

FINAL BILL REPORT

2ESHB 1746

C 133 L 98

Synopsis as Enacted

Brief Description: Making minor possession of tobacco a class 3 civil infraction and clarifying penalties for violation of current laws regarding youth access to tobacco.

Sponsors: By House Committee on Commerce & Labor (originally sponsored by Representatives Sherstad, Morris, Radcliff, Hatfield, D. Schmidt, Grant, Pennington, Sullivan, Koster, Mulliken, Wood, L. Thomas, Scott, Carrell, Doumit, Sheahan, Huff, Kastama, Boldt, Hickel, McMorris, Thompson, Cooke and Dunshee).

House Committee on Commerce & Labor
Senate Committee on Commerce & Labor

Background: In 1993, the federal government required, as a condition of receiving federal substance abuse funds, that states adopt a law making it illegal for a manufacturer or retailer of tobacco products to distribute these products to a person under the age of 18. In response, Washington enacted restrictions on the distribution and sale of tobacco to reduce availability to minors. One provision dealt with requirements for licensed cigarette retailers and another provision dealt with the purchase of tobacco by persons under the age of eighteen.

The Liquor Control Board may suspend or revoke a retailer's license or impose monetary penalties on a retailer if the board finds the retailer has violated provisions of the youth access to tobacco law. Provisions include selling tobacco to minors, failing to post a warning sign with penalties for purchase of tobacco by a minor, failing to prevent access to cigarette vending machines by minors, failing to require identification if age is questioned, and selling cigarettes other than in their original packaging.

A minor who purchases or obtains tobacco may be guilty of a class 3 civil infraction which is punishable by a maximum \$50 fine. The court may also require the minor to participate in a smoking cessation program.

Juvenile courts have exclusive jurisdiction over most proceedings involving youth under the age of eighteen. Certain proceedings involving juveniles are specifically removed from juvenile court jurisdiction. Municipal and district courts are courts of limited jurisdiction and generally handle proceedings involving adults unless those courts are specifically authorized to handle proceedings involving juveniles.

Summary: In addition to purchasing tobacco, a person under the age of eighteen may be guilty of a class 3 civil infraction if he or she possesses tobacco. In addition to the current penalties, a court may require four hours of community service for a violation.

The Liquor Control Board may reduce penalties or waive license revocations or suspensions if there are mitigating circumstances including the exercise of due diligence by a tobacco retailer or if the elements of proof are inadequate. The board may exceed penalties if there are aggravating circumstances.

Municipal and district courts have jurisdiction to enforce laws prohibiting minors from purchasing or possessing tobacco.

Votes on Final Passage:

House 94 2
Senate 34 13 (Senate amended)
House 93 3 (House concurred)

Effective: June 11, 1998