

FINAL BILL REPORT

ESHB 2071

C 507 L 93
Synopsis as Enacted

Brief Description: Regulating access to tobacco.

By House Committee on Health Care (originally sponsored by Representatives L. Johnson, Dellwo, Quall, Campbell and Karahalios).

House Committee on Health Care
House Committee on Revenue
Senate Committee on Health & Human Services

Background: In the 1992 State Health Report, the State Board of Health concluded that:

"The vast majority of smokers, some 75 percent, become addicted to tobacco in their teens. For tobacco prevention and education activities to be effective, they need to be targeted at youthful populations. Since smoking and use of other tobacco products containing nicotine are addictive, it is easier to reduce prevalence of tobacco use by preventing people from starting than by getting them to stop.

A young person's decision to start or not to start using tobacco products is not made in isolation. Factors influencing such decisions include: level of societal acceptance; prevalence with which peers or role models are using; price and ease with which tobacco products can be purchased; and extent to which tobacco products are advertised and promoted, especially at sporting events and other events frequented by young people.

A 1990 survey conducted in Washington public schools showed that 11 percent of 6th graders had tried smoking, and 1.4 percent were already regular smokers. Smoking experimentation and prevalence gradually increases by grade level, with over 50 percent of 12th graders having tried smoking and over 24 percent being regular smokers by time of high school completion.

Health professionals believe that the tobacco industry specifically targets advertising at younger populations. Research shows that the younger individuals are when they start smoking, the more cigarettes per day they are likely to smoke as adults."

At the federal level, Congress passed the "Synar Amendment" to the Prevention and Treatment of Substance Abuse Block Grant Act to address minors' access to tobacco. The amendment requires that "states receiving block grant money have in effect a law providing that it is unlawful for any manufacturer, retailer, or distributor of tobacco products to sell or distribute any such product to any individual under the age of 18," and that "the state involved will enforce the law in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under the age of 18. Failure to comply with these federal laws beginning October 1993 will result in the reduction of a state's block grant of 10 percent each year for four years.

ESHB 2071 is the combined effort of the Department of Health, Department of Social and Health Services, and the Board of Health to comply with the Synar Amendment.

Summary: The Liquor Control Board is empowered with the responsibility to implement this act.

Cigarette wholesalers and retailers are required to display their license to sell cigarettes and a sign concerning the prohibition of tobacco sales to minors. The sign, which shall be provided free of charge by the Liquor Control Board, shall be clearly visible to a person purchasing tobacco products and shall read: "THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER AGE 18 IS STRICTLY PROHIBITED BY STATE LAW. IF YOU ARE UNDER 18, YOU COULD BE PENALIZED FOR PURCHASING A TOBACCO PRODUCT; PHOTO ID REQUIRED." Purchasers of tobacco may be required to show proof of age.

The sale of tobacco products is prohibited through vending machines unless the device is located in a premises from which minors are prohibited, or in industrial work places where minors are not employed. The machine must be not less than 10 feet from all entrances or exits.

The sale of tobacco products not in the original unopened package or not in a container with the appropriate stamp is prohibited. This provision does not apply to the sale of loose leaf tobacco by a retail business that generates a minimum of 60 percent of gross annual sales from the sale of tobacco products.

Distribution of free samples of tobacco is restricted.

The distribution of tobacco products to a person at a reduced price by a coupon is prohibited unless the coupon is redeemed in a manner that requires an in-person transaction between a buyer and seller.

The youth tobacco prevention account is established for the deposit of retailers' license fees. The Department of Health, within 70 percent of available funds in the account, shall provide grants to local health departments to develop and implement strategies to prevent and reduce tobacco use by youth. Up to 30 percent of available funds may be used for enforcement activities by the Liquor Control Board.

Penalties are prescribed for minors, retailers and their employees for violation of this act.

The Liquor Control Board may issue cease and desist orders and seek injunctive relief to enforce this act. Orders may be appealed pursuant to the Administrative Procedures Act.

A cigarette retailer's license fee is raised from \$10 to \$93, with a separate license required for each place of business. Vending machine fees are raised from \$1 to \$30.

Political subdivisions are preempted from imposing certain regulations and fees on retailers.

Votes on Final Passage:

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| House | 97 | 0 | |
| Senate | 42 | 3 | (Senate amended) |
| House | 97 | 1 | (House concurred) |

Effective: July 25, 1993