



What is Legal Technical Assistance?

Since 2003, the Tobacco Control Legal Consortium has been America's primary source of legal technical assistance on tobacco control policy. The Consortium, based at the Public Health Law Center at William Mitchell College of Law in St. Paul, Minnesota, is a national network of non-profit legal centers that provide technical assistance to public officials, health professionals and advocates from all fifty states, the U.S. territories, tribal governments, and the federal government to help improve the nation's tobacco control policies.¹ Our main goal is to make effective legal and policy solutions the heart of comprehensive tobacco control.



Tobacco control work can be complicated, given the complex ways local, state and federal laws can interact and affect policy development, enactment, and implementation. A surprising number of legal issues can arise with the adoption of smoke-free laws; product regulations; sales, marketing, retail licensing, and youth access policies; and similar measures. As a result, members of the public health community have questions related to every conceivable tobacco policy issue. The type of assistance needed can vary as well, ranging from help in developing, interpreting or reviewing tobacco control policies to defending tobacco control laws that have been challenged to understanding new, cutting-edge or emerging legal issues related to tobacco control.

If you need legal assistance on a tobacco-related issue, contact local counsel licensed to practice in your jurisdiction and familiar with its laws. You should also seek technical assistance from attorneys with expertise in tobacco control and the attorneys at the Tobacco Control Legal Consortium. This publication provides a brief overview of the Consortium's core legal technical assistance: substantive policy guidance based on legal research and analysis; litigation support; educational resources; and training.

¹ The Consortium's affiliated legal centers include: ChangeLab Solutions, Oakland, California; Legal Resource Center for Tobacco Regulation, Litigation & Advocacy at University of Maryland School of Law, Baltimore, Maryland; Public Health Advocacy Institute at Northeastern University School of Law, Boston, Massachusetts; Center for Public Health and Tobacco Policy at New England Law | Boston; Smoke-Free Environments Law Project at Center for Social Gerontology, Ann Arbor, Michigan; Public Health Law Center at William Mitchell College of Law, St. Paul, Minnesota, and Tobacco Control Policy and Legal Resource Center at New Jersey GASP, Summit, New Jersey.

Legal Research and Analysis

The Consortium receives individual requests for legal technical assistance each day on a multitude of tobacco control-related issues. Many of these requests are jurisdiction-specific and time-sensitive, requiring rapid responses. In responding to these requests, we draw on our years of experience researching and analyzing local, state and federal laws so we can help communities identify, develop, enact, implement and defend tobacco control policies that are evidence-based, workable, and legally sound.²

For example, we provide legal technical assistance where we –

- Describe the pros and cons of different policy options
- Analyze the legal authority of different levels and branches of government to address a tobacco control issue
- Identify the level of government best suited to pursue a specific policy objective
- Interpret local, state and federal laws affecting tobacco control issues
- Review draft laws and legislative proposals
- Identify possible roadblocks to policy implementation and paths around those roadblocks
- Draft sample language for proposed legislation and suggest improvements from both legal and public health perspectives
- Provide one-on-one strategic consultation and policy guidance
- Offer the public health community tools and support to engage in the tobacco regulatory process

Litigation Support

Although the Consortium does not provide legal representation or advice, we do offer legal technical assistance to state and municipal attorneys when opponents challenge tobacco control laws in court. Because we monitor tobacco litigation and maintain the nation's most comprehensive database of legal challenges to U.S. smoke-free laws, we can support attorneys in litigation with timely legal research and critical resources and expertise. For example, we can –

- Identify key legal precedents and other legal authorities that can help governments defend their policies against legal challenges
- Provide strategic consultation to a jurisdiction's public health officials and legal counsel
- Mobilize tobacco control experts, attorneys and national partner organizations in a coordinated defense of a tobacco control law
- Analyze opposing arguments, providing substantive feedback and strategic consultation
- File friend-of-the-court (*amicus curiae*) briefs in cases of broad significance to the tobacco control community, generally at the appellate level. We can perform several functions: serve as lead author, co-author or reviewer; recruit amici; or coordinate the review, signing and filing processes.

² The Tobacco Control Legal Consortium does not provide legal representation or advice and does not engage in lobbying.

Educational Resources

The Consortium has a national reputation for developing and disseminating a wealth of clear, user-friendly tobacco law and policy resources. For example, our materials demystifying the complex 2009 federal tobacco legislation are used by the U.S. Food and Drug Administration to train employees who are charged with interpreting and enforcing the legislation. We distribute our resources electronically via our monthly *Consortium Bulletin* and quarterly *Legal Update* newsletters, as well as national and international list serves. Our materials are all available on our website: www.publichealthlawcenter.org, and are broadly shared at conferences and other training events.

Our hundreds of educational resources include –

- Fact sheets on tobacco law and policy-related issues
- User guides containing tips and tools on tobacco control policy measures
- Policy briefs providing detailed analyses of significant tobacco control areas, including policy options, challenges and recommendations
- News articles on tobacco law and policy issues
- Scholarly tobacco law and policy articles and research studies

Training

The Consortium provides legal technical assistance on key tobacco issues in a variety of training venues. For example, we give on-site presentations and conduct training workshops, seminars and symposia at national, state and regional conferences. We sponsor a monthly series of national webinars on timely tobacco policy-related topics, and post our archived recordings and slides on our website. We host meetings of tobacco law and policy experts, and we are often invited to present at national teleconferences and to teach classes at law schools and public health institutes. As with all our legal technical assistance, our focus is on imparting useful tobacco law and policy information and explaining complicated concepts as clearly and effectively as possible.

Remember: The Tobacco Control Legal Consortium is here to serve you. If you need legal technical assistance on any tobacco-related issue, please contact one of our attorneys. You can reach us at publichealthlawcenter@wmitchell.edu or (651) 290-7506 or, if you are in a state where one of our affiliated centers is located, feel free to contact your state's legal center directly. Contact information can be found on our [website](#). If you are considering a tobacco control policy or related legislation, we appreciate being contacted sooner, rather than later, so we can provide as much assistance early in the process as possible.