

# SENATE BILL REPORT

## SB 6447

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As of January 15, 2010

**Title:** An act relating to exempting pipe tobacco from restrictions on shipping tobacco to consumers in Washington.

**Brief Description:** Exempting pipe tobacco from restrictions on shipping tobacco to consumers in Washington.

**Sponsors:** Senators Kohl-Welles, Delvin and McCaslin.

**Brief History:**

**Committee Activity:** Labor, Commerce & Consumer Protection: 1/14/10.

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### SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

**Staff:** Ingrid Mungia (786-7423)

**Background:** In Washington, a person may not ship tobacco products, other than cigars weighing more than 3 pounds for 1,000 units, purchased by mail or through the Internet to anyone in Washington other than a licensed wholesaler or retailer. A person may not, with knowledge, provide substantial assistance to someone violating the tobacco shipping restriction.

The Internet is defined to mean computer, telephonic, or other electronic network.

The Attorney General may seek an injunction to restrain a threatened or actual violation of the tobacco shipping restriction. In addition to any civil or criminal remedy provided by law, a violation of the tobacco shipping restriction is:

- punishable as a unranked Class C felony for a knowing violation, except that the maximum fine is \$5,000;
- subject to a civil penalty of up to \$5,000 for each violating shipment, to be imposed by the Attorney General in an action in superior court; and
- subject to a Consumer Protection Act action, if the action is brought by the Attorney General.

**Summary of Bill:** Pipe tobacco is excluded from the definition of tobacco product for the purpose of prohibiting shipping or transporting tobacco products ordered or purchased by mail or through the Internet.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Pipe tobacco is defined as tobacco which, because of its appearance, type, packaging, and labeling, is intended and suitable for use and offered to, or purchased by, consumers as tobacco to be smoked in a pipe.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: SB 5340 from 2009 was very bad news for pipe smokers in Washington. We rely on out-of-state purchases to get the pipe blends we enjoy. Due to the closure of pipe shops statewide, we just can't get pipe tobacco of any quality or variety locally. Adult pipe smokers should be allowed to receive pipe tobacco shipped to our homes in the same way that cigars are now allowed: by phone, fax, or online order. There are too many blends of pipe tobacco for one retailer to afford to stock all of them. The inability to mail order pipe tobacco is a hardship. Pipe and cigars have a very similar profile in many ways. They also share a history of similar legislation. Adding pipe tobacco to the list of exemptions is clean. This bill would allow us to enjoy our hobby as before. The pipe man is unlike the person who smokes the cigarette. He smokes because it consoles him. He smokes because he wished to be distinguished by his pipe.

CON: One of the most effective ways that we keep tobacco out of the hands of kids so they never start using it is to make sure they don't get access to it. The Department of Health (DOH) youth survey shows that youth are trying pipe tobacco. From this we can assume that 30,000 Washington youth smoke tobacco out of a pipe, which is an increase of 20,000 since 2000. The policy enacted last year has helped keep tobacco away from youth. We need to keep the face to face requirement for purchasing tobacco in place. While there may not be inhaling with pipe smoking, there is lip, throat, gum, and tongue cancer. We know kids smoke pipes. Because of a United States Supreme Court case we cannot require common carriers to check identifications. There is no way to verify a person's age when they order tobacco through the internet. Last year's ban is keeping kids away from tobacco.

**Persons Testifying:** PRO: Bob Ramstad, Gary Schmer, Matt Guss, Seattle Pipe Club.

CON: Mary Selecky, DOH; Rusty Fallis, Attorney Generals Office; Lucy Culp, American Heart Association.