

**Your Letters and Calls Can Help Defeat HB 912 and SB 373**

**Legislation Would Turn  
Retailers Into "Smoke Police"**

If legislation now being considered by the Texas Legislature becomes law, you could be charged with criminal negligence and lose your retail tobacco permit if you unknowingly sell cigarettes to someone under 18 years of age. Texas law already prohibits the sale of these products to minors and provides for enforcement and penalties. Nevertheless, this new legislation will impose a hefty new fee on all tobacco permits and burden retailers with additional severe penalties in an effort to make you solely responsible for keeping cigarettes out of the hands of minors.

Even worse, this is just one of many provisions contained in the so-called "Children's Tobacco Prevention and Enforcement Act" that would affect your ability to sell cigarettes. This legislation, introduced in the House by Rep. John Hirschi as HB 912, and in the Senate by Sen. Judith Zaffirini as SB 373, is being touted as necessary to stop the sale of cigarettes and tobacco products to persons under 18 years of age.

In fact, this legislation is an attempt by anti-smoking forces to make retailers, rather than parents or the minors themselves, responsible for youth smoking. Supporters of this legislation are also attempting to increase the authority of local and state health departments to harass, intimidate and penalize retailers until selling cigarettes becomes more trouble than it's worth.

You can express your loud and firm opposition by writing a brief letter or making a quick phone call to your legislators in Austin. In addition to your own legislators, members of the House and Senate State Affairs Committees, who will consider this legislation first, need to know that there is strong opposition to HB 912 and SB 373.

The following pages include information about specific provisions of the bill that would restrict your ability to sell cigarettes, and some points you may want to raise in your letters and phone calls. Also included is address information for your legislators and for members of the House and Senate State Affairs Committees.

**Retailers Would Be Held Responsible  
For Youth Smoking**

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Following is a brief overview of how HB 912 and SB 373 would interfere with your ability to sell cigarettes:

- You would be forced to pay \$200 for each retail cigarette and/or tobacco permit you hold. As with all government imposed fees, once it is in place, pressure will inevitably mount to increase the fee in the future and to use it as a revenue raiser to pay for all sorts of things which will offer little or no benefit to retailers.

- You could be charged with a new offense of criminal negligence for selling tobacco products to minors, unless the minor presented you with false identification.

- You would be held responsible if a tobacco product you sold to an adult was later given to a minor, even if you had no way of knowing the purchaser's intention.

- State and local authorities would be encouraged to conduct random, unannounced "sting" operations to try and catch you selling tobacco products to minors.

- You could be fined up to \$2,000 per offense per day. You could also have your retail cigarette permit suspended or revoked and you would be held responsible for paying the costs of any investigation, attorney fees and court costs.

- Local governments would be authorized to adopt even stricter laws and penalties regarding the sale of tobacco to minors.

- You would be required to post bilingual warning signs that include a phone number that your customers can use to report any perceived violations of this law.

- You would be prohibited from redeeming any tobacco coupons.

## **Tell Your Legislators SB 373 and HB 912 are Unfair, Unneeded!**

Following are some points you can make when you write or telephone your elected officials:

- Texas already has laws in place to restrict sales of cigarettes to minors. If these laws are not being adequately enforced, let's enforce them rather than adopt a whole new set of excessive regulations and fees.

- Parents and other supervisory adults, and not retailers, should have the primary responsibility for assuring that minors don't smoke. And minors themselves should be held accountable for their own behavior. These bills do not make it an offense for minors to buy cigarettes. They place the

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entire burden of being the "smoke police" in the retailers' laps.

•Many of the provisions in this legislation have nothing to do with youth smoking. For example, the sections which would ban sampling and couponing are directed solely at adults who already smoke. Samples and coupons are not a typical or common source of cigarettes for minors. The prohibition on coupons and the discounting of cigarettes is an extreme and unreasonable burden on retailers which would do nothing to prevent youth smoking.

### How Can You Contact Your Lawmakers?

You can oppose this legislation by writing a brief letter or making a phone call to your own state representative and state senator. The mailing address for state senators is P.O. Box 12068, Austin, Texas 78711. The mailing address for state representatives is P.O. Box 2910, Austin, Texas 78768. The telephone number for your senator and representative can be obtained from directory assistance in Austin (Area Code 512). If you do not know who your local legislators are, please call your county clerk who should be able to provide that information.

In addition, it is vital that you contact members of the House and Senate State Affairs Committees, which will consider this legislation first. You may want to contact first the members who live closest to you, but please contact as many members as you can. Following is address information for these two committees:

House State Affairs Committee

Name

address

Senate State Affairs Committee

Name

address

PLEASE CALL TAWD, (512) 346-6912, IF YOU NEED FURTHER INFORMATION.

Legislative advertising on behalf of Texas Association of Wholesale Distributors (Joe Ratliff), 7320 N. MoPac Expressway, Suite 209, Austin, TX 78731, and Philip Morris USA (Jack Dillard), 1005 Congress Avenue, Suite 850, Austin, Texas 78701.

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