

2012 -- H 7830

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO CRIMINAL OFFENSES --CHILDREN--TOBACCO SALES

Introduced By: Representatives Naughton, Morrison, Williams, Slater, and Valencia

Date Introduced: February 28, 2012

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-9-13.3 and 11-9-13.7 of the General Laws in Chapter 11-9
2 entitled "Children" are hereby amended to read 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) Cigarette smoking causes many harmful effects. In Rhode Island, seventeen and
3 three-tenths percent (17.3%) of adults, and twenty and three-tenths percent (20.3%) of women of
4 childbearing age, eighteen (18) to forty-four (44) years of age, are smokers. Smoking in women
5 of childbearing age increases the risk of preterm delivery. Premature and low birth weight babies
6 face an increased risk of serious health complications during the newborn period, chronic lifelong
7 disabilities and health problems, and death. Smoking causes approximately eighty-seven percent
8 (87%) of all lung cancer deaths, as well as causes cancer of the larynx, mouth, pharynx,
9 esophagus and bladder. Smoking also increases the risk of heart disease which is the number one
10 cause of death in the United States. In all, tobacco use causes nearly one in five (5) deaths, killing
11 four hundred forty three thousand (443,000) in the United States each year, yet smoking is the
12 single most preventable cause of death in the United States.

13 **11-9-13.7. Signs concerning sales to individuals under age eighteen (18).** -- Signs
14 provided by the department of ~~mental health, retardation and hospitals,~~ behavioral health care,
15 developmental disabilities and hospitals, or an exact duplicate of it made privately, shall:

16 (1) Contain in red bold lettering a minimum of three-eighths (3/8") inch high on a white
17 background the following wording in both English and Spanish:

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

21 (2) Contain the phone number at the department of ~~mental health, retardation and~~
22 ~~hospitals,~~ behavioral health care, developmental disabilities and hospitals, where violations of
23 sections 11-9-13.2 -- 11-9-13.19 can be reported, in addition to any other information required by
24 the department of ~~mental health, retardation and hospitals,~~ behavioral health care, developmental
25 disabilities and hospitals.

26 (3) The signs shall be **Be** displayed prominently for public view wherever tobacco
27 products are sold at each cash register, each tobacco vending machine, or any other place from
28 which tobacco products are sold. The signs shall be electronically available in both English and
29 Spanish online on the website of the department of behavioral healthcare, developmental
30 disabilities and hospitals.

31 SECTION 2. Chapter 11-9 of the General Laws entitled "Children" is hereby amended by
32 adding thereto the following section:

33 **11-9-13.8.1. Signs concerning the health effects of tobacco.** – (a) Cigarette smoking
34 causes many harmful effects. In Rhode Island, fifteen and three-tenths percent (15.3%) of women

1 of childbearing age, eighteen (18) to forty-four (44) years of age, are smokers. Babies born to
2 women who smoke during pregnancy are more likely to be born with birth defects, such as cleft
3 lip or palate, prematurely, at low birth weight or underweight for the number of weeks of
4 pregnancy. Smoking causes approximately eighty-seven percent (87%) of all lung cancer deaths,
5 as well as causes cancer of the larynx, mouth, pharynx, esophagus and bladder. Smoking also
6 increases the risk of heart disease, which is the number one cause of death in the United States.
7 Smoking is the single most preventable cause of death in the United States.

8 (b) Signs provided by the department of behavioral healthcare, developmental disabilities
9 and hospitals, or an exact duplicate of it made privately, shall contain in red bold lettering a
10 minimum of one-quarters of an inch (1/4") high on a white background the following wording, in
11 both English and Spanish: WARNING: SMOKING CIGARETTES CONTRIBUTES TO LUNG
12 DISEASE, CANCER, HEART DISEASE, STROKE AND/ RESPIRATORY ILLNESS AND
13 DURING PREGNANCY MAY RESULT IN LOW BIRTH WEIGHT AND PREMATURE
14 BIRTH.

15 (c) The signs shall also include information regarding resources available to Rhode Island
16 residents who would like to quit smoking.

17 (d) The signs shall be displayed prominently for public view wherever tobacco products
18 are sold at each cash register, each tobacco vending machine, or any other place from which
19 tobacco products are sold. The signs shall be electronically available in both English and Spanish
20 online on the website of the department of behavioral healthcare, developmental disabilities and
21 hospitals.

22 SECTION 3. This act shall take effect on July 1, 2012.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would require the department of behavioral healthcare, developmental
2 disabilities and hospitals to issue new smoking warnings signs which shall include language that
3 smoking can contribute to lung and heart disease, respiratory illness, and that smoking during
4 pregnancy can result in premature births and low birth weights. The required bold lettering shall
5 be in both English and Spanish. It would also require the signs to be electronically available in
6 both English and Spanish online on the website of the department of behavioral healthcare,
7 developmental disabilities and hospitals.

8 This act would take effect on July 1, 2011.

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