

SENATE BILL REPORT

SB 6686

As Reported By Senate Committee On:
Commerce & Labor, February 6, 1998

Title: An act relating to making minor possession of tobacco a class 3 civil infraction and clarifying penalties for violation of current laws regarding youth access to tobacco.

Brief Description: Revising provisions relating to tobacco possession by minors.

Sponsors: Senators Oke, Schow, Benton, Horn, Winsley, Morton, Stevens, Prentice, T. Sheldon, Franklin, Rossi, Patterson, Haugen, Rasmussen, Zarelli and Anderson.

Brief History:

Committee Activity: Commerce & Labor: 2/2/98, 2/6/98 [DPS, DNPS].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: That Substitute Senate Bill No. 6686 be substituted therefor, and the substitute bill do pass.

Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser and Newhouse.

Minority Report: Do not pass substitute.

Signed by Senator Heavey.

Staff: Traci Ratzliff (786-7452)

Background: Under current law, a minor who purchases or attempts to purchase cigarettes or tobacco products commits a class 3 civil infraction and is subject to a fine of up to \$50 or participation in a smoking cessation program or both. The penalty does not apply to a minor who, with parental authorization, is participating in a controlled purchase as part of a Liquor Control Board, law enforcement, or local health department activity.

Summary of Substitute Bill: A minor who possesses cigarettes or tobacco products commits a class 3 civil infraction and is subject to a fine of up to \$50 or participation in up to four hours of community service or both. A court may also require a minor to participate in a smoking cessation program. Municipal and district courts within the state have jurisdiction to enforce this penalty.

Substitute Bill Compared to Original Bill: Language is stricken requiring that both a civil fine and four hours of community service be imposed upon minors who are found guilty of possessing tobacco products.

Language is stricken requiring the court of jurisdiction hearing minors in possession of tobacco cases to retain all fines imposed in such cases. The current distribution formula for civil fines remains in place.

Language is stricken to remove "attempts to possess" as a potential charge under this act.

Appropriation: None.

Fiscal Note: Requested on January 28, 1998.

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

Testimony For: This bill helps to send a clear, consistent message to our youth that it is illegal for them to purchase and to possess tobacco products in this state.

Testimony Against: None.

Testified: PRO: Senator Oke, prime sponsor; Nick Frederici, Washington Lung Association; David Vance, Pierce County Health Department; David Allen, American Cancer Society; Gary Gilbert, Liquor Control Board; Jack Bergman, 7th Day Adventist Church; Greg Hewett, Seattle-King County Department of Public Health and Washington State Association of Local Public Health Officers.