

2011 -- H 5439

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LC01395
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO CRIMINAL OFFENSES --CHILDREN--TOBACCO SALES

Introduced By: Representatives Naughton, McNamara, Ferri, Messier, and Silva

Date Introduced: February 16, 2011

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 child bearing age, 18-44 years of age, are smokers. Smoking in women of child bearing age
5 increases the risk of preterm delivery. Premature and low birth weight babies face an increased
6 risk of serious health complications during the newborn period, chronic lifelong disabilities and
7 health problems, and death. Smoking causes approximately eighty-seven percent (87%) of all
8 lung cancer deaths, as well as causes cancer of the larynx, mouth, pharynx, esophagus and
9 bladder. Smoking also increase the risk of heart disease which is the number one cause of death in
10 the United States. In all, tobacco use causes nearly one in five (5) deaths, killing four hundred
11 forty three thousand (443,000) in the United States each year, yet smoking is the single most
12 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: (1)
16 Contain in red bold lettering a minimum of three-eighths (3/8") inch high on a white background
17 the following wording:

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 WARNING: SMOKING CIGARETTES CONTRIBUTES TO LUNG DISEASE, HEART
22 DISEASE, STROKE AND RESPIRATORY ILLNESS AND DURING PREGNANCY MAY
23 RESULT IN LOW BIRTH WEIGHT AND PREMATURE BIRTH. WANT TO QUIT? CALL 1-
24 800-TRY-TO-STOP or visit www.quitworksrhodeisland.org

25 (2) Contain the phone number at the department of ~~mental health, retardation and~~
26 ~~hospitals,~~ behavioral health care, developmental disabilities and hospitals, where violations of
27 sections 11-9-13.2 -- 11-9-13.19 can be reported, in addition to any other information required by
28 the department of ~~mental health, retardation and hospitals,~~ behavioral health care, developmental
29 disabilities and hospitals. (3) Be displayed prominently for public view at each cash register,
30 each tobacco vending machine, or any other place from which tobacco products are sold.

31 SECTION 2. This act shall take effect on July 1, 2011.

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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 new signs would also
5 encourage smokers who want to quit to call a phone number on the sign or visit a website for a
6 quit smoking organization.

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

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