
Health Care & Wellness Committee

HB 1054

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

Sponsors: Representatives Harris, Cody, Orwall, DeBolt, Johnson, McBride, Clibborn, Short, Pettigrew, Robinson, Fey, Kilduff, Riccelli, Ryu, Nealey, Goodman, Tharinger, Stanford, Frame, Stokesbary, Pollet, Jinkins, Haler, Kagi, Hargrove, Fitzgibbon, Appleton, Chapman, Senn, Bergquist, Gregerson, Young, Farrell and Slatter; by request of Attorney General and Department of Health.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Prohibits the sale of cigarettes, tobacco products, and vapor products to persons under the age of 21.
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Hearing Date: 1/24/17

Staff: Alexa Silver (786-7190).

Background:

A person who sells cigars, cigarettes, cigarette paper, 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, tobacco, or vapor 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 and Cannabis 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 persons under the age of 18. Similarly, a person who holds a vapor products retailer's license must display a sign concerning the

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prohibition on vapor products sales to persons under the age of 18. 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 an industrial worksite where minors are not employed; and (2) the device is located at least 10 feet from entrances and exits. "Minor" is defined as a person under the age of 18. A person may not offer a tasting of vapor products to the general public unless the person is a licensed retailer, the tastings are offered within the licensed premises, entry is restricted to persons 18 years of age or older, either the product does not contain nicotine or the customer consents to tasting nicotine, and a disposable mouthpiece is attached to the vapor product if the device is owned by the retailer.

The LCB has authority to enforce the laws governing minors' access to tobacco and vapor products. The LCB may work with local county health departments or districts and law enforcement to conduct unannounced inspections to assure compliance. If a peace officer or enforcement officer of the LCB observes a person purchasing or in possession of tobacco or vapor products, 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. An LCB officer may also seize tobacco and vapor products in the possession of a minor.

The Department of Health (DOH) may use monies appropriated from the Youth Tobacco and Vapor Products Prevention Account, which includes licensing fees and monetary penalties, for implementation of the laws governing minors' access to tobacco and vapor products. 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 and vapor products are available to persons under the age of 18.

Summary of Bill:

A person who sells cigars, cigarettes, cigarette paper, tobacco, or vapor products to a person under the age of 21 is guilty of a gross misdemeanor.

The sign that retailers and wholesalers of tobacco and vapor products must display concerns the prohibition of tobacco and vapor product sales to persons under the age of 21, respectively. 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 person may not offer a tasting of vapor products to the general public unless, among other things, entry into the licensed premises is restricted to persons 21 years of age and older.

If a Liquor and Cannabis Board (LCB) officer observes a person purchasing or in possession of tobacco or a vapor product, and the officer has reasonable grounds to believe the person is under the age of 21, the officer 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. Officers may also seize tobacco and vapor 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 and vapor products are available to persons under the age of 21.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2018.