



# Rowe v. New Hampshire Motor Transport Association, 552 U.S. 364 (2008)

Topics Covered: Anti-tobacco

**Outcome: Very Unfavorable**

## **Issue**

The issue in this case was whether the Federal Aviation Administration Authorization Act of 1994 (the FAAAA) preempted a state law that prohibited air and motor carriers from delivering of tobacco products to minors.

## **AMA Interest**

The AMA, in keeping with its objective of protecting public health, supports a smoke-free America.

## **Case Summary**

The State of Maine passed a law (the Maine Tobacco Delivery Law) to prevent air and motor carriers (such as United Parcel Service) from delivering tobacco products to minors. Several trade associations sued G. Steven Rowe, Attorney General for the State of Maine, to have the law declared invalid. They contended that the FAAAA preempts state laws, such as the Maine Tobacco Delivery Law, that impose conditions on the delivery of packages by interstate carriers.

Both the district court and the United States Court of Appeals for the First Circuit held the Maine Tobacco Delivery Law to be preempted. However, the Maine Attorney General appealed to the Supreme Court. The Supreme Court affirmed, also finding the Maine statute preempted.

## **Litigation Center Involvement**

The Litigation Center, the Maine Medical Association, and several other public health organizations filed an *amicus* brief on behalf of the Maine Attorney General, arguing that the FAAAA did not preempt the Maine Tobacco Delivery Law.

United States Supreme Court brief