



Legal Resources Provided by the Kentucky Center for Smoke-free Policy

The Kentucky Center for Smoke-free Policy (KCSP), located at the University of Kentucky College of Nursing, employs a legal consultant, Judy Owens, JD, a licensed attorney in Kentucky. Her role is limited to reviewing the law in response to various questions raised by KCSP as part of its work to determine the readiness and interest of Kentucky communities in enacting smoke-free ordinances or regulations.

KCSP also works closely with the Tobacco Control Legal Consortium (TCLC), based at the William Mitchell College of Law in St. Paul, Minnesota. TCLC maintains a staff of attorneys dedicated to smoke-free policy. It maintains a web site and produces publications with new developments in smoke-free laws. TCLC sponsors educational seminars in Minnesota and also nationally, sometimes using electronic media.

TCLC reviews proposed ordinances at the request of KCSP. Especially useful is TCLC's ability to explain the results of legal challenges to ordinances, so that communities have the benefit of the experience of others when considering their own laws.

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- Provides technical assistance in drafting smoke-free ordinances/regulations.
- Reviews draft smoke-free ordinances (in collaboration with TCLC).
- Compares Kentucky ordinances with the laws of other states.
- Reviews procedures for enacting a city or county ordinance.
- Explains the relationship between city ordinances, county ordinances and regulations enacted by governmental entities or quasi-governmental entities.
- Provides legal guidance to resolving apparent conflicts of laws among municipal entities.
- Describes the powers and functions of health departments under Kentucky law.
- Evaluates limits and powers of initiating smoke-free policy in other facilities, such as nursing homes.

Disclaimer: Judy Owens, JD does not represent the University or the College of Nursing or any of the specific grant programs sponsored by the University. While she offers observations and comments as a result of legal research, she does not render legal advice, either to KCSP or the communities engaged in smoke-free policy.