

HOUSE BILL REPORT

HB 1597

*As Reported By House Committee on:
Commerce & Labor*

Title: An act relating to restrictions on the sale of tobacco products.

Brief Description: Restricting tobacco products sales.

Sponsor(s): Representatives Locke, Heavey, Fuhrman, Valle, Vance, Jacobsen, Pruitt, Cole, Belcher, Sheldon, Brekke, H. Myers, Rasmussen and Dorn.

Brief History:

Reported by House Committee on:
Commerce & Labor, February 26, 1991, DPA.

**HOUSE COMMITTEE ON
COMMERCE & LABOR**

Majority Report: *Do pass as amended.* Signed by 10 members: Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; and Vance.

Staff: Jim Kelley (786-7166).

Background: Current state law establishes criminal sanctions for selling, permitting to be sold, or giving cigarettes or any other tobacco product to persons under the age of 18. The state law is virtually unenforceable for sales of cigarettes and tobacco products in vending machines. There are no civil penalties for sales of cigarettes and tobacco products to minors.

Summary of Amended Bill: It is unlawful to possess or operate a tobacco vending machine. "Tobacco vending machine" does not include a machine that requires a sale to be conducted in person by the seller.

Tobacco vending machines are allowed in the following two circumstances: (1) When the tobacco vending machine is located in a workplace where the public is expressly prohibited and where no minor employees are usually admitted; and (2) when the vending machine is located on any premises to which access by minors is expressly prohibited.

An enforcing agency shall bring a civil action in superior court to enforce this law if one week after issuing an order of noncompliance the vending machine has not been brought into compliance with this chapter. If the court finds a violation has occurred, it will award costs and attorneys' fees. The court may also issue an injunction and impose civil penalties of up to \$1,000.

Amended Bill Compared to Original Bill: The amended bill requires an enforcing agency to issue an order of noncompliance, with a one week warning, before it will initiate a civil law suit. The amended bill also removes the authority of a private citizen to bring a civil law suit.

Fiscal Note: Requested on February 15, 1991.

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

Testimony For: Tobacco is the largest avoidable cause of death in our society. To the extent that we can keep kids from smoking we can be effective in preventing deaths. Because of attrition, the tobacco industry must recruit 5,000 new smokers per day. This bill does not bring hardship upon adults because only 3 percent of adults buy their cigarettes from vending machines.

Testimony Against: Self-regulation is working. Seventy-seven percent of cigarette machines are located where minors do not congregate or are not permitted. Only a small percentage of cigarette sales come from vending machines. The civil action aspect of this bill, allowing any person to bring an action without a warning, seems like harassment.

Witnesses: Mike Ryherd, TACC (in favor); and Jim Salatino, Vending Machine Industry (opposed as drafted).