

ANALYSIS OF HOUSE BILL 2077

Regulating youth access to tobacco products.

SPONSORS: Representative Campbell and Cody.

BACKGROUND: 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 prominently display their license to sell tobacco; (2) requires warning signs be posted at each point of purchase; (3) prohibits the sale of cigarettes in the original opened package with a tax stamp affixed; (4) requires retailers check identification; (5) prohibits sending free tobacco products through the mail; (6) requires licensing of tobacco samplers and limits sampling location and (7) establishes penalties for selling or giving tobacco to a minor and for minors purchasing or attempting to purchase tobacco.

License fees paid by tobacco retailers are dedicated for use by the Liquor Control Board for enforcement and by local health departments for youth tobacco prevention and education. The Department of Health uses a small amount of funds to print the required warning signs.

SUMMARY: Retailers are prohibited from selling a package of cigarettes which contains fewer than 20 cigarettes.

Beginning July 1, 2000, self-service displays of tobacco products are prohibited. All in-store tobacco products must be sold from behind locked displays, except retailers who sell tobacco products exclusively.

The Liquor Control Board is authorized to adopt rules necessary to implement provisions regarding distribution of tobacco products, especially to minors.

Political subdivisions are preempted from adopting or enforcing license requirements on retail businesses selling tobacco products. They are also preempted from imposing fees or license requirements on retail businesses for possessing or selling tobacco products other than the general business taxes or license fees not primarily levied on tobacco products.

Tobacco retailers may not accept payment for monetary penalties from tobacco manufacturers or wholesalers.