
HOUSE BILL 2383

State of Washington 52nd Legislature 1992 Regular Session

By Representatives Heavey and Sprenkle

Read first time 01/15/92. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to restricting liquor advertising; amending RCW
2 66.08.060; adding a new section to chapter 66.28 RCW; creating a new
3 section; and prescribing penalties.

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

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

13 Alcohol is an illegal drug for persons under twenty-one years of
14 age, yet it has been estimated that over fifty thousand students in

1 grades six to twelve in Washington schools can be considered heavy
2 drinkers and over fifty percent have tried alcohol. Almost one-half of
3 the deaths and almost one-quarter of the disabling injuries on
4 Washington highways result from accidents involving drivers under the
5 influence of alcohol. As a class, young people are greatly over
6 represented in the number of alcohol-related collisions. Alcohol-
7 related accidents are the leading cause of death of sixteen to twenty-
8 four year olds in the United States.

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

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

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

1 mascots. Moreover, some alcohol advertisements convey a sexist message
2 by objectifying women.

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

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

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

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

1 It is a gross misdemeanor to knowingly advertise liquor or the sale
2 of liquor inside the state of Washington, except to provide only the
3 following information:

- 4 (1) The availability of a product;
- 5 (2) The name of the product;
- 6 (3) The location or locations where the product is sold; and
- 7 (4) The price of the product.

8 This information, if in the form of writing, may only be presented
9 against a blank, monochrome background.

10 NEW SECTION. **Sec. 4.** If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected.