

2009 -- H 5800

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO CRIMINAL OFFENSES - CHILDREN

Introduced By: Representatives Naughton, M Rice, and McNamara

Date Introduced: February 26, 2009

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-9-13.3 and 11-9-13.7 of the General Laws in Chapter 11-9
2 entitled "Children" is hereby amended by adding the following sections as follows:
3 **11-9-13.3. Legislative intent -- Purpose. --** (a) The use of tobacco by Rhode Island
4 children is a health and substance abuse problem of the utmost severity. The legislature finds that
5 tobacco product usage by children in Rhode Island is rampant and increasing with over thirty
6 percent (30%) of high school students smoking. The present law prohibiting the sale of tobacco to
7 children is being ignored by many retailers. Rhode Island tobacco retailers illegally sell four
8 million eight hundred thousand (4,800,000) packs, over eleven million dollars (\$11,000,000) in
9 tobacco product sales, to children annually. Tobacco industry advertising targets children as the
10 replacement smokers for the one thousand one hundred forty-five (1,145) adults who die daily
11 from tobacco product usage. Approximately seventy percent (70%) of the Rhode Island high
12 school seniors who are smoking today will be the addicted adult smokers of tomorrow. According
13 to the federal Centers for Disease Control and Prevention (CDC), smoking-related direct medical
14 costs in Rhode Island in 1990 climbed to one hundred eighty-six million dollars (\$186,000,000).
15 This is an ongoing, escalating financial burden borne by every business, large and small, and
16 every person, smoker and nonsmoker, in Rhode Island. This is a health and economic drain
17 created by each new generation of children who begin using tobacco products and become
18 addicted to nicotine. It is the intent of this legislation to preserve and protect the health of children
19 by: (1) stopping the illegal sale of tobacco to children, and (2) by severely punishing those who

1 disregard the laws relating to the illegal sale of tobacco products to children.

2 (b) Smoking during pregnancy poses significant risk of harm to both a woman and her
3 unborn baby. The legislature finds that tobacco product usage by pregnant woman in Rhode
4 Island subjects themselves and their child to the following:

5 (1) Smoking increases the risk of preterm delivery. Premature and low birth weight
6 babies face an increased risk of serious health problems during the newborn period, chronic
7 lifelong disabilities and even death.

8 (2) Smoking nearly doubles a woman's risk of having a low birth weight baby. In 2004,
9 11.9% of babies born to smokers in the United States were of low birth weight compared to 7.2%
10 of babies of non-smokers.

11 (3) Rhode Island's preterm birth rate increased by twenty-seven percent (27%) from 1995
12 to 2005. Rhode Island's current preterm rate (12.1%) is sixty percent (60%) higher than the
13 healthy people 2010 objective of 7.6%, thus earning a grade of "D" on the 2008 March of Dimes
14 Premature Birth Report Card.

15 (4) In Rhode Island, 18.9% of women of childbearing age eighteen to forty-four (18-44
16 years old) are smokers.

17 (5) Women who smoke in the first trimester of pregnancy are more likely to have a baby
18 with birth defects, particularly congenital heart defects.

19 (6) Smoking is associated with a number of pregnancy complications, nearly doubling a
20 woman's risk of placenta problems, which can result in heavy bleeding during delivery that can
21 endanger mother and baby.

22 (7) According to the United States Public Health Service, if all pregnant women in this
23 country stopped smoking, there would be an estimated eleven percent (11%) reduction in
24 stillbirths and a five percent (5%) reduction in newborn deaths.

25 (8) If a woman stops smoking, even by the end of her second trimester of pregnancy, she
26 is no more likely to have a low birth weight baby than a woman who never smoked.

27 (9) The average first year medical costs for babies born prematurely is approximately ten
28 (10) times greater thirty-three thousand three hundred twenty-five dollars (\$33,325) than for full
29 term infants three thousand three hundred twenty-five dollars (\$3,325).

30 **11-9-13.7. Signs concerning sales to individuals under age eighteen (18).** -- Signs
31 provided by the department of mental health, retardation and hospitals, or an exact duplicate of it
32 made privately, shall:

33 (1) Contain in red bold lettering a minimum of three-eighths (3/8") inch high on a white
34 background the following wording:

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THE SALE OF CIGARETTES
AND OTHER TOBACCO PRODUCTS
TO PERSONS UNDER THE AGE OF 18
IS AGAINST RHODE ISLAND LAW
(Section 11-9-13.8(1), Rhode Island Statutes)
PHOTO ID FOR PROOF OF AGE IS
REQUIRED FOR PURCHASE.

WARNING: SMOKING CIGARETTES DURING PREGNANCY MAY RESULT IN
PREMATURE BIRTH AND LOW BIRTH WEIGHT

(2) Contain the phone number at the department of mental health, retardation and hospitals, where violations of sections 11-9-13.2 -- 11-9-13.19 can be reported, in addition to any other information required by the department of mental health, retardation and hospitals.

(3) Be displayed prominently for public view at each cash register, each tobacco vending machine, or any other place from which tobacco products are sold.

SECTION 2. This act shall take effect on July 1, 2009.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would add certain legislative findings to the dangers of smoking, particularly to
2 that of the health of pregnant women and their unborn child. The act would also require that the
3 sign required to be posted regarding the sale of cigarettes to people under eighteen (18) years of
4 age be amended to include a warning that smoking cigarettes during pregnancy poses a danger in
5 the form of premature birth and low birth weight.

6 This act would take effect on July 1, 2009.

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