

SENATE BILL REPORT

SB 5057

As Reported by Senate Committee On:
Health & Long Term Care, January 21, 2019

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: Protecting youth from tobacco products and vapor products by increasing the minimum legal age of sale of tobacco and vapor products.

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

Brief History:

Committee Activity: Health & Long Term Care: 1/18/19, 1/21/19 [DPS-WM, DNP].

Brief Summary of First Substitute Bill

- Prohibits selling or giving tobacco or vapor products to a person under the age of twenty-one.
- Permits the Governor to seek government-to-government consultations with tribes about raising the minimum legal age of sale in cigarette tax compacts.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: That Substitute Senate Bill No. 5057 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Bailey, Conway, Dhingra, Frockt, Keiser and Van De Wege.

Minority Report: Do not pass.

Signed by Senator Becker.

Staff: Greg Attanasio (786-7410)

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.

Background: Sales to Minors. A person who sells cigars, cigarettes, tobacco, or vapor products to a person under the age of eighteen is guilty of a gross misdemeanor. A person under the age of eighteen 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 eighteen 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. LCB is charged with licensing wholesale and retail tobacco and vapor product businesses and has authority to enforce the laws governing minors' access to tobacco and vapor products, including the authority to revoke a wholesaler or retailer license. 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 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.

Cigarette Tax Compacts. The Governor is authorized to enter into cigarette tax compacts with each tribe in the state to regulate the taxation and sale of cigarettes sold in Indian country. Each compact must provide for a tribal cigarette tax in lieu of all state cigarette taxes and state and local sales and use taxes, and must provide that retailers shall not sell or give, or permit to be sold or given, cigarettes to any person under the age of eighteen years old.

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 twenty-one years old is guilty of a gross misdemeanor. All vapor product tastings must take place in a licensed premises restricted to people twenty-one years old or older. Mechanical tobacco product dispensers must be located fully within premises restricted to people twenty-one 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 twenty-one is strictly prohibited.

Cigarette Tax Compacts. The Governor may seek government-to-government consultations with Indian tribes regarding raising the minimum legal age of sale in compacts to twenty-one years old. The Office of the Governor must report the status of those consultations to the Legislature by December 1, 2020.

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

- Amends the bill to order the transmission of a joint memorial to the federal government upon passage of the bill.

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: The bill takes effect on January 1, 2020.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Youth are particularly susceptible to addiction and risky behavior and research shows that there is a decreased likelihood that you will start smoking if you do not start by age twenty-one. Raising the minimum age to sell tobacco and vapor products to twenty-one years old will save money on future healthcare costs, it will support the health and readiness of the military, and address the addiction problem occurring in Washington schools.

CON: Raising the minimum age to sell tobacco and vapor products will not solve the problem of youth use and addiction. Like marijuana and alcohol, people under the age of twenty-one will still obtain these products. The change will hurt small businesses, limit individual freedom, and cause the state to lose millions in tax revenue. Any change should be done at the federal level so all businesses would be subject to the same law, including those on military installations and tribal land.

OTHER: The Washington State Board of Health has concluded that raising the age of sale to twenty-one would likely improve health outcomes and decrease usage among those under twenty-one years old.

Persons Testifying: PRO: Senator Patty Kuderer, Prime Sponsor; Corina Pfeil, Washington State PTA; John Wiesman, Washington Secretary of Health; Major Joseph Siemandel, Washington Military Department; Rupin Thakkar, MD, citizen; Marty Reid, Assistant Principal, Tumwater High School; Cami Brix, Youth Advocate; Madison Langer, Youth Advocate; Melissa Gombosky, Washington State Dental Association; Paul Harris, Representative.

CON: Lindsey Stroud, The Heartland Institute; John Engber, citizen; Allan Kettle, citizen; Catherine Holm, Washington Food Industry Association.

OTHER: Lindsay Herendeen, Washington State Board of Health; Mark Johnson, Washington Retail Association.

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