

HOUSE BILL 1239

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Heavey, Moyer, Hargrove, Dellwo, Nelson, Wood, Betrozoff, Haugen, Horn, Rasmussen, Padden, Riley, Leonard, Cole, Prentice, Fuhrman, Jacobsen, Paris, Nealey, Pruitt, Brekke and Spanel.

Read first time January 23, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to restricting liquor advertising on television;
2 amending RCW 66.08.060; adding new sections to chapter 66.08 RCW;
3 prescribing penalties; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the use of
6 alcohol by minors, the high incidence of driving while under the
7 influence of alcohol, the health risks associated with the abuse of
8 alcohol, and the large number of alcohol-related crimes in Washington
9 state are all compelling problems that are directly related to the
10 amount and kind of alcohol advertising presented on television.

11 It has been estimated that over fifty thousand students in grades
12 six to twelve in Washington schools can be considered heavy drinkers
13 and over fifty percent of the students in grades six to twelve have
14 tried alcohol. Almost one-half of the deaths and almost one-quarter of
15 the disabling injuries on Washington highways result from accidents

1 involving drivers under the influence of alcohol. As a class, young
2 people are greatly over-represented in the number of alcohol-related
3 collisions. Alcohol-related accidents are the leading cause of death
4 in sixteen to twenty-four year olds in the United States.

5 Alcohol abuse has been linked to a wide array of family and health
6 problems, causing much pain and suffering. The treatment of these
7 problems raises the cost of health care for all citizens of the state.
8 Approximately one hundred forty-five babies are born in Washington each
9 year with fetal alcohol syndrome. Fetal alcohol syndrome is the third
10 leading cause of mental retardation in the United States.

11 More than one-third of the arrests in the United States each year
12 are related to alcohol abuse. Taxpayers in the United States pay one
13 hundred fifty million dollars a year for the arrest, trial, and jail
14 time of these people.

15 The legislature further finds that advertising in the broadcast
16 media has a tremendous effect on the attitudes, beliefs, social
17 behavior, and consumer behavior of citizens of all ages, especially
18 young persons. It is estimated that over seventy percent of high
19 school seniors watch some television every day. The average primary
20 and secondary level student spends more time watching television than
21 doing homework. Many advertisers have taken advantage of this eager
22 market by explicitly or implicitly purveying the message that alcohol
23 contributes to a person's attractiveness, athletic ability,
24 professional ability, or social status. Advertisers have also
25 attempted to make alcohol appealing to young people by linking alcohol
26 to various animated characters and mascots.

27 Recognizing the severity of the problems associated with alcohol
28 use and abuse, and recognizing that the state is limited by the
29 Constitution of the United States as to the means by which it may
30 restrict television advertising, the state seeks to act to the fullest

1 extent of its power in this area. Therefore, for the express purpose
2 of: (1) Reducing the sale and consumption of alcoholic beverages in
3 Washington, and thereby reducing the problems associated with alcohol
4 abuse; (2) discouraging the illegal use of alcohol by minors; and (3)
5 eliminating the pervasive false advertising that powerfully links
6 alcohol consumption with "the good life," the state of Washington
7 hereby bans the intrastate advertising of alcoholic beverages on
8 commercial broadcast television.

9 **Sec. 2.** RCW 66.08.060 and 1933 ex.s. c 62 s 43 are each amended to
10 read as follows:

11 The board shall not advertise liquor in any form or through any
12 medium whatsoever. The board shall have power to adopt any and all
13 reasonable regulations as to the kind, character and location of
14 advertising of liquor, subject to restrictions imposed upon liquor
15 advertising under this title.

16 NEW SECTION. **Sec. 3.** It is a gross misdemeanor to knowingly
17 advertise liquor or the sale of liquor on any television broadcast
18 originating inside the state of Washington. For the purposes of this
19 chapter, the retransmission by an in-state broadcast station of a
20 television signal from outside of the state is deemed to be an
21 advertisement originating inside the state of Washington.

22 NEW SECTION. **Sec. 4.** Any person, governmental entity, or
23 political subdivision of the state may initiate a civil action in the
24 superior court of the county in which the advertisement originated or
25 where the alleged violator resides or has its place of business to
26 enforce the provisions of section 3 of this act. If the court finds

1 that one or more violations have occurred, the court shall award the
2 party bringing the action its costs, including reasonable attorneys'
3 fees. The court may also enjoin future violations and impose a civil
4 penalty of up to ten thousand dollars per violation. Each illegal
5 airing of an advertisement for liquor on television constitutes a
6 separate violation of section 3 of this act.

7 NEW SECTION. **Sec. 5.** Sections 1, 3, and 4 of this act shall
8 be construed in a manner consistent with federal law and do not apply
9 to cable television companies operating within or without Washington
10 state.

11 NEW SECTION. **Sec. 6.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

15 NEW SECTION. **Sec. 7.** Sections 1, 3, 4, and 5 of this act are
16 each added to chapter 66.08 RCW.

17 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and shall take
20 effect immediately.