

HOUSE BILL REPORT

SB 6337

As Reported by House Committee On:

Health Care
Finance

Title: An act relating to tobacco product sampling.

Brief Description: Prohibiting tobacco product sampling.

Sponsors: Senators Oke, Haugen, Eide, Swecker, B. Sheldon, Hargrove, Spanel, Prentice, Jacobsen, Fraser, Gardner and Rasmussen.

Brief History:

Committee Activity:

Health Care: 2/25/02, 2/28/02 [DP];

Finance: 3/4/02 [DP].

Brief Summary of Bill

- Distribution of samples of tobacco products to members of the public is prohibited.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: Do pass. Signed by 9 members: Representatives Cody, Chair; Schual-Berke, Vice Chair; Campbell, Ranking Minority Member; Ballasiotes, Conway, Darneille, Edwards, Ruderman and Skinner.

Minority Report: Do not pass. Signed by 2 members: Representatives Alexander and Benson.

Staff: Dave Knutson (786-7146).

Background:

A marketing technique used by cigarette makers is the distribution of free samples. The business of sampling is regulated by the Liquor Control Board. Upon payment of an annual fee, a sampler may distribute tobacco samples in authorized areas. These areas include: areas where children under the age of 18 are denied admission, in a store or

concession to which a retailer's license has been issued, or at or adjacent to a production, repair, or outdoor construction site or facility. Samplers are prohibited from distributing samples within 500 feet of a playground, school, or other facility being used primarily by persons under 18 years of age.

Summary of Bill:

Distribution of samples of tobacco products to members of the public is prohibited. Various provisions of the laws regulating this practice are deleted or repealed.

Appropriation: None.

Fiscal Note: Requested on February 27, 2002.

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

Testimony For: It is too easy for children to gain access to tobacco products through the practice of distributing free tobacco samples. This practice should be banned.

Testimony Against: The existing law is a compromise that has worked well for the past nine years. There is no compelling reason to change current law.

Testified: (In support) Senator Oke, prime sponsor; Karen McDonell; Rick Phillips, Liquor Control Board; Nick Federici, American Lung Association of Washington; Paul Zemann, Public Health-Seattle KingCounty; and Dave Horn, Office of the Attorney General.

(Oppose) Stu Halsan, US Tobacco Public Affairs; Tim Corfield; T. K. Bentler, RJ Reynolds; and Mark Triplett, Smokeless Tobacco Association of America.

HOUSE COMMITTEE ON FINANCE

Majority Report: Do pass. Signed by 11 members: Representatives Gombosky, Chair; Berkey, Vice Chair; Cairnes, Ranking Minority Member; Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Staff: Rick Peterson (786-7150).

Summary of Recommendation of Committee On Finance Compared to Recommendation of Committee On Health Care:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Requested February 27, 2002.

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

Testimony For: Our young people are the target of the tobacco companies. Eighty-five percent of people start smoking when they are below 16 or 17 years old. Last year over 4 million free cigarettes were passed out in Washington by the tobacco industry. Tobacco is the first drug choice for young people. We need to keep them from starting on tobacco. Free tobacco finds its way to our young people. Free samples encourage experimentation at a early age. Banning sampling is not the only answer but it is a step in the right direction. There should be no fiscal impact because the tobacco companies claim they only target people who already smoke. Tobacco companies give away thousands of cigarettes at rock concerts. There are not enough Liquor Control Board agents to enforce the law.

Testimony Against: None.

Testified: (In support) Senator Oke, prime sponsor; Karen McDonell, citizen; Dave Horn, Attorney General's Office; Nick Federici, Lung Association and Watch Coalition; and Paul Zemann, Seattle/King County Public Health.

(Opposed) Stu Halsan, United States Tobacco Public Affairs.