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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

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A N A C T

RELATING TO CRIMINAL OFFENSES - CHILDREN

Introduced By: Senators Pichardo, Gallo, Metts, Lombardo, and Goodwin

Date Introduced: March 10, 2011

Referred To: Senate Judiciary

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" 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 eighteen to forty-four, (18-44) years of age, are smokers. Smoking in women of  
5 child bearing 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 healthcare,  
15 development 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: in both English and Spanish:

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 CONTRIBUTES TO LUNG DISEASE,  
HEART DISEASE, STROKE AND RESPIRATORY ILLNESS AND DURING PREGNANCY  
MAY RESULT IN LOW BIRTH WEIGHT AND PREMATURE BIRTH. WANT TO QUIT?  
CALL 1-800-TRY-TO-STOP OR VISIT WWW.QUITWORKSRHODEISLAND.ORG.

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

22 (3) Be displayed prominently for public view in both English and Spanish at each cash  
23 register, each tobacco vending machine, or any other place from which tobacco products are sold.

24 (4) Be electronically available in both English and Spanish online at  
25 www.quitworksrhodeisland.org and the department of behavioral healthcare, development  
26 disabilities and hospitals.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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- 1           This act would require the warning for smoking cigarettes meant for minors to be
- 2 displayed in both English and Spanish both physically in stores and online.
- 3           This act would take effect upon passage.

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