Bideau
14 South Rutter
Chanute, KS 66720*

Dear Representative Bideau:

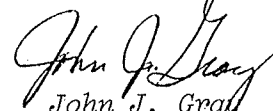
On behalf of the blind citizens of this country, I urge you to give favorable consideration to a 4-H Program being conducted under the supervision of the Cooperative Extension Service of Kansas State University. In particular, we are writing in support of Mrs. Marta B. Laylander, County Extension Agricultural Agent of Erie, Kansas.

Mrs. Laylander, supervising the raising of pups to enter our guide dog program has done an outstanding job. Of special concern is that these special pups be exposed to the public and be involved with pedestrian traffic so, in turn, they will be a serviceable aid to a blind person.

May we suggest that the puppy received from a recognized guide dog school be referred to as "Dog Guide Trainee" and the 4-H youngster, being qualified by the Extension Agent be referred to as the Raiser. Then, a dog guide trainee accompanied by a Raiser be permitted to places of public accommodation, as long as the Raiser has the animal under control and is liable for damages.

Our non-profit agency and the blind we serve appreciate your attention to this project that involves your young people.

Sincerely yours,


John J. Gray
Executive Director

pk



A non-profit organization to train and furnish pilot dogs to guide the blind.

Neosho Valley Veterinary Clinic

P. O. Box 177 — Highway 59 North
Erie, Kansas 66733

J. S. Smith, D.V.M.
Office Phone 316-244-5560
Residence 244-3697

January 25, 1988

Representative Edwin Bideau
14 South Rutter
Chanute, Kansas 66720

Dear Mr. Bideau:

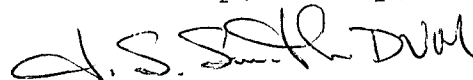
This letter is in support of the Pilot Dog training program begun in the state by Neosho County Extension Agent, Marta Laylander. This program has already resulted in the placement of four dogs in the homes of blind persons.

The Pilot Dog program has allowed seven-week old puppies to be placed in the homes of private individuals. This allows the pups to be raised in a home environment. By doing this, the training is much easier when the dogs are returned to professional trainers, after the dogs are approximately one year old.

Since these dogs are to be used in all different social situations, it would be very helpful if the animals were allowed access to public buildings during their training in Kansas. This would make it easier for the professional trainers later on, and might actually shorten the training program. Ultimately, more dogs could be made available for service.

I hope you will support Ms. Laylander in her efforts. This is truly a worthwhile endeavor, and it provides a good example of the caring attitude of Kansas.

Yours respectfully,



J. S. Smith, D.V.M.

JSS:mam

Consolidated Unified School District No. 101

P. O. BOX 37 205 S. MAIN
ERIE, KANSAS 66733

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ERIE

January 7, 1988
Erie, Kansas

Representative Edwin Bideau
14 South Rutter
Chanute, Kansas
66720

Dear Representative Bideau,

It is with pleasure that I write this letter to support
Marta Laylander and her 4-H Guide Dog Puppy Program.

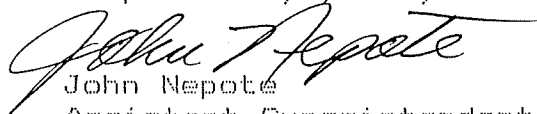
The program, as you well know, is of utmost importance to a
great many of our citizens. I know, from seeing some of the
puppies that were being cared for by former students of
ours, that it is a very worthy program.

Marta has been involved in our schools, not only with the
guide dog program but has visited classes, lectured and has
helped with several class projects at the elementary level.
She most certainly is capable of completing a project of
this nature.

I would appreciate any help that you could give her with
this program.

Thank you.

Respectfully yours,


John Nepote
Assistant Superintendent
C.U.S.D. #101
Erie, Kansas

We, the below signed business owners and managers, school and church representatives, service clubs and government organizations of Neosho County, Kansas, understand the goals of the 4-H Guide Dog Puppy Program. We welcome 4-H trainers and Guide Dog Trainees into our buildings for the purpose of socializing the dogs to the different circumstances and environments that they might encounter in their work as Guide Dogs.

NAME	BUSINESS	ADDRESS
Opal Wood	Chuckwagon Restaurant	Rt 2 Box 12 B. Erie, Ks
Billy & Ruby Ann	Chanute Kiwanis	P.O. Box 255, Chanute, Ks, 66700
Adrian	Wal-mart	1601 S. Santa Fe, Chanute, Ks
M. A. Cull	Flays I. S.A.	1517 S. Santa Fe, Chanute, Ks
Norma E. Burke	J.C. Penney Co.	1425 S. Santa Fe, Chanute, Ks
Elly & Dale McCoy	KKOY Radio Station	Cherry + Blummer, Chanute, Ks.
Kris Knowles	KKOY Radio Station	401 W. 4th Chanute, Ks.
Frank L Butcher	Chanute Tribune	15 N. Evergreen, Chanute
Carnie R. Woodard	Chanute Tribune	15 N. Evergreen, Chanute
Margie Johnson	U.S.P. 413	410 S. Evergreen, Chanute
Kenney S. Kappers	Southeast Area Extension Office	20 S. Highland, Chanute
William S. Neely	Co. Commissioner	Rt 4, Box 127, Chanute, Ks.
Don Edwards	Neosho Co. Commissioner	R#1 Box 81 Erie Ks. 66733
Alth H. H.	Paradise Pastries & Pizze	302 South Main Erie, Ks 66733
Ray G. W. V.P.	Home State Bank	318 South Main Erie, Ks 66733
W. S. Smith DVM	Neosho Valley Veterinary Clinic	P.O. Box 177 Erie, Ks 66733
Tom Neate	Richens Rexall Drug Store, Inc.	117 S. Main Erie, Ks 66733
Steve Stearns V.P.	Mid-America Federal Savings Loan	P.O. Box 97 Erie, Ks 66733
Charles M. Channing	Erie Market	P.O. Box 197, Erie, Ks 66733



Cooperative Extension Service

Extension 4-H and Other Youth
Umberger Hall
Manhattan, Kansas 66506
913-532-5800

Wednesday, February 24, 1988

As State 4-H Specialist responsible for the 4-H Dog Program in the State of Kansas, I am pleased to offer this support in favor of House Bill 2972, authorizing the trainers of Guide Dogs access to premises with these dogs for training purposes.

Even though the present activity is limited to 4 counties, the potential for the project to grow in our state is tremendous. The results of this project are significant in terms of the learning accomplished by the 4-H'er and the dog, as well as the improved quality of life for the visually impaired recipients.

Developing citizenship, providing community service, learning self-confidence are all major goals of the 4-H program. Raising and training a guide dog puppy is one of the most excellent examples of a project which will allow the 4-H'er to accomplish these goals. For the 4-H member to feel good about the job they are doing with this dog, and for the dog to perform at its most optimum level, members need access to all kinds of public buildings, traffic, and social situations to assure the dog of graduation and allow it to be placed with a visually impaired person.

Your support of this bill would help insure a high degree of success of our 4-H'ers with these guide dogs in training.

Several other states that are closer to guide dog centers have had 4-H'ers training guide dogs for some time. This is a highly visible program that promotes a positive image of our 4-H youth programs and of the young people of this state. Our 4-H Office would publicly like to congratulate Marta Laylander, Neosho County Agricultural Agent, for the leadership she has shown in getting this program started in Kansas and for her commitment to providing a quality program in the future.

Respectfully submitted by,

Steven D. Fisher
Extension Specialist
4-H Youth Programs
Kansas Cooperative Extension Service
Kansas State University
Manhattan, KS 66506

Testimony presented by Marta Laylander
Neosho County Extension Agricultural Agent
on House Bill 2972
February 24, 1988

KANSAS 4-H DOG GUIDE PUPPY RAISING PROGRAM

Pilot Dogs, Inc. is a non-profit organization chartered by the State of Ohio in 1950. It is their purpose to train the finest of guide dogs and their blind masters in the satisfactory use of such guide dogs. They have trained 3,437 successful pairs (blind masters and their dogs) so far.

Pilot Dogs gives its trained animals to the blind at absolutely no charge. The Pilot Dog, four weeks of room and board for the student, all equipment, and round trip transportation are provided to the qualified student. The cost to the organization for this service is approximately \$3,410.

Pilot Dogs, Inc. is supported entirely by public contributions. There is no federal, state or city aid. Pilot Dogs, Inc. has been officially recognized by the U. S. Treasury Department as a tax deductible charity.

Pilot Dogs, Inc. maintains a breeding stock of outstanding male and female dogs. They are selected for temperament and intelligence, proper conformation and size. The offspring of these parents are four times as likely to eventually become a successful dog guide than are the dogs that are donated to the program outside of the selected breeding lines.

This is where the 4-H families across the country become involved with the dog guide raising process. Those specially bred puppies must be raised in homes and properly socialized if they are to become successful guides. Kennel raised puppies have no chance of becoming a dog guide.

On March 7, 1986, the Kansas 4-H program in cooperation with Pilot Dogs, Inc. and Delta Airlines, ^{are} received its first specially bred puppies. Four, seven week old labrador puppies were placed in 4-H homes in Neosho County. These puppies were successfully raised and socialized by their 4-H families. When they reached one year of age they were returned to Pilot Dogs to begin their intensive professional training. All four dogs

Attorney
Patt
2-24-88

are now working dog guides. Next, four, eight week old boxer puppies arrived in Neosho County on January 28, 1987. These puppies were again placed with 4-H families. They were returned to Pilot Dogs at one year of age and are currently three months into their training. One of the boxers was failed from the program due to moderate hip dysplasia. He was returned to his 4-H family who will keep him as a pet. Three labrador and one doberman puppy are currently being raised by 4-H families in Cloud and Washington counties. Four labrador puppies will be arriving in March to be raised in Neosho and Greenwood county 4-H homes. A bred German Shepard will be arriving in October 1988, and all puppies placed in 4-H homes in Kansas. It is anticipated that about 25 puppies will be annually raised by 4-H families in Kansas in the future.

The prime concern in raising puppies to be potential guides is the proper socialization of these puppies. They are raised in a family environment inside of the home. House-breaking is easily accomplished with these puppies. Short automobile trips are taken. The puppies are enrolled in an obedience course at four months of age. Heel, sit, down, stay and come are all practiced until performed perfectly. Once the puppies are obedience trained they are introduced to as many different situations as possible. The goal is to help the puppies accept any situation -- with neither fear or aggression. Outdoor activities are attended at this point -- fairs, rodeos, parades, etc. The puppies are allowed to acquaint themselves with new situations and people at every opportunity. At home, the puppy is a pet -- with a few exceptions. No "treats" are allowed -- only dog food in his bowl. High grooming standards are maintained -- frequent baths and brushing are encouraged. During the last three months of the dogs stay with its 4-H family, the dog is introduced to a variety of indoor situations. Cooperation from Neosho County businesses has been outstanding. The handlers and dogs present educational programs at schools, civic organizations and churches. Never has there been a complaint about a dog training in a business in Neosho County. As a matter of

fact, the public's reaction to watching these dogs work is one of great enthusiasm.

The 4-H handlers are taught how to behave in public situations. They are all well versed on vision education and the training procedures used for dog guides. Each 4-H handler has an I.D. card, identifying themselves and the dog as participating in the Kansas 4-H Guide Dog Puppy Raising Program. Each handler receives a copy of the Kansas law, Article 11 -- Physically Disabled Persons. Each dog wears a jacket identifying itself as a "Guide Dog In Training", a collar with its name engraved and a rabies tag identifying it as a Pilot Dog. Before entering any place of business it is our policy to introduce ourselves to the manager, present the I. D. Card and explain the purpose of training the dog in situations it will encounter as a working guide. Positive public relations are emphasized at all times.

The problems encountered with admittance of these dogs have occurred outside of their local area of residence. This project is new to Kansas and we have traveled extensively around the state presenting informational programs. The most inconvenient refusal of entrance to one of these dogs occurred at a hotel in Topeka. The handler and dog were traveling to a presentation at the State Dog Conference. The hotel manager refused entrance because of the dog.

Discriminatory attitudes such as this can be devastating to the blind citizens of this state. Had that been a blind person and a fully trained dog guide that manager would still not have allowed them access. Yes, this is against the law, but it does not improve the situation at the time.

The Kansas 4-H Guide Dog Puppy Raising Program will be expanding statewide the fall of 1988. 4-H youth at least 14 years of age with a minimum of two years of dog training experience will have the opportunity of receiving one of these exceptional puppies from Pilot Dogs, Inc. The yearly expense to the 4-H family is estimated at \$150-\$200 per puppy.

There is a list of 4-H families in Kansas waiting to have the chance to raise one of these puppies.

These citizens of Kansas are willing to open their hearts and homes to participate in this special program. The 4-H handler learns much more than dog training. They learn about the obstacles in this society faced every day by a blind person. They learn about the laws protecting blind citizens. They share their knowledge with friends and neighbors -- providing insight into the complicated and difficult process of selecting, raising and training a puppy to become the eyes for the blind.

In the best of circumstances a select puppy has a 60% chance of completing its training and becoming a working dog guide. The experiences that a puppy has while it is growing up can make the difference between a success and a failure. Allowing a young dog access to environments it will encounter as a working guide, will allow that dog to be comfortable in those situations when it is guiding its sightless master.

I am asking you, as the representatives of the citizens of this state, to support this legislation that will simultaneously educate the public about dog guide training and improve the dogs chances of one day becoming the eyes for the blind.

TESTIMONY OF ROBERT L. TABOR

NATIONAL FEDERATION OF THE BLIND OF KANSAS

1234 TENNESSEE ST.
PHONE: (913) 749-7597

IN THE MATTER OF HOUSE BILL 2972
HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE
The Honorable Marvin Littlejohn, Chairman

Mr. Chairman and Honorable Committee Members:

My name is Robb Tabor. I live in Lawrence, Kansas, and I am the official representative of the National Federation of the Blind of Kansas. We appear today in opposition to House Bill 2972. The reasons for the opposition of the organized blind community is set forth below.

1. The Kansas White Cane Law, cited at K.S.A. 39-1101 and 1102, is wholly adequate to accomplish the purposes for which it was originally enacted. These are: (1) to provide a protected right of way for blind pedestrians who carry a long white cane or who are accompanied by a guide dog, and (2) to provide rights of access to places to which the general public is invited without encumbrances, and without the imposition of monetary charges for the presence of a guide dog. As we see it, the passage of H.B. 2972 would not effectively extend or enhance the legal protections now enjoyed by many blind Kansans.

2. The passage of this bill could result in the substantial diminution in the quality of guide dog training, not only in Kansas but in the country. It is our understanding that House Bill 2972 would effectively modify the above cited Kansas White Cane Law by extending rights of access to guide dog candidates.

*Attn # 8
PH&W
2-24-8*

In addition, rights of access now enjoyed by blind guide dog users would be extended to "trainers" of guide dogs.

At present, there are approximately nine guide dog training facilities in the nation. One such center in Morristown, New Jersey places in excess of two hundred (200) guide dogs with men and women from across the United States and Canada annually. Many of these facilities utilize the services of 4-H programs in preliminary training of young guide dog candidates. The traditional role of 4-H participants has been to train these young animals appropriate social behavior and general obedience skills. This operates as a kind of "pre school" for guide dog candidates. Upon completion of this preliminary training, the animals are taken by the training center for screening, evaluation, and placement. A report, prepared by the 4-H participant is one of many tools used by the staff of the school to determine whether the animals are suitable for training with a blind person. It is only at this stage of the process when the animals receive training in a variety of urban and rural environments including those places listed in K.S.A. 39-1102 as amended. Once the guide dog candidate is placed in formal training, the candidate is assigned to a highly trained staff instructor, who has undergone a rigorous apprenticeship training process for as long as a full year. It is only after the guide dog candidate has been trained in this fashion for three to six months that the dog is placed with a blind man or woman, who in turn receives two to four weeks of training, depending on his/her level of experience. As a result of this process thousands of blind persons now enjoy the benefits of high precision training

techniques developed over a fifty-nine year period.

We understand that the primary proponents of H. B. 2972 have entered a cooperative agreement with one of the guide dog training centers. The role of the various 4-H programs would entail a type of training similar to that ordinarily undertaken by highly trained staff at a guide dog training center. The blind of Kansas do not sanction or support the use of young, untrained adolescents in such a highly technical training process.

3. The bill in its present form constitutes insufficient regulation of the guide dog training system. We appreciate that the protections extend only to those training programs under the auspices of Kansas State University Extension Service. But no provisions for registration, licensing, or certification of individual trainers is contained herein. Furthermore, it would not be appropriate to make such provisions unless and until a fully bonifide guide dog training facility is envisioned or established. At present, there are no such training facilities in Kansas. Even if there were, it would require more than a simple modification of the White Cane Statutes to regulate the guide dog training system at the level that would be necessary to ensure the continued high quality of guide dog training for blind Kansans. Such regulatory apparatus might encompass diverse areas such as procedures for licensure of training facilities, qualification and credentialing of trainer/instructors, property damage liability, rights and remedies for blind consumers, etc.

For the reasons we have stated, we request the committee to defeat this proposal, or at the very least, to strike all

references to guide dog candidates or trainees. We make no comment in reference to hearing assistance dog candidates or trainees, given that the National Federation of the Blind does not speak for the deaf community.

Respectfully Submitted

Robert L. Tabor

Kansas Association for the Blind and Visually Impaired, Inc.

TO: House Public Health and Welfare

FROM: Michael J. Byington, Registered Kansas Lobbyist

DATE: February 23, 1988

It is with some pride that I remind this Committee that I have been at the center of lobbying activities for the improvements which have been proposed with reference K.S.A. 39-1101 et seq for the past several sessions of the Kansas Legislature. The Legislature, in its wisdom, has made many of the recently requested changes. House Bill 2972 does not in fact change K.S.A. 30-1101, but it references it. While, for a change of pace, I did not propose this piece of legislation, I believe is a good bill and it should be adopted.

You have seen blind people who use dog guides work their animals through our State Capitol. You have had these animals visit you in this Committee chamber in the past. You know how well trained and well behaved these animals are. Clearly, you must realize that there has to be the opportunities to take place.

Several other States already have statutes similar to the proposal before you. I know that California is one of these because the school which trained my wife's dog guide is located there. I have seen the California legislation. (My wife was called out of town due to her work and regrets that she and her Guide Dog, LLOYD, whom you have met before, can not be here today.)

The training process certainly does not start with the trainer dumping masses of totally untrained animals into public establishments. The procedure employed in the training calls for the dogs to have already achieved certain tasks, competencies, and standards prior to the socialization aspects of their education.

This bill does not throw the door open for any well meaning person, regardless of qualifications, to start training dogs for the blind or deaf, and this bill would not let such an unqualified person bring a dog into a public establishment. The training program in which the dog is enrolled must be approved by the Kansas State University Extension Service.

The bill is consistent with K.S.A. 39-1101 et seq, a long standing and well proven statute, in as much as it makes the dog trainer responsible for any damage with might be done by the dog. The blind person accompanied by a dog guide in Kansas is also responsible for any damage done by the dog according to State law.

This is thus a bill which will allow the development of needed services in our State. It has sufficient safeguards to protect the public. It should pass.

*Attm #9
P.H.W.
2-24-88*

Last, I am not sure that, in most cases, it is appropriate to blend dog guides for the blind and hearing assistance dogs into the same legislation. the two types of dogs' functions are very different. While their should certainly be statutes assuring the right of use of training for both types of animal aids, usually I feel the issues are best covered in separate legislation. This bill is quite straight forward, however, and I am comfortable with its moving forward as it is.