

SENATE BILL REPORT

SB 6048

As Reported by Senate Committee On:
Health & Long Term Care, February 1, 2018

Title: An act relating to protecting youth from tobacco products and vapor products by increasing the minimum legal age of sale of tobacco and vapor products.

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

Sponsors: Senators Kuderer, O'Ban, Rivers, Saldaña, Chase, Carlyle, Bailey, Darneille, Lias, Keiser, Frockt, Dhingra, King, Pedersen, Hunt, Wellman and Mullet; by request of Attorney General and Department of Health.

Brief History:

Committee Activity: Health & Long Term Care: 1/22/18, 2/01/18 [DPS-WM, DNP, w/oRec].

Brief Summary of First Substitute Bill

- Raises the age at which a person may purchase and possess cigarettes, tobacco, and vapor products from 18- to 21-years of age.
- Requires licensed retailers to display signs stating the age restriction for purchasing tobacco or vapor products.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: That Substitute Senate Bill No. 6048 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway, Keiser, Mullet and Van De Wege.

Minority Report: Do not pass.

Signed by Senators Bailey and Becker.

Minority Report: That it be referred without recommendation.

Signed by Senator Rivers, Ranking Member.

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.

Staff: Greg Attanasio (786-7410)

Background: Sales to Minors. 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, and 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.

Enforcement. The LCB is charged with licensing wholesale and retail tobacco and vapor product businesses. The LCB has authority to enforce the laws governing minors' access to tobacco and vapor products, 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.

Prevention Account. Fees and penalties collected by the LCB must be deposited into the Youth Tobacco And Vapor Products Prevention Account. The Department of Health may use money appropriated from the account for implementation of the laws governing minors' access to tobacco and vapor products.

Summary of Bill (First Substitute): Age Restrictions. Any person who sells or gives any cigar, cigarette, cigarette paper, tobacco in any form, or vapor product to any person under the age of 21-years old is guilty of a gross misdemeanor. All vapor product tastings must take place in a licensed premises restricted to people 21-years old or older. Mechanical tobacco product dispensers must be located fully within premises restricted to people 21-years old or older.

Sign Requirement. Licensed retailers of tobacco and vapor products must prominently display signs stating that the sale of tobacco or vapor products to anyone under the age of 21 is strictly prohibited.

Tribal Compacts. The Department of Revenue must review the cigarette tax contracts formed with tribes and report to the legislature by December 1, 2019, concerning the process and feasibility of amending the contracts to provide that Indian retailers in Indian country must not sell or distribute tobacco products to persons under 21-years old.

EFFECT OF CHANGES MADE BY HEALTH & LONG TERM CARE COMMITTEE (First Substitute):

- Requires the Department of Revenue to review the applicability of the act to Indian retailers operating in Indian country.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Individuals who start using tobacco before they are 21 years old are more likely to become addicted, in part because the adolescent brain is not fully developed. Raising the minimum age to purchase tobacco and vapor products will reduce the number of people who become addicted by making it more difficult for minors to access tobacco products. The change will save lives and reduce the number of children born to addicted parents. Smoking is a preventable cause of death and raising the minimum age will result in a 25 percent drop in youth who start smoking and a 12 percent drop in the smoking rate overall. Raising the minimum age to purchase tobacco will also have a positive affect on the military, by reducing the number of troops suffering from medical problems associated with smoking and increasing the number of physically eligible recruits. The positive effect on public health is worth any resulting loss of revenue for the state.

CON: Raising the minimum age to purchase tobacco and vapor products will create a hole in the budget that will likely be filled with a tax on vapor products. The change will also result in a loss of revenue for small businesses, and could force them to close. Any change should be done at the national level so all jurisdictions are on equal footing. Businesses already do everything they can to prevent underage purchases and youth smoking rates have steadily declined.

OTHER: The State Board of Health conducted a health impact review and found a fair amount of evidence that an increase in the minimum age to purchase tobacco would result in decreased use among youth. It further found very strong evidence that a decrease in use would result in better health outcomes.

Persons Testifying: PRO: Senator Patty Kuderer, Prime Sponsor; Bob Ferguson, Washington Attorney General; John Wiesman, DrPH, MPH, Washington Secretary of Health; LTC Matthew Cooper, Staff Judge Advocate, Washington National Guard; Hannah Stewart, citizen; Mary McHale, ACS Cancer Action Network; American Heart Association; American Lung Association, Campaign for Tobacco Free Kids; Crystal Shen, MD, Washington Chapter, American Academy of Pediatrics; Washington State Medical Association; Al Ralston, Open Windows Middle School Students—TVW Capitol Learns Program; Lauren Baba, Seattle Cancer Care Alliance; Representative Paul Harris.

CON: Larry Stewart, Washington Association of Neighborhood Stores; Mark Johnson, Washington Retail Association; Clay Hill, AWB; Carolyn Logue, Washington Food Industry.

OTHER: Lindsay Herendeen, Health Policy Analyst, State Board of Health.

Persons Signed In To Testify But Not Testifying: No one.