

RCW 70.155.080 Purchasing, possessing by persons under 18—Civil infraction—Jurisdiction. (1) A person under the age of eighteen who purchases or attempts to purchase, possesses, or obtains or attempts to obtain cigarettes or tobacco products commits a class 3 civil infraction under chapter 7.80 RCW and is subject to participation in up to four hours of community service and referral to a smoking cessation program at no cost. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a liquor and cannabis board, law enforcement, or local health department activity. (2) Municipal and district courts within the state have jurisdiction for enforcement of this section. [2023 c 398 s 2; 2002 c 175 s 47; 1998 c 133 s 2; 1993 c 507 s 9.]

Findings—2023 c 398: "(1) The legislature finds:

(a) Prevention is the most effective tool to reduce vapor and tobacco usage by persons under the age of 21. Protection of adolescents' health and well-being requires enforcement and intervention efforts to focus upon effective vapor and tobacco control and access strategies.

(b) Retailers play a key role in ensuring that state law regarding access to vapor or tobacco is followed. However, the 2021 healthy youth survey found that 15 percent (one out of every six) retail stores illegally sold tobacco or vapor products to a minor in 2021.

(c) Vapor and tobacco product purchase, use, and possession by persons under the age of 21 is a critical public health issue. The 2021 healthy youth survey found that 16 percent of 12th graders in Washington state reported using tobacco or vapor products in the past 30 days, youth under age 18 are far more likely to start using tobacco than adults, and nearly nine out of 10 adults who smoke started by age 18. The healthy youth survey also found that 104,000 Washington youth alive today will ultimately die prematurely from smoking.

(d) With the passage of chapter 15, Laws of 2019, individuals between the ages of 18 and 21 do not face liability for purchase or possession of vapor or tobacco products but individuals under the age of 18 continue to face civil liability for purchase or possession of vapor or tobacco products, creating a disparity in the law.

(2) The legislature therefore finds that all persons under the age of 21 who purchase, use, or possess vapor or tobacco products should be offered community-based interventions that are more effective in helping them quit. The legislature further resolves to increase enforcement strategies to ensure retailer compliance with tobacco and vapor product possession laws." [2023 c 398 s 1.]

Enforcement—2023 c 398: "Nothing in this act shall be interpreted to limit the ability of a peace officer or an enforcement officer of the liquor and cannabis board to enforce RCW 26.28.080 and 82.24.500." [2023 c 398 s 8.]

Effective date—2002 c 175: See note following RCW 7.80.130.

Finding—Intent—1998 c 133: "The legislature finds that the protection of adolescents' health requires a strong set of comprehensive health and law enforcement interventions. We know that youth are deterred from using alcohol in public because of existing

laws making possession illegal. However, while the purchase of tobacco by youth is clearly prohibited, the possession of tobacco is not. It is the legislature's intent that youth hear consistent messages from public entities, including law enforcement, about public opposition to their illegal use of tobacco products." [1998 c 133 s 1.]