

HOUSE BILL REPORT

SB 5296

As Reported by House Committee On:

Health Care

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

Brief Description: Limiting minors' access to tobacco.

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

Brief History:

Committee Activity:

Health Care: 3/23/01, 3/29/01 [DPA].

Brief Summary of Bill (As Amended by House Committee)

- Tobacco retailers cannot sell packages of cigarettes with less than 20 cigarettes, except in premises where minors are prohibited by law.
- Beginning January 1, 2002, self-service displays of tobacco products are prohibited and tobacco products sold within a store must be sold from above, below, or behind counters or in locked displays. This does not pertain to retailers whose tobacco products sales make up 50 percent or more of total sales, or within premises where minors are not allowed by statute.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: Do pass as amended. Signed by 14 members: Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander, Ballasiotes, Conway, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington and Ruderman.

Staff: Antonio Sanchez (786-7383).

Background:

According to the 1998 Washington State Attorney General's Task Force report "tobacco

use has been labeled as a pediatric onset disease because the average age for the onset of tobacco addiction is 14 years old. Once a child begins to use tobacco, a life long addiction is underway which often leads to disease."

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.

Current law does not prohibit the sale of packages of cigarettes containing less than 20 cigarettes and does not specify the location of where tobacco products must be sold from inside a retail store.

Summary of Amended Bill:

All tobacco retailers are not allowed to sell packages of cigarettes which contain fewer than 20 cigarettes, except in premises where minors are prohibited by law.

Beginning January 1, 2002, self-service displays of tobacco products are prohibited. All tobacco products sold within a store must be sold from above, below, or behind counters or in locked displays. This requirement does not pertain to retailers whose tobacco products sales make up 50 percent or more of their total sales, or within premises where minors are not allowed by statute.

Amended Bill Compared to Bill:

The definition of behind the counter is expanded to also include non-self-service displays located above or below the sales counter. Tobacco retailers whose tobacco sales make up 50 percent or more of their total retail sales are excluded from the product location restrictions.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Keeping tobacco products in secure places will help prevent teens from stealing them and go a long way to reducing the addiction rate.

Testimony Against: This measure restricts retailers from selling a legal product and creates difficulties for small retailers who sell mainly tobacco products but also a small amount of other retail items.

Testified: (In support) Christine Gregoire, Washington State Attorney General; Mary Frost, Department of Health; Mandi George, Snohomish Public Health; Nick Federici, Lung Association of Washington and WATCH Coalition; Willa Fisher, Washington Association of Local Public Health Officials; Katrina Jones and Dawn Powell, Kitsap County-Youth; and Michael Leon-Guerrero and Elizabeth Pachard, Public Health Seattle and King County.

(Oppose) Don Rhoads, Minit Mart; Cody Benson, Washington Association of Neighborhood Stores; and John Zyck, Le Bon Vie.