

# HOUSE BILL REPORT

## SB 5048

---

### As Reported by House Committee On:

Health Care

Finance

**Title:** An act relating to protecting the health of minors by prohibiting tobacco product sampling.

**Brief Description:** Prohibiting tobacco product sampling.

**Sponsors:** Senators Oke, Brown, Keiser, Swecker, Kline, Morton, Rockefeller, Deccio, Thibaudeau, Finkbeiner, McAuliffe, Sheldon, Rasmussen, Spanel, Berkey, Eide, Doumit, Regala, Kohl-Welles, Jacobsen, Franklin, Haugen, Fraser, Kastama and Weinstein.

### Brief History:

#### Committee Activity:

Health Care: 2/17/05, 2/22/05 [DP];

Finance: 3/7/05 [DP].

#### Brief Summary of Bill

- Prohibits the distribution of tobacco product samples.
- Removes the license and renewal fees for tobacco product sample distributors.
- Establishes distribution of tobacco product samples as a misdemeanor.

---

### HOUSE COMMITTEE ON HEALTH CARE

**Majority Report:** Do pass. Signed by 13 members: Representatives Cody, Chair; Campbell, Vice Chair; Morrell, Vice Chair; Bailey, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander, Appleton, Clibborn, Condotta, Green, Lantz, Moeller and Schual-Berke.

**Staff:** Molly Belozer (786-7104).

#### Background:

The Washington State Liquor Control Board licenses tobacco product sample distributors (samplers) and requires annual license renewal. State law prohibits samplers from distributing tobacco product samples within 500 feet of a playground, school, or other facility being used primarily by persons under 18 years of age. State law allows sampling in public places where (1) persons under the age of 18 are denied admission, (2) in a store or concession to which a

retailer's license has been issued, or (3) at or adjacent to a production, repair, or outdoor construction site or facility.

A tobacco product is a product that contains tobacco and is intended for human consumption.

---

**Summary of Bill:**

Distribution of tobacco product samples to the public is prohibited, and a violation is a misdemeanor. As a result, the required sampling license and license renewal for samplers is removed from state law. The definition of "tobacco product" is revised to mean a product that contains tobacco and is intended for human use, including products statutorily defined as "tobacco" or "tobacco products."

---

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** The tobacco industry is targeting our youth, and 85 percent of people who smoke start before the age of 18. Sampling events are growing in number because the tobacco industry is targeting young people. Banning tobacco product sampling would ensure that teenagers would not have access to tobacco products.

**Testimony Against:** None.

**Persons Testifying:** Senator Oke, prime sponsor; Mary Selecky, Secretary of Health; and Susan Speicher and Mallory Lundquist, Teens Against Tobacco Use.

**Persons Signed In To Testify But Not Testifying:** (In support) Vicki Kirkpatrick, Washington State Association of Local Public Health Officials; Nick Federici, Lung Association; and Paul Zemann, Public Health Seattle & King County.

---

**HOUSE COMMITTEE ON FINANCE**

**Majority Report:** Do pass. Signed by 7 members: Representatives McIntire, Chair; Hunter, Vice Chair; Ahern, Conway, Ericksen, Hasegawa and Santos.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Orcutt, Ranking Minority Member; and Roach, Assistant Ranking Minority Member.

**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:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** Eighty-five percent of those that smoke started when they were under 18. The industry wants to continue what they are doing. They have moved from rodeos and open concerts to passing out samples at convenience stores. The industry provides some money for sampling but none is considering the millions we are spending in trying to get people away from tobacco.

**Testimony Against:** None

**Persons Testifying:** Senator Oke, prime sponsor; Nick Federici, American Lung Association of Washington; and Michael O'Sullivan, American Cancer Society.

**Persons Signed In To Testify But Not Testifying:** Seth Dawson, Washington Association for Substance Abuse; Mallory Lundquist and Cassie Olson, Teens Against Tobacco Use.