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SENATE BILL 6686

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State of Washington

55th Legislature

1998 Regular Session

By Senators Oke, Schow, Benton, Horn, Winsley, Morton, Stevens, Prentice, T. Sheldon, Franklin, Rossi, Patterson, Haugen, Rasmussen, Zarelli and Anderson

Read first time 01/27/98. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to making minor possession of tobacco a class 3  
2 civil infraction and clarifying penalties for violation of current laws  
3 regarding youth access to tobacco; amending RCW 70.155.080; creating a  
4 new section; and prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that the protection of  
7 adolescents' health requires a strong set of comprehensive health and  
8 law enforcement interventions. We know that youth are deterred from  
9 using alcohol in public because of existing laws making possession  
10 illegal. However, while the purchase of tobacco by youth is clearly  
11 prohibited, the possession of tobacco is not. It is the legislature's  
12 intent that youth hear consistent messages from public entities,  
13 including law enforcement, about public opposition to their illegal use  
14 of tobacco products.

15 The legislature finds that the public sector must find additional  
16 ways to decrease acceptability of cigarette and tobacco product  
17 possession by adolescents and send a clear message to youth that the  
18 public is not complacent about its use by youth. Citing youth for  
19 tobacco possession establishes a social norm that tobacco is not

1 acceptable behavior. Aggressive possession laws with an educational  
2 alternative to fines send a message to youths that society actually  
3 does care about them and their health. When youth flagrantly disobey  
4 the law and receive no consequences, they lose respect for the law and  
5 law enforcement.

6 The legislature finds that the use of cigarettes and tobacco  
7 products by adolescents is harmful to their health and because of the  
8 highly addictive nature of tobacco-delivered nicotine, may lead to  
9 life-long health problems. Tobacco has an immediate effect on the  
10 body: Rapid heartbeat; increased pulse rate; shortness of breath;  
11 reduced circulation; increased coughing and wheezing; allergy flare-up;  
12 and more colds, flu, and pneumonia.

13 Tobacco use in adolescence is associated with a range of health-  
14 compromising behaviors including being involved in fights, carrying  
15 weapons, engaging in higher-risk sexual behavior, and using alcohol and  
16 other drugs. Youth who smoke are fourteen times more likely to abuse  
17 alcohol, one hundred times more likely to use marijuana, and thirty-two  
18 times more likely to use cocaine. The statistics show that nearly all  
19 new smokers in Washington are children or adolescents. Eighty-nine  
20 percent of adult smokers begin smoking before age eighteen. The  
21 average teenage smoker starts at age fourteen and becomes a regular  
22 smoker by age eighteen. Each day, in America, three thousand young  
23 people become smokers; nearly one-third will eventually die because of  
24 their addiction.

25 **Sec. 2.** RCW 70.155.080 and 1993 c 507 s 9 are each amended to read  
26 as follows:

27 (1) A person under the age of eighteen who purchases or attempts to  
28 purchase, possesses or attempts to possess, or obtains or attempts to  
29 obtain cigarettes or tobacco products commits a class 3 civil  
30 infraction under chapter 7.80 RCW and is subject to a fine as set out  
31 in chapter 7.80 RCW ((or)) and participation in up to four hours of  
32 community service. The court may also require participation in a  
33 smoking cessation program((, or both)). This provision does not apply  
34 if a person under the age of eighteen, with parental authorization, is  
35 participating in a controlled purchase as part of a liquor control  
36 board, law enforcement, or local health department activity.

1        (2) Municipal and district courts within the state have  
2 jurisdiction for enforcement of this section. All fines collected  
3 under this section shall be retained by the court of jurisdiction.

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