

# HOUSE BILL REPORT

## HB 1386

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As Reported By House Committee On:  
Judiciary

**Title:** An act relating to tobacco products.

**Brief Description:** Making it unlawful for a minor to purchase, possess, or use tobacco.

**Sponsors:** Representatives Chandler, Hansen, Van Luven, Mielke, Valle, Ludwig, Padden, Foreman, Shin, Brough, Campbell, Edmondson, Springer, Flemming and Tate.

**Brief History:**

Reported by House Committee on:  
Judiciary, March 2, 1993, DPS.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Chappell; Forner; Johanson; Locke; Long; H. Myers; Schmidt; Scott; and Tate.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Ballasiotes, Assistant Ranking Minority Member; Campbell; Mastin; Riley; and Wineberry.

**Staff:** Bill Perry (786-7123).

**Background:** It is a gross misdemeanor to "sell or give, or permit to be sold or given" certain tobacco related items to a minor. Items specifically mentioned in the law are cigars, cigarettes, cigarette papers or wrappers, or tobacco "in any form." The maximum penalty for a gross misdemeanor is one year in jail and a \$5,000 fine.

There is no state criminal law prohibiting minors from buying, possessing, or using tobacco. Various rules and policies may prohibit persons, including minors, from using tobacco in certain places. For example, a state law requires school districts to impose a "total ban" on the use of any "tobacco product" on public school property.

**Summary of Substitute Bill:** Purchase of a tobacco product by a minor is made a misdemeanor. The maximum penalty for a misdemeanor is 90 days in jail and a \$1,000 fine.

Possession or use of a tobacco product by a minor is made a class 4 civil infraction. The maximum penalty for a class 4 infraction is \$25. A law enforcement officer may issue a warning to a minor found in possession of a tobacco product, and after August 31, 1993, an officer may issue a notice of infraction. A law enforcement officer may also confiscate and destroy tobacco products found in the possession of a minor.

School officials are authorized to confiscate tobacco products illegally possessed on school property.

**Substitute Bill Compared to Original Bill:** The substitute adds the authorization for school officials to confiscate tobacco products.

**Fiscal Note:** Not requested.

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

**Testimony For:** Minors should be made responsible for buying or using a product that adults are forbidden to sell or give to them. Smoking and other use of tobacco products is a major health problem in this country.

**Testimony Against:** The bill will lead to selective enforcement and harassment of minors. The burden should remain on merchants who profit from selling the products to minors.

**Witnesses:** T.K. Bentler, United Food and Commercial Workers (pro); Tom Huff, Washington Retail Association (pro); Linda Tanz, Washington Coalition on Smoking or Health (con); Jerry Benning, Washington Association of Sheriffs and Police Chiefs (pro); and Ron Varner, Moses Lake Police Department (pro).