

# SENATE BILL REPORT

## SB 5681

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As Reported By Senate Committee On:  
Health & Long-Term Care, February 16, 1995

**Title:** An act relating to illegal activities involving tobacco.

**Brief Description:** Providing penalties for illegal activities involving tobacco.

**Sponsors:** Senators Quigley, Smith, Pelz, Prentice, Kohl, Fairley, Heavey, Moyer and Oke.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 2/10/95, 2/16/95 [DPS].

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** That Substitute Senate Bill No. 5681 be substituted therefor, and the substitute bill do pass.

Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Fairley and Moyer.

**Staff:** Don Sloma (786-7319)

**Background:** The U.S. Surgeon General reports that smoking is the single most preventable cause of death in our society. In Washington, some 7,993 deaths (about 20 percent of all deaths) were attributable to all uses of tobacco in 1990.

The State Health Report has consistently identified smoking among the highest priorities for public health effort. They report that 75 percent of smokers become addicted to tobacco while in their teens. Some 26 percent of teens were regular smokers by the time they completed high school.

In 1993, the Legislature enacted laws prohibiting the sale of tobacco products to those under 18. The legislation required the state Liquor Control Board to take enforcement action against retail establishments that violate the law.

Some feel penalties now in law do not act as an adequate deterrent for retailers and that the Liquor Control Board has not placed adequate priority on the law's enforcement.

**Summary of Substitute Bill:** Penalties which the Liquor Control Board may impose upon retail establishments for selling tobacco products to those under age 18 or for failing to properly display notice regarding the illegality of sale of tobacco to minors are increased.

In all of the following cases, the period during which the number of offenses must occur are increased from two years to four years:

First offense penalties are changed to a range from \$100 in fines to \$300.

Second offense penalties are changed to a range from \$300 to \$500.

Third offense penalties are changed to a range from \$1,000 to \$1,500.

Fourth offense penalties are changed to a range from \$1,500 to \$2,500 and may still include a 12-month retail license suspension.

Fifth offense financial penalties are added up to \$5,000 and the existing five-year revocation of the retail license is retained.

The current option for the Liquor Control Board to work with local authorities to conduct random inspections of retail establishments to assure compliance with the tobacco control laws is modified. The Liquor Control Board must provide staff and assistance in enforcement efforts when requested by local health jurisdictions and law enforcement agencies.

**Substitute Bill Compared to Original Bill:** Fixed penalties are replaced with penalty ranges with current law penalties forming the lower end of the range, and the original bill's increased penalty amounts forming the upper end of the range.

**Appropriation:** None.

**Fiscal Note:** Requested on January 31, 1995.

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

**Testimony For:** Most of those who begin smoking do so as teenagers. Under current law, penalties and enforcement are not aggressive enough to deter sales of cigarettes to minors. This means efforts to lower the smoking rate in the population are being undermined.

**Testimony Against:** While there have been almost 300 first time violations of the cigarette sales to minors laws, there have been only a few dozen subsequent penalties handed out. Increased penalties are unnecessary. The retailers are concerned with not violating the law and will police themselves. Adding a mandate to the Liquor Control Board will increase costs or result in less enforcement of liquor laws.

**Testified:** PRO: Nancy Bergquist, American Lung Assn.; Judy Seefeld, student; Brandy Conn, student; Robert Jaffe, Providence Medical Center; Jennifer Kampsula, student; Joe McGavick, Liquor Control Board; Willa Fisher, Meg Hagemann, Bremerton-Kitsap Health Dist.; Christy Noland, student; Bill Van Horn, FANS; Nick Federici, WA State Nurses Assn.; Joan Elliott, American Cancer Society; Herb Stumpf; CON: T. K. Bentler, Jeff Cox, WA State Assn. of Neighborhood Stores; Rocky Kim, Korean American Grocers Assn.;