

HOUSE BILL REPORT

HB 2011

*As Reported By House Committee on:
Health Care*

Title: An act relating to the restriction of advertisements of tobacco and alcoholic products.

Brief Description: Prohibiting outdoor advertising of tobacco and alcohol products.

Sponsor(s): Representatives Wineberry, Moyer, Braddock, Heavey, Edmondson, Ebersole, Day, Paris, Sprenkle, Peery, Locke, Cantwell, Inslee, Valle, Cole, Morris, Prentice, Franklin, Rust, Belcher, Anderson, Appelwick, Hargrove, Scott, Spanel, Leonard, Dorn, Phillips, Brekke, R. Fisher, Rasmussen, Jacobsen, Pruitt, Basich, Riley and Ludwig.

Brief History:

Reported by House Committee on:
Health Care, March 6, 1991, DPS.

**HOUSE COMMITTEE ON
HEALTH CARE**

Majority Report: *That Substitute House Bill No. 2011 be substituted therefor, and the substitute bill do pass.*
Signed by 10 members: Representatives Braddock, Chair; Moyer, Ranking Minority Member; Casada, Assistant Ranking Minority Member; Cantwell; Edmondson; Franklin; Morris; Paris; Prentice; and Sprenkle.

Staff: Bill Hagens (786-7131).

Background: The U.S. Public Health Service estimates that about 390,000 U.S. citizens die prematurely each year from diseases caused by smoking, which account for almost 16 percent of the all deaths in the country. In Washington State alone, over 7,000 died of smoking related causes last year. The effects of alcohol use by minors is documented to be equally devastating. It is strongly felt by many scientists and health practitioners that addiction to tobacco and alcohol is most likely to occur prior to adulthood.

The proponents of this measure feel that efforts to prevent early addiction to alcohol and tobacco are confounded by the prevalence of outdoor alcohol and tobacco advertising. They

find that such advertising particularly appalling since much of it is focused on minority youth. Proponents feel that such advertising runs counter to the state interest in preventing the use of tobacco and alcohol by minors.

Summary of Substitute Bill: It is deemed a gross misdemeanor for any person to: (1) display on any stationary or vehicular billboard any advertisement of cigarettes, cigarette papers, cigars, chewing tobacco, other smoking tobacco, or alcohol within a one mile radius of a public or private school, day care center, church, sport arena or stadium, playground, or park; or (2) display advertisement of any of the tobacco items or alcohol as listed above on a bus.

On-premise advertising by a merchant or a dealer in cigarettes, cigarette papers, cigars, chewing tobacco, other smoking tobacco, or alcohol is excluded from the provisions of this act. Newspaper advertising is also not affected.

An individual is permitted to initiate a civil action in superior court to enforce these provisions. Venue for such action is set as the county where the violation occurred. The court is permitted to award costs and attorney's fees to the prevailing party. The court is authorized to enjoin future violations and impose a civil penalty up to \$1,000 for each violation.

Substitute Bill Compared to Original Bill: Where as the original bill banned all outdoor advertising of tobacco and alcohol, the substitute limits it to the one mile radius and buses.

Fiscal Note: Not requested.

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

Testimony For: The U.S. Surgeon General stated that smoking is the single most important preventable cause of death in our society. Nearly one out of five deaths in Washington State is directly attributable to smoking. In 1988, smoking caused 7,181 deaths out of 36,423 total deaths. Smoking is a significant risk factor in the four leading causes of all deaths in Washington State. Lung cancer has overtaken breast cancer as the leading cause of cancer deaths among women. In 1988, 25 percent of Washington adults smoked cigarettes. The percentage of pregnant women under the age of 20 who smoke, has increased from 32 percent to 37 percent since 1984, contrary to the general decline in smoking. It is estimated that 47 infants in Washington died in 1988 due to the effects of secondhand smoke or maternal smoking while

the infant was in utero. It is estimated that over \$100 million of productivity is lost per year to smoking-related illness in Washington. The estimated yearly economic impact of smoking in Washington is between \$760.4 and \$924.4 million. Most people started smoking and drinking in their youth, if we can limit their exposure to this type of advertising, we may perhaps prevent them from picking up the vile habit of smoking and teach them to be responsible adult drinkers.

Testimony Against: It is inconceivable that at a time when the iron curtain is being torn down in Europe and freedom has begun to ring through that continent, and our boys are off fighting against tyranny in the Persian Gulf, that legislation would be considered that would seriously threaten an advertisers right to provide information about their product, and an individual's right to receive important and up-to-date information about tobacco products. This bill attempts to control tobacco use by minors by limiting tobacco and alcohol advertisements, when it is clear that sophisticated ads that may appear to be intended to get young people to start smoking and drinking really have no effect at all. Although anti-smokers will say that smoking causes serious illnesses often resulting in premature death, e.g., lung, stomach, colon, throat, bladder, and pancreatic cancers, and numerous heart diseases, there is no reliable piece of scientific evidence that proves smoking has any detrimental effect on health. There are many cases where a heavy smoker has died of lung cancer and heart disease and his or her death is identified as smoking-related, when it is clear to the decedents personal friends and family members that the lung cancer and heart disease was not caused by the fact that the decedent was a very heavy smoker, but because of personal family problems. Restrictions on tobacco and alcohol advertising today will lead to the deterioration of our civil liberties tomorrow.

Witnesses: Astrid Berg, American Lung Association of Washington (pro); Jordan Brober, Lake City Billboard Committee (pro); Scott Barnhart (pro); Lauri Nelson (pro); Bill Fritz, The Tobacco Institute (con); Stu Halsan, Anheuser Busch/Coors (con); Becky Bogard, Ackerley Outdoor of the NW (con); and Jim Salatino, Sun Outdoor Advertising (con).