

SENATE BILL REPORT

ESB 5881

As Reported By Senate Committee On:
Health & Long-Term Care, January 13, 2000
Ways & Means, January 25, 2000

Title: An act relating to regulation of tobacco products under the access to minors statutes.

Brief Description: Regulating youth access to tobacco products.

Sponsors: Senators Thibaudeau, Oke, Costa and Winsley; by request of Governor Locke and Attorney General.

Brief History:

Committee Activity: Health & Long-Term Care: 2/25/99, 3/3/99 [DP]; 1/13/00 [DPS].
Ways & Means: 1/24/00, 1/25/00 [DPS(HEA)].
Passed Senate, 3/11/99, 44-1.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5881 be substituted therefor, and the substitute bill do pass.

Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Staff: Rhoda Jones (786-7198)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5881 as recommended by Committee on Health & Long-Term Care be substituted therefor, and the substitute bill do pass.

Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Long, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley and Zarelli.

Staff: Risa Sandler (786-7708)

Background: In 1993 the Legislature passed the Minors' Access to Tobacco Act to address the problem of increasing tobacco use by young people. This law: (1) requires retailers to prominently display their license to sell tobacco; (2) requires warning signs be posted at each point of purchase; (3) prohibits the sale of cigarettes not in the original unopened package with a tax stamp affixed; (4) requires retailers to check identification; (5) prohibits sending free tobacco products through the mail; (6) requires licensing of tobacco samplers and limits sampling locations; and (7) establishes penalties for selling or giving tobacco to a minor and for minors purchasing or attempting to purchase tobacco.

License fees paid by tobacco retailers are dedicated for use by the Liquor Control Board for enforcement and by local health departments for youth tobacco prevention and education. The Department of Health uses a small amount of funds to print the required warning signs.

Summary of Substitute Bill: Sales of packages of fewer than 20 cigarettes are permitted only in places where minors are not permitted by law.

Beginning July 1, 2000, self-service displays of tobacco products are prohibited. All in-store tobacco products must be sold from behind counters or locked displays, except by retailers who sell tobacco products exclusively, or within premises where minors are not allowed by statute.

The Liquor Control Board is authorized to adopt rules necessary to implement this chapter, and the board may impose sanctions for violations where no statutory penalty has been prescribed.

Persons who resist or oppose tobacco enforcement officers are guilty of a misdemeanor and tobacco manufacturers, wholesalers, or their agents are prohibited from paying a retailer's monetary penalty.

Anyone possessing or transporting 30,000 or more unstamped cigarettes may be charged with a class C felony. Anyone possessing or transporting 30,000 or fewer cigarettes may be charged with a gross misdemeanor.

Anyone found transporting illegal tobacco products are subject to a six-month suspension of their driver's license.

Substitute Bill Compared to Original Bill: The sale of single cigarettes was outright prohibited in the original bill, and the substitute bill allows single sales in places where minors are not allowed. The provision allowing political subdivisions to adopt regulations relating to tobacco sales and promotion was dropped.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For (Health & Long-Term Care): The state's laws prohibiting youth access to cigarettes need to be strengthened. This bill will improve the state's ability to keep young people from smoking.

Testimony Against (Health & Long-Term Care): None.

Testified (Health & Long-Term Care): Attorney General Christine Gregoire (pro).

Testimony For (Ways & Means): Cigarette access has contributed to a rise in youth cigarette theft. Counter displays encourage use. The bill will decrease later health costs.

Testimony Against (Ways & Means): Cigarette sales are a significant part of revenue for stores. In some cases clerks do operate single-cigarette counter dispensers, not customers. The Liquor Control Board's current enforcement programs are effective.

Testified (Ways & Means): PRO: Elaine Rose, Attorney General's Office; Greg Hewett, King County Health Department; Lizzy Pachaud; Cathryn Stephens; CON: Rick Smith, Neighborhood Stores Association; Richard Sollom, Convenience Store Owner; Mark O'Neill, Washington Association of Neighborhood Stores; Hank Armour, Weststar Corporation.