

By Mr. Vellucci of Cambridge, petition of the Group Against Smoking Pollution, Peter A. Vellucci, Salvatore R. Albano, Christopher J. Hodgkins, Frank M. Hynes, Nicholas J. Costello and Lawrence R. Alexander for adoption of resolutions by the General Court memorializing the Congress of the United States to amend the Cigarette Labeling and Advertising Act of 1965 to state explicitly that it does not preempt state common law tort action against tobacco companies. Federal Financial Assistance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Nine.

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO AMEND THE CIGARETTE LABELING AND ADVERTISING ACT OF 1965 TO STATE EXPLICITLY THAT IT DOES NOT PREEMPT STATE COMMON LAW TORT ACTION AGAINST TOBACCO COMPANIES.

1 *Whereas*, Cigarette smoking each year kills more than 300,000
2 Americans, about 9000 of whom had been Massachusetts
3 residents; and

4 *Whereas*, As a result of a misinterpretation by various courts,
5 including the United States Court of Appeals for the First Circuit,
6 of the Cigarette Labeling and Advertising Act of 1965 (15 U.S.C.
7 sec. 1331, et seq.), cigarette manufacturers have obtained an
8 immunity unique in American law from any legal responsibility
9 for these deaths premised on their negligent or even their
10 intentional miscommunication to consumers since 1966 about the
11 dangers of smoking; and

12 *Whereas*, As a result of this judicially-created immunity, the
13 citizens of the Commonwealth of Massachusetts have lost the
14 protection of the common law against misrepresentation and
15 fraud by cigarette companies, have been denied the right to
16 recover damages proceeding therefrom, and have continued to be
17 subject to misinformation from tobacco companies on the subject
18 of smoking and health, all to their great detriment; and

19 *Whereas*, It is the role of government in the United States to
20 protect the welfare of all its citizens in both a physical and
21 economic sense; therefore be it

22 *Resolved*, That the Massachusetts General Court respectfully
23 urges the Congress of the United States to correct the
24 aforementioned misinterpretation of the Cigarette Labeling and
25 Advertising Act of 1965, as amended, by amending that act to
26 state explicitly that it does not preempt state common law tort
27 action against tobacco companies; and be it further

28 *Resolved*, That copies of these resolutions be transmitted
29 forthwith by the clerk of the House of Representatives to the
30 President of the United States, to the presiding officer of each
31 branch of the Congress, and to each member of the United States
32 Senate and the United States House of Representatives from the
33 Commonwealth.