
Regulated Substances & Gaming Committee

HB 1497

Brief Description: Preventing use of vapor and tobacco products by minors.

Sponsors: Representatives Harris, Bateman, Ramel, Leavitt, Senn, Duerr, Doglio, Pollet, Macri, Reed, Riccelli, Stonier and Bergquist.

Brief Summary of Bill

- Increases the monetary penalties for the sale of tobacco or vapor products to minors.
- Eliminates civil liability for the possession of tobacco or vapor products by a minor and removes the ability for a peace officer or for a Liquor and Cannabis Board enforcement officer to detain a minor for suspected possession of products.

Hearing Date: 1/30/23

Staff: Matt Sterling (786-7289).

Background:

Penalties for Sales to Minors.

A person who sells or gives, or permits to be sold or given, to any person under the age of twenty-one years any cigar, cigarette, cigarette paper or wrapper, tobacco in any form, or a vapor product is guilty of a gross misdemeanor.

The Liquor and Cannabis Board (LCB) may suspend or revoke a retailer's license issued or held by a business at any location, if the LCB finds that the licensee has sold or provided any

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

cigarettes, tobacco products, or vapor products to a minor. Additionally, the LCB may assess the following penalties for violations within any three-year period:

- a monetary penalty of \$200 for the first violation;
- a monetary penalty of \$600 for the second violation;
- a monetary penalty of \$2,000 and a suspension of the license for a period of six months for the third violation;
- a monetary penalty of \$3,000 and a suspension of the license for a period of 12 months for the third violation; and
- the revocation of the license with no possibility of reinstatement for a period of five years for the fifth or more violation.

Penalties for Minor Possession.

A person under the age of eighteen who purchases or attempts to purchase, possesses, or obtains or attempts to obtain cigarettes, tobacco products, or vapor products commits a class 3 civil infraction and is subject to up to four hours of community restitution, a class 3 civil infraction of \$50 and court ordered costs, or both. The court may also require participation in a smoking cessation program. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a LCB, law enforcement, or local health department activity.

A peace officer or LCB enforcement officer who has reasonable grounds to believe a person observed by the officer is purchasing, attempting to purchase, or in possession of tobacco or vapor products and is under the age of eighteen years of age, may detain such person to determine the person's true identity and date of birth. Tobacco or vapor products possessed by persons under the age of eighteen years of age are considered contraband and may be seized by a peace officer or LCB enforcement officer.

Summary of Bill:

Penalties for Sales to Minors.

A person who sells or gives, or permits to be sold or given, to any person under the age of twenty-one years any cigar, cigarette, cigarette paper or wrapper, tobacco in any form, or a vapor product is guilty of a gross misdemeanor.

The Liquor and Cannabis Board (LCB) may suspend or revoke a retailer's license issued or held by a business at any location, if the LCB finds that the licensee has sold or provided any cigarettes, tobacco products, or vapor products to a minor. Additionally, the penalties that the LCB may assess for violations within any three-year period are increased to:

- a monetary penalty of \$1,000 for the first violation;
- a monetary penalty of \$2,500 for the second violation;
- a monetary penalty of \$5,000 and a suspension of the license for a period of six months for the third violation;
- a monetary penalty of \$10,000 and a suspension of the license for a period of 12 months

- for the third violation; and
- the revocation of the license with no possibility of reinstatement for a period of five years for the fifth or more violation.

The ability of a peace officer or an LCB enforcement officer to enforce the following provisions of law is not affected:

- the laws regulating tobacco products and vapor products;
- a person selling or providing a tobacco or vapor product to a minor which is a gross misdemeanor;
- a person conducting the business of purchasing, selling, consigning, or distributing cigarettes in Washington without a license which is a class C felony.

Penalties for Minor Possession.

The laws pertaining to civil infractions by minors for the purchase or possession of tobacco or vapor products are repealed. The authority for a peace officer or an LCB enforcement officer to detain a person to determine such person's age and if the individual is in possession of tobacco or vapor products is removed.

The LCB, law enforcement, or a local health department may, with parental authorization, may include persons under the age of 18 in compliance and enforcement activities.

Appropriation: None.

Fiscal Note: Requested on January 23, 2023, .

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.