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## Health Care & Wellness Committee

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### HB 1458

**Brief Description:** Concerning the age of individuals at which sale or distribution of tobacco and vapor products may be made.

**Sponsors:** Representatives Orwall, Goodman, Pettigrew, Ryu, Stanford, Gregerson, Jinkins, Bergquist, McBride, Magendanz, Cody, Kagi, S. Hunt and Pollet; by request of Attorney General.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Raises the age at which a person may purchase and possess cigarettes, tobacco products, and vapor products to 21.</li></ul>
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**Hearing Date:** 2/11/15

**Staff:** Alexa Silver (786-7190).

**Background:**

A person who sells cigars, cigarettes, tobacco, or vapor products to a person under the age of 18 is guilty of a gross misdemeanor. A person under the age of 18 who purchases, possesses, or obtains, or who attempts to purchase or obtain, cigarettes or tobacco products commits a class 3 civil infraction, which may be penalized with a \$50 fine, up to four hours of community restitution, and participation in a smoking cessation program. There is an exception for a person under the age of 18 who, with parental authorization, participates in a controlled purchase as part of a Liquor Control Board (LCB), law enforcement, or local health department activity.

A person who holds a cigarette wholesaler or retailer license is required to prominently display a sign concerning the prohibition of tobacco sales to minors.

Tobacco products may not be sold through a device that mechanically dispenses the products unless: (1) the device is located in a place where minors are prohibited or in a worksite where

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minors are not employed; and (2) the device is located not less than 10 feet from entrances and exits. "Minor" is defined as a person under the age of 18.

The LCB has authority to enforce the laws governing minors' access to tobacco, including the authority to revoke a wholesaler or retailer license. The LCB may work with local county health departments or districts and law enforcement to conduct unannounced inspections to assure compliance. If an LCB peace officer or enforcement officer observes a person purchasing or in possession of tobacco, and the officer has reasonable grounds to believe the person is under the age of 18, the officer may detain the person for a reasonable period of time and in a reasonable manner to determine his or her identity and date of birth. A LCB officer may also seize tobacco products in the possession of a minor.

The Department of Health (DOH) may use monies appropriated from the Youth Tobacco Prevention Account (Account), which includes licensing fees and monetary penalties, for implementation of the laws governing minors' access to tobacco. The DOH is required to enter into an agreement with the LCB to pay for costs incurred for enforcement, and the agreement must set standards of enforcement to reduce the extent to which tobacco products are available to persons under the age of 18. The remainder of the funds in the Account are used for covering the cost of administering the licensing system and for providing grants to local health departments or other local community agencies to develop and implement strategies to prevent and reduce youth tobacco use.

Cigarette tax contracts between the Governor and tribes prohibit tribal retailers from selling or giving cigarettes to a person under the age of 18.

### **Summary of Bill:**

A person who sells cigars, cigarettes, tobacco, or vapor products to a person under the age of 21 is guilty of a gross misdemeanor, and a person under the age of 21 who purchases, possesses, or obtains, or who attempts to purchase or obtain, cigarettes, tobacco products, or vapor products commits a class 3 civil infraction. A person under the age of 18 who has parental authorization, or a person who is at least 18 but under 21, may participate in a controlled purchase. The sign that retailers and wholesalers must display concerns the prohibition of tobacco sales to persons under the age of 21.

Tobacco products may not be sold through a vending machine unless the machine is located in a place where persons under the age of 21 are prohibited or in an industrial worksite where persons under the age of 21 are not employed, and it is located at least 10 feet from entrances and exits.

A Liquor Control Board (LCB) officer who has reasonable grounds to believe a person the officer observed purchasing or in possession of tobacco is under the age of 21 may detain the person for a reasonable period of time and in a reasonable manner to determine the person's identity and date of birth. Liquor Control Board officers may also seize tobacco products in the possession of a person under the age of 21.

Interagency agreements between the Department of Health and the LCB must set enforcement standards to reduce the extent to which tobacco products are available to persons under the age of 21.

**Appropriation:** None.

**Fiscal Note:** Available.

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