

SENATE BILL REPORT

SB 5273

AS OF JANUARY 29, 1993

Brief Description: Prohibiting giveaways of cigarette and tobacco samples and coupons.

SPONSORS: Senators Oke, Pelz, Moyer, McDonald, West and Quigley

SENATE COMMITTEE ON HEALTH & HUMAN SERVICES

Staff: Martin Lovinger (786-7443)

Hearing Dates: February 1, 1993

BACKGROUND:

Smoking is a significant risk factor in the four leading causes of death: heart disease, cancer, stroke and lung disease. A 1989 study of deaths in Washington showed 8,159 or 20 percent of all deaths were attributable to smoking.

A 1990 study by the Department of Health indicates that 75 percent of smokers become addicted to tobacco in their teens. A young person's decision to start or not start using tobacco products is not made in isolation. Price and ease with which tobacco products can be obtained is a factor. A U.S. General Accounting Office study in 1989 estimates that a 10 percent increase in cigarette taxes reduces teen consumption by almost 14 percent. One of the proposed strategies from the Board of Health for reducing use of tobacco by minors is prohibiting the use of coupons as a vehicle for giving away tobacco products. It is felt that a restriction on the distribution of free tobacco products and no-cost coupons based upon the age of the recipient is impractical and ineffective.

SUMMARY:

The Legislature finds that tobacco use is the leading cause of preventable death and that giving free samples and coupons for tobacco products at no cost constitutes distribution of such products rather than advertising and may be regulated. The Legislature also finds that tobacco products are being distributed to minors by means of free samples and no-cost coupons and should be prohibited in the public interest, because age-related restriction of the distribution is impractical and ineffective.

Giving away cigarettes or tobacco products to any person whether given in person or through the mail is prohibited. Providing cigarettes or tobacco products to any person by a coupon at no cost is prohibited.

The local health officers are authorized to enforce the prohibitions in this bill through any of the following means: suspension or revocation of a retailer's license to sell tobacco products, a civil penalty of \$300 for each violation for anyone other than a licensed cigarette retailer, a cease and desist order or an injunction. If civil penalties have not been paid within 30 days, the health officer may pursue legal action and courts may award reasonable attorneys' fees and costs to health officers. An order issued by the local health officer may be appealed to the local health board where the health officer will have the burden of proving the violation. Civil penalties collected under this act shall be used by the local health departments for programs to prevent the use of cigarettes and tobacco products or promote the cessation of their use.

These provisions are not exclusive and local jurisdictions may adopt additional provisions that are not less restrictive.

Appropriation: none

Revenue: none

Fiscal Note: requested January 26, 1993