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There is No Constitutional Right to Smoke

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There is No Constitutional Right to Smoke

Samantha K. Graff

Smoking is the leading cause of preventable death in the United States. More than 12 million premature deaths over the past 40 years were attributable to smoking.[1] Today, smoking causes approximately 440,000 deaths each year and results in over $150 billion in annual health-related economic losses.[2] Smoking not only injures nearly every organ of the smoker's body,[3] but it inflicts considerable damage on nonsmokers. Exposure to secondhand smoke is estimated to kill more than 52,000 non-smokers in the United States each year.[4]

In an attempt to limit the extraordinary harm that tobacco smoke inflicts on individuals and communities, advocates across the country are supporting enactment of state and local smoke-free laws. These advocates have seen their efforts rewarded with a wave of state and local workplace restrictions that prohibit smoking in offices, restaurants and bars.[5] Moreover, various cities have passed smoking restrictions that cover targeted locations, such as playgrounds, parks, beaches, and public transit vehicles.[6] In addition, some local government agencies, such as police and fire departments, have adopted policies requiring job applicants or employees to refrain from smoking both on and off the job.[7]

Advocates promoting smoke-free legislation often encounter opponents who make the ominous legal-sounding argument: "You are trampling on my right to smoke." The purpose of this law synopsis is to debunk the argument that smokers have a special legal right to smoke.

If there were a legal justification for a special right to smoke, it would come from the U.S. Constitution.[8] The Constitution lays out a set of civil rights that are specially protected, in that they generally cannot be abrogated by federal, state, county and municipal laws. Section I of this law synopsis explains that neither the Due Process Clause nor the Equal Protection Clause of the Constitution creates a right to smoke. As a result, the Constitution leaves the door wide open for smoke-free laws and other tobacco-related laws that are rationally related to a legitimate government goal. Section II highlights two types of state laws that may create a limited right to smoke. Section II shows that in the absence of a constitutionally protected right to smoke, advocates can seek to amend or repeal these laws, thus taking away any safeguards the laws afford to smokers.

Section I — There is No Constitutional Right to Smoke

Constitutional rights are specially protected, so that laws generally cannot take them away. If a law appears to interfere with a constitutional right, those whose rights are affected can challenge that law in court. A court will invalidate the law if it finds that the law improperly treads on a constitutional right. Constitutional rights include the right to freedom of speech,[9] freedom of religion,[10] due process of law,[11] and equal protection under the law.[12]

The Constitution does not explicitly mention smoking. Therefore, if there were a constitutional right to smoke, it would have to fall under the umbrella of one of the recognized constitutional rights. People who claim a right to smoke usually rely on one of two arguments: (1) that smoking is a personal liberty specially protected by the Due Process Clause,[13] or (2) that the Equal Protection Clause[14] extends special protection to smokers as a group. This section explains that neither of these claims is legally

Key Points

- There is no such thing as a constitutional "right to smoke," since the Constitution does not extend special protection to smokers.
- Smoking is not a specially protected liberty right under the Due Process Clause of the Constitution. The fundamental right to privacy does not apply to smoking.
- Smokers are not a specially protected category of people under the Equal Protection Clause of the Constitution.
- Since the Constitution does not extend special protection to smokers, smoke-free legislation need only be "rationally related to a legitimate government goal."
- Because there is no specially protected right to smoke, tobacco control advocates can work to amend or repeal state laws that stand in the way of tobacco control efforts.

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valid. Since smoking is not a specially protected constitutional right, the Constitution does not bar the passage of local, state, or federal smoke-free laws and other restrictions on smoking.

Smoking Is Not a Specially Protected Liberty or Privacy Right

Proponents of smokers' rights often claim that the government should not be able to pass smoke-free laws because smoking is a personal choice that falls under the constitutional right to liberty. However, the constitutional right to liberty does not shield smokers from smoke-free legislation.

The Due Process Clause of the Constitution prohibits the government from depriving individuals of liberty without "due process of law."[15] This means that a legislative body must have an adequate justification for passing a law that affects someone's liberty. So, for example, a smoker might challenge a smoke-free workplace law in court if she believes that the law violates the Due Process Clause because it takes away her liberty by stopping her from smoking at work without an adequate justification.

To assess whether a given law is based on an adequate justification, a court will look at the individual and governmental interests at stake. The criteria a court uses become more demanding as the individual interest at stake becomes more substantial. In most cases, courts require that a law be "rationally related" to a "legitimate" government goal.[16] This requirement sets a very low bar for the government: a law will be considered constitutional so long as the law is not completely irrational or arbitrary.[17]

In some special cases, however, courts set a much higher bar for the government. This happens when a law restricts a type of liberty that is specially protected by the Constitution. Very few types of liberty are specially protected by the Constitution. The "fundamental right to privacy" is one category of liberty that does receive special constitutional protection.[18] Smokers' rights proponents latch onto this fundamental right to privacy, arguing that smoking is a private choice about which the government should have no say. However, the U.S. Supreme Court has held only that the fundamental right to privacy relates to an individual's decisions about reproduction and family relationships. Activities that are specially protected under the fundamental right to privacy include marriage, procreation, abortion, contraception, and the raising and educating of children.[19] The fundamental right to privacy does not include smoking. In the words of one court, "There is no more a fundamental right to smoke cigarettes than there is to shoot up or snort heroin or cocaine or run a red-light."[20]

It is worth noting that in addition to the U.S. Constitution, most state constitutions include a fundamental right to privacy. In some state constitutions, the fundamental right to privacy is broader than that in the U.S. Constitution.[21] However, a thorough search of case law reveals no current court decision holding that smoking falls within a state constitution's fundamental right to privacy.

In fact, several courts have specifically ruled that smoking does not fall under a federal and/or state constitutional right to privacy—even where smoking in private is concerned. For example, in a 1987 Oklahoma case, a federal appellate court considered an Oklahoma City fire department regulation requiring trainees to refrain from cigarette smoking at all times.[22] The lawsuit arose because a trainee took three puffs from a cigarette during an off-duty lunch break, and he was fired that afternoon for violating the non-smoking rule.[23] The trainee sued, asserting that "although there is no specific constitutional right to smoke, it is implicit [in the Constitution] that he has a right of liberty or privacy in the conduct of his private life, a right to be let alone, which includes the right to smoke."[24] The court disagreed and distinguished smoking from the specially protected constitutional privacy rights.[25] Since smoking is not a fundamental privacy right, the court ruled that the regulation could remain on the books since it was rationally related to the legitimate government goal of maintaining a healthy firefighting force.

Similarly, in 1995, a Florida court considered a North Miami city regulation requiring applicants for municipal jobs to certify in writing that they had not used tobacco in the preceding year.[26] The regulation was challenged in court by an applicant for a clerk-typist position who was removed from the pool of candidates because she was a smoker.[27] She claimed

that the regulation violated her right to privacy under the federal and state constitutions.[28] The court found that "the 'right to smoke' is not included within the penumbra of fundamental rights" specially protected by the U.S. Constitution.[29] The court also found that, although the fundamental right to privacy in the Florida constitution covers more activities than the fundamental right to privacy in the U.S. Constitution, a job applicant's smoking habits are not among the activities specially protected by the state constitution's privacy provision.[30] The court ultimately upheld the city regulation because it was rationally related to the legitimate government goal of reducing health insurance costs and increasing productivity.

In a 2002 Ohio case involving custody and visitation of an eight-year-old girl, the court banned the girl's parents from smoking in her presence.[31] The court listed pages of evidence about the harms of secondhand smoke, citing hundreds of articles and reports. The court proceeded to hold that smoking is not a specially protected constitutional right and that the fundamental right to privacy "does not include the right to inflict health-destructive secondhand smoke upon other persons, especially children who have no choice in the matter."[32]

Smokers Are Not a Specially Protected Category of People Under the Equal Protection Clause

The second constitutional claim frequently made by proponents of smokers' rights is that smoke-free laws discriminate against smokers as a group in violation of the Equal Protection Clause of the Constitution. No court has been persuaded by this claim.

The Equal Protection Clause guarantees that people are entitled to "equal protection of the laws."[33] The U.S. Supreme Court has interpreted this to mean that the government cannot pass laws that treat one category of people differently from another category of people without an adequate justification. So, for example, a smoker might bring a lawsuit if he believes that a smoke-free workplace law violates the Equal Protection Clause because the law discriminates against smokers and in favor of nonsmokers without an adequate justification.

In most instances, courts require that a discriminatory law be "rationally related" to a "legitimate" government goal.[34] This requirement is very easy for the government to meet, since a discriminatory law will be upheld so long as it is not totally irrational or arbitrary.

In a certain set of cases, however, a court will apply a much stricter requirement. This happens when a law discriminates against a category of people that is entitled to special protection. The Equal Protection Clause gives special protection to very few categories of people. In fact, it only extends special protection to groups based on race, national origin, ethnicity, gender, and (historically) illegitimacy.[35] The groups that receive special protection share "an immutable characteristic determined solely by the accident of birth."[36] Because of this special protection, a law is likely to violate the Constitution if it discriminates against a category of people based on race, national origin, ethnicity, gender, or illegitimacy.[37]

Some people argue that smokers make up a category that deserves special protection against discriminatory laws that restrict their ability to smoke at a time and place of their choosing. However, smokers are not a specially protected group under the Constitution. Smoking is not an "immutable characteristic" because people are not born smokers and smoking, while addictive, is still a behavior that people can stop. Since smokers are not a specially protected group, a smoke-free law that "discriminates" against smokers will not violate the Equal Protection Clause so long as the law is rationally related to a legitimate government goal.[38]

Most state constitutions contain an equal protection clause that mirrors the Equal Protection Clause of the U.S. Constitution. Therefore, smokers' rights proponents who challenge a "discriminatory law" limiting smoking also are unlikely to convince a court that smokers deserve special protection under a state equal protection clause.

A 2004 New York case illustrates how courts react negatively to smokers' claims that they are a specially protected group under the Equal Protection Clause.[39] New York City and New York State enacted laws prohibiting smoking in most indoor places in order to protect citizens from the well-documented harmful

effects of secondhand smoke. The challenger argued that the smoking bans violated the Equal Protection Clause because they cast smokers as "social lepers by, in effect, classifying smokers as second class citizens."[40] The court responded that "the mere fact that the smoking bans single out and place burdens on smokers as a group does not, by itself, offend the Equal Protection Clause because there is no . . . basis upon which to grant smokers the status of [a specially protected group]."[41] The court upheld the city and state smoking bans since they were rationally related to the legitimate government goal of protecting the public health.

In a 1986 Wisconsin case, a court considered an equal protection challenge to the newly-enacted state Clean Indoor Air Act.[42] The Clean Indoor Air Act prohibited smoking in government buildings with the exception of designated smoking areas. A government employee sued, arguing that it would violate the Equal Protection Clause for his employer to discipline him and his fellow smokers for smoking on the job. Since smokers are not a specially protected category, the court noted that "any reasonable basis for [distinguishing smokers from nonsmokers] will validate the statute. Equal protection of the law is denied only where the legislature has made irrational or arbitrary [distinctions]."[43] The court upheld the Clean Indoor Air Act, finding it was rationally related to the legitimate government goals of minimizing the health and safety risks of smoking.

* * *

Smokers are not specially protected by the Constitution. A law that restricts smoking will not violate the Constitution so long as it is rationally related to a legitimate government goal. Courts are likely to uphold most smoke-free laws against due process and equal protection challenges, as long as these laws are enacted to further the legitimate government goal of protecting the public health by minimizing the dangers of tobacco smoke.

Section II — Laws Cannot Grant an Irrevocable Right to Smoke

The objective of this law synopsis is to clarify that there is no such thing as a constitutional right to smoke. The Constitution does not stand in the way of state or local laws limiting the ability of citizens to light up at a time and place of their choosing.

The Constitution, however, is not the end of the story. Certain laws can create barriers to the enactment of new smoke-free legislation. At least two types of state laws can impede a comprehensive smoke-free agenda. These laws afford a limited right to smoke under certain circumstances unless and until the laws are amended or repealed.

Preemption

Often, the greatest barrier to a smoke-free agenda is a state law that preempts local governments in the state from passing legislation that goes farther than the state in restricting smoking. The tobacco industry has lobbied hard for state preemption of local smoke-free laws because it is much easier for the tobacco industry to wield influence with state legislatures than with locally elected officials.[44] Such preemptive state laws can be and frequently are loophole-ridden or otherwise ineffective at protecting the public from exposure to secondhand smoke.[45]

Currently, twenty-three states have laws that either totally or partially preempt local smoke-free legislation.[46] In those states, there is no constitutional right to smoke. However, unless and until the preemptive state laws are amended or repealed, local governments in those states cannot pass laws that go beyond the state smoke-free laws.[47] Advocates who want to push local smoke-free legislation in those states must first work to get rid of state preemption.

"Smoker Protection Laws"

In approximately thirty states, so-called "smoker protection laws" are a small barrier to a smoke-free agenda. Smoker protection laws prohibit employers from making employment decisions, such as hiring and firing, based on off-duty conduct that is legal, such as using tobacco during non-work hours and away from the job site.[48] Some smoker protection laws are specific to tobacco use, while others apply to all legal off-duty conduct.[49] Smoker protection laws are enacted to thwart the types of policies adopted by the Oklahoma City fire department and North Miami city (discussed in Section I) that forbid certain employees

from smoking at any time.

Smoker protection laws are not as protective as they sound. They do not create a right to smoke. Nor do they give people license to smoke anywhere at anytime. Instead, they merely assure some smokers that their employers will not consider their off-duty tobacco use when making employment decisions.

If advocates in states with smoker protection laws want to promote policies similar to those adopted by the Oklahoma City fire department and North Miami city, they must find an existing exception in the smoker protection law[50] or must lobby to amend or repeal the smoker protection law.[51]

* * *

Some states have laws that act as roadblocks to effective smoke-free legislation. However, advocates can work to amend or repeal those laws with confidence that their opponents cannot argue successfully that the advocates are trying to trample on a specially protected right to smoke.

Conclusion

The so-called "right to smoke" is actually a smokescreen. There is no constitutional right to smoke. Therefore, advocates are free to seek enactment of new smoke-free laws or the amendment or repeal of existing laws that harm the public health despite claims by their opponents invoking a right to smoke. So long as proposed smoke-free legislation is rationally related to a legitimate government goal, the Constitution will not stand in the way of its passage. Courts are quick to find that smoke-free legislation is rationally related to a legitimate government goal, since they have long held that protecting the public's health is one of the most essential functions of government.[52]

About the Author

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Endnotes

1 *See* U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *The Health Consequences of Smoking: A Report of the Surgeon General* 13*, available at* <http://www.cdc.gov/tobacco/sgr/sgr_2004/index.htm> (visited on June 22, 2005).

2 *Id.* at 14.

3 *Id.* at 8.

4 *See* S.A. Glantz & W. Parmley, *Passive Smoking and Heart Disease: Epidemiology, Physiology, and Biochemistry*, 83(1) Circulation 1 (1991); *see also California Environmental Protection Agency, Office of Envtl. Health Hazard Management, Health Effects of Exposure to Environmental Tobacco Smoke: Final Report* (1997).

5 As of July 7, 2005, 397 municipalities and eleven states had enacted laws requiring 100 percent smoke-free workplaces and/or restaurants and/or bars. *See* American Nonsmokers' Rights Foundation, *Overview List – How Many Smokefree Laws?*, available at <http://www.no-smoke.org/pdf/mediaordlist.pdf > (visited on July 12, 2005).

6 As of July 7, 2005, a total of 1,900 municipalities had local laws in effect that restrict where smoking is allowed. Note that this figure includes the 397 municipalities that have passed laws requiring 100 percent smokefree workplaces and/or restaurants and/or bars. *See* American Nonsmokers' Rights Foundation, *Overview List – How Many Smokefree Laws?, available at* <http://www.no-smoke.org/pdf/mediaordlist.pdf> (visited on June 22, 2005).

7 For examples of two such policies, see *Grusendorf v. City of Oklahoma City*, 816 F.2d 539 (10th Cir. 1987) and *City of North Miami v. Kurtz*, 653 So.2d 1025 (Fla. 1995) (discussed in Section I).

8 This Synopsis focuses on the U.S. Constitution. As discussed in Section I, a very similar analysis applies to state constitutions.

[9] *See* U.S. Const. amend. I.
[10] *See id.*
[11] *See* U.S. Const. amends. V, XIV.
[12] *See* U.S. Const. amend. XIV.
[13] *See* U.S. Const. amends. V, XIV.
[14] *See* U.S. Const. amend. XIV.
[15] *See* U.S. Const. amends. V, XIV.
[16] *See* John E. Nowak & Ronald D. Rotunda, Constitutional Law 453 (7th ed. 2004).
[17] *See id.*
[18] *See Griswold v. Connecticut*, 381 U.S. 479, 485-86 (1964).
[19] *See, e.g., id.* at 485-86 (recognizing the right of married couples to use contraceptives); *Meyers v. Nebraska*, 262 U.S. 390 (1923) (recognizing the right of parents to educate children as they see fit); and *Moore v. East Cleveland*, 431 U.S. 494 (1977) (protecting the sanctity of family relationships).
[20] *Fagan v. Axelrod*, 550 N.Y.S.2d 552, 559 (1990) (internal citations omitted).
[21] *See, e.g., San Juan-Torregosa v. Garcia*, 80 S.W.3d 539 (Tenn. Ct. App. 2002) ("[T]he citizens of our state are afforded a greater right of privacy by the Tennessee Constitution than that provided in the Federal Constitution…."); *City of North Miami v. Kurtz*, 653 So.2d 1025 (Fla. 1995) (discussed below).
[22] *Grusendorf v. City of Oklahoma City*, 816 F.2d 539 (10th Cir. 1987).
[23] *See id.* at 540.
[24] *Id.* at 541.
[25] *See id.* at 542. The court relied heavily on the U.S. Supreme Court decision in *Kelley v. Johnson*, 425 U.S. 238 (1976), in which the Court upheld a regulation regarding the style and length of hair, sideburns, and mustaches of male police officers.
[26] *See City of North Miami v. Kurtz*, 653 So.2d 1025 (Fla. 1995).
[27] *See id.* at 1026.
[28] *See id.*
[29] *Id.* at 1028.
[30] *See id.*
[31] *See In re Julie Anne*, 780 N.E.2d 635, 659 (Ohio Com. Pl. 2002).
[32] *Id.* at 656.
[33] U.S. Const. amend. XIV.
[34] *See* John E. Nowak & Ronald D. Rotunda, Constitutional Law 453 (7th ed. 2004).
[35] *See, e.g., Brown v. Board of Education*, 347 U.S. 483 (1954) (addressing race); *Sugarman v. Dougall*, 413 U.S. 634 (1973) (addressing national origin); *Craig v. Boran*, 429 U.S. 190 (1976) (addressing gender). These groups share "an immutable characteristic determined solely by the accident of birth," *Frontiero v. Richardson*, 411 U.S. 677, 686 (1973), and often, a "history of purposeful unequal treatment" by the government. *Massachusetts Board of Retirement v. Murgia*, 427 U.S. 307, 313 (1976). Note that some groups that arguably are defined by an immutable characteristic and a history of purposeful unequal treatment do not receive special protection under the U.S. Constitution. For example, groups based upon age and mental disability do not receive any special protections. *See, e.g., Kimel v. Florida Bd. of Regents*, 528 U.S. 62 (2000) (addressing age); *City of Cleburne v. Cleburne Living Center, Inc.*, 473 U.S. 432 (1985) (addressing mental disability).
[36] *Frontiero v. Richardson*, 411 U.S. 677, 686 (1973).
[37] The Equal Protection Clause not only protects certain groups of people but also protects certain rights that inherently require equal treatment. Smoking is not one of these recognized rights. The rights specially protected by the Equal Protection Clause include the right to vote, the right to be a political candidate, the right to have access to the courts for certain kinds of proceedings, and the right to travel interstate. *See, e.g., Baker v. Carr*, 369 U.S. 186 (1962) (holding that improper congressional redistricting violates voters' equal protection rights); *Turner v. Fouche*, 396 U.S. 346 (1970) (holding that all persons have a constitutional right to be considered for public service); *Shapiro v. Thompson*, 394 U.S. 618 (1969) (striking down a residency requirement for the receipt of state benefits as an equal protection violation).
[38] Note that nonsmokers also are not recognized as a specially protected category of people, so equal protection claims brought by nonsmokers who are exposed to smoke in a place where smoking is permitted by law are unlikely to succeed if there is a rational basis for the law.
[39] *NYC C.L.A.S.H., Inc. v. New York*, 315 F. Supp. 2d 461 (S.D.N.Y. 2004).

[40] *Id.* at 480, 482.
[41] *Id.* at 492.
[42] *See Rossie v. State Dep't of Revenue*, 133 Wis. 2d 341 (1986).
[43] *Id.* at 353.
[44] *See* Robin Hobart, *Preemption – Taking the Local out of Tobacco Control*, American Medical Association (2003) available at <http://www.smokelessstates.org/downloads/2003_Preemption.pdf > (visited on June 22, 2005).
[45] *See id.*
[46] *See* the Americans for Nonsmokers' Rights website, http://www.no-smoke.org/; see also American Lung Association, *State Legislative Actions on Tobacco Issues—Summary Reports: Preemptive State Tobacco Control Laws and Affected Provisions (2005), available at http://slati.lungusa.org/appendixe.asp* (visited on June 22, 2005).
[47] *See* the Americans for Nonsmokers' Rights website, http://www.no-smoke.org/.
[48] For a list of states with "smoker protection laws," see the American Lung Association's website, available at http://slati.lungusa.org/appendixf.asp (visited on June 22, 2005).
[49] *See, e.g.*, Miss. Code. Ann. § 71-33 (2004) (making it "unlawful for any public or private employer to require as a condition of employment that any employee or applicant for employment abstain from smoking or using tobacco products during nonworking hours"); Colo. Rev. Stat. § 24-34-402.5 (2004) (making it "an unfair employment practice for an employer to terminate the employment of any employee due to that employee's engaging in any lawful activity off the premises of the employer during nonworking hours unless such a restriction (a) Relates to a bona fide occupational requirement or is reasonably and rationally related to the employment activities and responsibilities of a particular employee or group of employees, rather than to all employees of the employer; or (b) Is necessary to avoid a conflict of interest with any responsibilities to the employer or the appearance of such a conflict of interest").
[50] Many smoker protection laws contain some sort of exception allowing an employer to restrict off-duty smoking if the restriction relates to an essential aspect of the job. *See, e.g.*, Colo. Rev. Stat. § 24-34-402.5, *supra* note 49; Mo. Rev. Stat. § 290.145 (2004) (making an exception when the off-duty use of tobacco products "interferes with the duties and performance of the employee, his coworkers, or the overall operation of the employer's business" and exempting "religious organizations and church-operated institutions, and not-for-profit organizations whose principal business is health care promotion").
[51] Some smokers argue that policies prohibiting employees from smoking both on and off the job violate the federal Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101-12213 (2004). According to their rationale, smokers are protected from discrimination under the ADA because they are "disabled." However, the ADA explicitly states that "[n]othing in this chapter shall be construed to preclude the prohibition of, or the imposition of restrictions on, smoking in places of employment . . ., in transportation . . ., or in places of public accommodation . . . ." *Id.* § 12201(b) (2004). Moreover, the only published case addressing the issue holds that smoking is not a disability within the meaning of the ADA. *See Brashear v. Simms*, 138 F. Supp. 2d 693, 694-95 (D. Md. 2001) ("[A]ssuming that the ADA fully applies in this case, common sense compels the conclusion that smoking, whether denominated as 'nicotine addiction' or not, is not a 'disability' within the meaning of the ADA. Congress could not possibly have intended the absurd result of including smoking within the definition of 'disability,' which would render somewhere between 25% and 30% of the American public disabled under federal law because they smoke. In any event, both smoking and 'nicotine addiction' are readily remediable . . . . If the smokers' nicotine addiction is thus remediable, neither such addiction nor smoking itself qualifies as a disability within the coverage of the ADA, under well-settled Supreme Court precedent.")
[52] *See, e.g., Jacobson v. Massachusetts*, 197 U.S. 11, 25 (1905) ("According to settled principles, the police power of a state must be held to embrace, at least, such reasonable regulations established directly by legislative enactment as will protect the public health and the public safety.").

About the Tobacco Control Legal Consortium

The Tobacco Control Legal Consortium is a national network of legal programs supporting tobacco control policy change by giving advocates better access to legal expertise. The Consortium's coordinating office, located at William Mitchell College of Law in St. Paul, Minnesota, fields requests for legal technical assistance and coordinates the delivery of services by the collaborating legal resource centers. Legal technical assistance includes help with legislative drafting; legal research, analysis and strategy; training and presentations; preparation of friend-of-the-court legal briefs; and litigation support. Drawing on the expertise of its collaborating legal centers, the Consortium works to assist communities with urgent legal needs and to increase the legal resources available to the tobacco control movement.