

# HOUSE BILL REPORT

## HB 2570

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**As Reported by House Committee On:**  
Health Care

**Title:** An act relating to protecting the health of minors by prohibiting tobacco product sampling.

**Brief Description:** Prohibiting tobacco product sampling.

**Sponsors:** Representatives Morrell, Campbell, Green, Conway, Sells, Chase, Cody, Williams, Kilmer, Wallace, Clibborn, Flannigan, Roberts, Lovick, Hasegawa, Darneille, O'Brien, Murray, Hunt, Schual-Berke, Lantz, Moeller and Kagi.

**Brief History:**

**Committee Activity:**

Health Care: 1/19/06, 1/24/06 [DPS].

**Brief Summary of Substitute Bill**

- Prohibits the distribution of tobacco product samples.

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### HOUSE COMMITTEE ON HEALTH CARE

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Cody, Chair; Campbell, Vice Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander, Appleton, Bailey, Clibborn, Condotta, Green, Lantz, Moeller, Schual-Berke and Skinner.

**Staff:** Chris Blake (786-7392).

**Background:**

"Samplers" distribute tobacco products to the general public for promotional purposes at no cost or nominal cost. The term does not include retailers. The Washington State Liquor Control Board (Board) licenses samplers and requires annual license renewal.

State law prohibits sampling in public places except in places where: (1) individuals under the age of 18 are denied admission; (2) the sampling occurs in a store or concession that has a retailer's license; or (3) the sampling occurs at or next to a production, repair, or outdoor construction site or facility. These exceptions do not apply to the distribution of tobacco product samples within 500 feet of a playground, school, or other facility being used primarily by individuals under 18 years of age.

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**Summary of Substitute Bill:**

The distribution of tobacco product samples is prohibited and a violation is declared a misdemeanor. The authority of the Board to operate a sampling licensing program is eliminated. The definition of "tobacco product" is revised to specify that it includes cigarettes, cigars, snuff, and other smoking tobacco and chewing tobacco products regulated by the Department of Revenue.

**Substitute Bill Compared to Original Bill:**

The substitute bill authorizes the Board to suspend or revoke a retailer's license related to the sale of tobacco products for violations of laws related to minors' access to tobacco.

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**Appropriation:** None.**Fiscal Note:** Available.**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.**Testimony For:** Other locations have completely prohibited the practice of sampling and this has been upheld by the courts. This will help make Washington healthier. Where there is a ban on sampling, smoking rates are lower. This is necessary because there has been a poor compliance history of samplers and retailers with this law. Tobacco education programs cannot reduce tobacco use without strong laws. Young people are particularly susceptible to aggressive cigarette promotion.**Testimony Against:** Tobacco companies are a large sponsor of professional rodeos which depend on sponsor dollars to stay viable. This bill takes away the incentives for sponsors to maintain their support of rodeos. Sampling events always maintain perimeter fences and they check identifications. The laws are adequate, but must be better enforced.**Persons Testifying:** (In support) Representative Morrell, prime sponsor; Roger Valdez, Washington State Association of Local Public Health Officials; Mary Selecky, Department of Health; Cyndi Lewis, Campaign for Tobacco-Free Kids; and Nick Federici, American Lung Association of Washington.

(Opposed) Tim Corfield.

**Persons Signed In To Testify But Not Testifying:** None.