

06-457 ROWE V. NEW HAMPSHIRE MOTOR TRANSPORT ASSN.

DECISION BELOW: 448 F3d 66

LOWER COURT CASE NUMBER: 05-2136

QUESTION PRESENTED:

1. Whether the Federal Aviation Administration Authorization Act of 1994 ("FAAAA"), 49 U.S.C. §14501(c)(1) and 41713(b)(4)(A), preempts states from exercising their historic public health police powers to regulate carriers that deliver contraband such as tobacco and other dangerous substances to children.
2. Whether the FAAAA preempts states from exercising their historic public health police powers to require shippers of contraband such as tobacco and other dangerous substances to utilize a carrier that provides age verification and signature services to ensure that such substances are not delivered to children.

CERT. GRANTED 6/25/2007