
HOUSE BILL 2379

State of Washington 52nd Legislature 1992 Regular Session

By Representatives Heavey, Dorn, Fuhrman and Sprenkle

Read first time 01/15/92. 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 66.28 RCW;
3 creating a new section; prescribing penalties; and declaring an
4 emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that adult
7 citizens of this state have the right to use alcohol in a responsible
8 manner. However, the illegal use of alcohol by minors, the high
9 incidence of driving while under the influence of alcohol, the health
10 risks associated with the abuse of alcohol, and the large number of
11 alcohol-related crimes in Washington state are all compelling problems
12 that are directly related to the amount and kind of alcohol advertising
13 presented on television.

1 Alcohol is an illegal drug for persons under twenty-one years of
2 age, yet it has been estimated that over fifty thousand students in
3 grades six to twelve in Washington schools can be considered heavy
4 drinkers and over fifty percent have tried alcohol. Almost one-half of
5 the deaths and almost one-quarter of the disabling injuries on
6 Washington highways result from accidents involving drivers under the
7 influence of alcohol. As a class, young people are greatly over
8 represented in the number of alcohol-related collisions. Alcohol-
9 related accidents are the leading cause of death of sixteen to twenty-
10 four year olds in the United States.

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

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

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

1 young people by linking alcohol to various animated characters and
2 mascots. Moreover, some alcohol advertisements convey a sexist message
3 by objectifying women.

4 Recognizing the severity of the problems associated with alcohol
5 use and abuse, recognizing the broad power of the state, under the
6 twenty-first amendment to the Constitution of the United States, to
7 regulate the sale of liquor and recognizing that the state is limited
8 by the Constitution of the United States as to the means by which it
9 may restrict television advertising, the state seeks to act to the
10 fullest extent of its power in this area. Therefore, for the express
11 purpose of: (1) Discouraging the illegal use of alcohol by minors; (2)
12 reducing the abuse of alcohol in Washington, and thereby reducing the
13 health and societal problems associated with alcohol abuse; and (3)
14 eliminating the pervasive advertising that powerfully links alcohol
15 consumption with "the good life" in the minds of many young people, the
16 state hereby requires that any person or entity advertising the sale of
17 liquor on television in this state may do so only between the hours of
18 eight p.m. and six a.m.

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

21 The board shall not advertise liquor in any form or through any
22 medium whatsoever. The board shall have power to adopt any and all
23 reasonable regulations as to the kind, character and location of
24 advertising of liquor, subject to any restrictions imposed upon liquor
25 advertising under this title.

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 66.28 RCW
27 to read as follows:

1 It is a gross misdemeanor to knowingly advertise liquor or the sale
2 of liquor on any television broadcast originating inside the state of
3 Washington between the hours of six a.m. and eight p.m. For the
4 purposes of sections 3 through 5 of this act, the retransmission by a
5 television broadcast station inside the state of Washington of a
6 television signal from outside the state is deemed to be a broadcast
7 originating inside the state of Washington.

8 NEW SECTION. **Sec. 4.** A new section is added to chapter 66.28 RCW
9 to read as follows:

10 Any person, governmental entity, or political subdivision of the
11 state may initiate a civil action in the superior court of the county
12 in which the advertisement originated or where the alleged violator
13 resides or has its place of business to enforce section 3 of this act.
14 If the court finds that one or more violations have occurred, the court
15 shall award the party bringing the action its costs, including
16 reasonable attorneys' fees. The court may also enjoin future
17 violations and impose a civil penalty of up to ten thousand dollars per
18 violation. Each illegal airing of an advertisement for liquor on
19 television constitutes a separate violation of section 3 of this act.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 66.28 RCW
21 to read as follows:

22 Sections 3 and 4 of this act shall be construed in a manner
23 consistent with federal law and shall not apply to cable television
24 companies operating within or without Washington state.

25 NEW SECTION. **Sec. 6.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and shall take
6 effect immediately.