

SENATE BILL REPORT

ESB 5048

As Passed Senate, February 14, 2006

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: Labor, Commerce, Research & Development: 1/17/05, 1/20/05 [DP, DNP].

Passed Senate: 1/26/05, 38-9; 2/14/06, 39-6.

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Majority Report: Do pass.

Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice.

Minority Report: Do not pass.

Signed by Senators Hewitt and Honeyford.

Staff: Jennifer Strus (786-7316)

Background: Cigarette manufacturers distribute free samples as a marketing technique. The Washington State Liquor Control Board regulates the business of sampling tobacco products. Upon payment of an annual fee, a person engaged in the business of sampling may distribute samples in authorized areas. Current law prohibits the distribution of free samples to minors.

Summary of Bill: Distributing tobacco product samples to members of the public is prohibited. Any violation of this prohibition is a misdemeanor. Various provisions of the laws regulating sampling are deleted or repealed. The section of the bill relating to identification to purchase alcohol is amended to incorporate changes made to the section in SHB 1492 which passed during the 2005 session.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Testimony For: Tobacco use is the number one killer of people. If people do not begin tobacco use in their youth, they are much less likely to begin tobacco use during their adult

lives. Consequently, the less a youth is exposed to tobacco, the less likely it is that he or she will begin to use it at all. The state has seen a 25-fold increase in sampling events in the last eight years. Many of these occur on college campuses because the target population, for tobacco companies, is persons 18 to 24 years old. The tobacco industry knows that if it gets people to start smoking when they are young, that they will be a customer for a long time. There has been rampant disregard by the tobacco industry of the law that prohibits distribution to minors.

Testimony Against: None.

Who Testified: PRO: Senator Bob Oke, prime sponsor; Vicki Kirkpatrick, Washington Association of Public Health Officials; Mary Selecky, Secretary, Department of Health; Mallory Lundquist, President, Teens Against Tobacco Use; Susan Speider, Teens Against Tobacco Use; Nick Federici, Lung Association.

Signed In/Did Not Testify: PRO: Michael Shaw, American Heart Association; Carl Nelson, Washington State Medical Association.