

# Executive Summary: Health Impact Review of ESSB 5365

Preventing use of vapor and tobacco products by minors  
(2023 Legislative Session)

Evidence indicates that ESSB 5365 would likely limit the circumstances in which youth may be detained for purchase, use, or possession of cigarette, tobacco, or vapor products, which may reduce interaction with enforcement officers in some circumstances for some youth, which would likely improve health outcomes for these youth. The impacts on equity are unclear.

ESSB 5365 would also likely maintain a class 3 civil infraction and current penalties for youth under 18 years old issued a notice of infraction for purchasing or possessing cigarette, tobacco, or vapor products. The impacts on health and equity are unclear.

ESSB 5365 would also likely increase monetary penalties for some retailers for violations related to selling or giving cigarette, tobacco, or vapor products to youth and emerging adults under 21 years old. The impacts of how increased monetary penalties for some retailers may impact sales of cigarette, tobacco, and vapor products to youth under 18 years old are unclear.

## BILL INFORMATION

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**Sponsors:** Senate Committee on Labor & Commerce (originally sponsored by Senators Saldaña, Lias, Billig, Dhingra, Hunt, Lovelett, Nguyen, Pedersen, Randall, Robinson, Stanford, Valdez, Wellman, Wilson, C.)

### Summary of Bill:

- Modifies the authority for detainment so that only a Washington State Liquor and Cannabis Board (LCB) enforcement officer may detain youth under 18 years old for purchasing, using, or possessing cigarette, tobacco, or vapor products when observed within 100 feet of a licensed cigarette, tobacco, or vapor product retailer.
- Amends the penalties of a class 3 civil infraction for youth under 18 years old purchasing, using, or possessing cigarette, tobacco, or vapor products.
- Allows LCB to increase monetary penalties on licensed retailers for violations related to selling or giving cigarette, tobacco, or vapor products to youth and emerging adults under 21 years old.

## HEALTH IMPACT REVIEW

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### Summary of Findings:

This Health Impact Review found the following evidence for provisions in ESSB 5365:

#### *Pathway 1: Detainment of youth*

- **Informed assumption** that modifying the authority for detainment so that only an LCB enforcement officer may detain youth under 18 years old for purchasing, using, or possessing cigarette, tobacco, or vapor products when observed within 100 feet of a licensed cigarette, tobacco, or vapor product retailer will limit the circumstances in which youth may be

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WASHINGTON STATE  
**BOARD OF HEALTH**

**HEALTH  
EQUITY**  
Governor's Interagency Council  
on Health Disparities

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## Preventing use of vapor and tobacco products by minors (2023 Legislative Session)

detained for purchase, use, or possession of cigarette, tobacco, or vapor products. This assumption is based on current statute and information from key informants.

- **Informed assumption** that limiting the circumstances in which youth may be detained for purchase, use, or possession of cigarette, tobacco, or vapor products will reduce interaction with enforcement officers in some circumstances for some youth. This assumption is based on current statute and information from key informants.
- **Very strong evidence** that reducing interaction with enforcement officers in some circumstances for some youth will improve health outcomes for these youth.
- **Unclear evidence** how ESSB 5365 may impact health inequities due to inequities caused by racism in the tobacco industry, enforcement, and legal systems, and continued potential for interaction with enforcement officers.

### *Pathway 2: Class 3 civil infraction*

- **Informed assumption** that amending the penalties of a class 3 civil infraction for youth under 18 years old purchasing, using, or possessing cigarette, tobacco, or vapor products will maintain a class 3 civil infraction and current penalties for youth under 18 years old. This assumption is based on current statute and information from key informants.
- **Unclear evidence** how maintaining a class 3 civil infraction and current penalties for youth under 18 years old who are issued a notice of infraction for purchasing, using, or possessing cigarette, tobacco, or vaping products may impact health outcomes.

### *Pathway 3: Monetary penalties for retailers*

- **Informed assumption** that allowing LCB to increase monetary penalties on licensed retailers for violations related to selling or giving cigarette, tobacco, or vapor products to youth and emerging adults under 21 years old will lead to increased monetary penalties for some retailers for violations related to selling or giving cigarette, tobacco, or vapor products to youth and emerging adults under 21 years old. This assumption is based on current statute, research on monetary penalties, available Washington State data on compliance, and information from key informants.
- **Unclear evidence** how increased monetary penalties for some retailers for violations related to selling or giving cigarette, tobacco, or vapor products to youth and emerging adults under 21 years old may impact sales of cigarette, tobacco, and vapor products to youth under 18 years old.

“Other Considerations” includes potential impacts of provisions requiring referral to youth smoking cessation.

## FULL REVIEW

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For review methods, logic model, strength-of-evidence analyses, and citations of empirical evidence refer to the full Health Impact Review at

<https://sboh.wa.gov/sites/default/files/2023-03/HIR-2023-07-ESSB%205365.pdf>

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