
SUBSTITUTE HOUSE BILL 2011

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Wineberry, Moyer, Braddock, Heavey, Edmondson, Ebersole, Day, Paris, Sprenkle, Peery, Locke, Cantwell, Inslee, Valle, Cole, Morris, Prentice, Franklin, Rust, Belcher, Anderson, Appelwick, Hargrove, Scott, Spanel, Leonard, Dorn, Phillips, Brekke, R. Fisher, Rasmussen, Jacobsen, Pruitt, Basich, Riley and Ludwig).

Read first time March 6, 1991.

1 AN ACT Relating to the restriction of advertisements of tobacco and
2 alcoholic products; adding a new chapter to Title 70 RCW; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that previously
6 enacted laws prohibiting the use of tobacco and alcoholic products by
7 minors are being thwarted by the advertising of these products on
8 billboards and buses. The continuous exposure of children to these
9 types of advertisement cannot be avoided despite efforts by parents and
10 teachers. This is particularly appalling because of the present
11 tendency to place these types of advertisement in neighborhoods heavily
12 populated by minority youth. The legislature concludes that it is
13 necessary to prohibit outdoor advertisements of tobacco and alcoholic
14 products in order to protect children from messages encouraging them to

1 engage in the illegal use of alcohol and tobacco and counteracting
2 state policy discouraging them from tobacco and alcohol use.

3 NEW SECTION. **Sec. 2.** It is a gross misdemeanor for any person
4 to: (1) Display on any stationary or vehicular billboard an
5 advertisement of cigarettes, cigarette papers, cigars, chewing tobacco,
6 other smoking tobacco, or alcohol within a one-mile radius of a public
7 or private school, day care center, church, sport arena or stadium,
8 playground, or park; or (2) display advertisement of any of the tobacco
9 items or alcohol as listed in (1) of this section on a bus. Excluded
10 from the provisions of this chapter is on-premise advertising by a
11 merchant or a dealer in cigarettes, cigarette papers, cigars, chewing
12 tobacco, other smoking tobacco, or alcohol. On-premise advertising is
13 defined as advertising on placards and marques on the merchant or
14 dealer's premises associated with the normal advertisement of the
15 products or merchandise listed in (1) of this section. Nothing in this
16 section shall be construed to prohibit the advertising of cigarettes,
17 cigarette papers, cigars, chewing tobacco, smoking tobacco, alcohol, or
18 any substitute, in any newspaper, magazine, or periodical printed or
19 circulated in this state.

20 NEW SECTION. **Sec. 3.** In addition to the availability of any
21 other remedy or penalty of law, an individual may initiate a civil
22 action in superior court to enforce the provisions of this chapter.
23 Venue for such action shall be in the county where the violation is
24 alleged to have taken place. If the court finds that one or more
25 violations have occurred, the court shall award the prevailing party
26 its costs, including reasonable attorney's fees. The court may also
27 enjoin future violations and impose a civil penalty of up to one
28 thousand dollars for each violation.

1 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act shall
2 constitute a new chapter in Title 70 RCW.