
SENATE BILL 5273

State of Washington

53rd Legislature

1993 Regular Session

By Senators Oke, Pelz, Moyer, McDonald, West and Quigley

Read first time 01/20/93. Referred to Committee on Health & Human Services.

1 AN ACT Relating to cigarettes and tobacco products; adding a new
2 chapter to Title 70 RCW; creating a new section; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds:

6 (1) The leading cause of preventable death is tobacco use.
7 Further, the legislature recognizes the high rate of tobacco use by
8 youth in our state.

9 (2) The giving of free samples and the use of coupons for the
10 provision of cigarettes and tobacco products at no cost constitute
11 methods of distribution of such products, rather than advertisement or
12 promotion of such products, and are the proper subject of prohibition
13 or regulation.

14 (3) Cigarettes and other tobacco products are being distributed to
15 minors by means of free samples and no-cost coupons, and prohibition of
16 such means of distribution is required in the interest of public
17 health.

1 (4) Enforcement of an age-related restriction on the distribution
2 of cigarettes and tobacco product samples and redemption of no-cost
3 coupons is impractical and ineffective.

4 NEW SECTION. **Sec. 2.** (1) The following acts are prohibited:

5 (a) Giving away cigarettes or tobacco products to any person
6 whether in person or through the mail; and

7 (b) Providing cigarettes or tobacco products to any person by a
8 coupon at no cost.

9 (2) For the purposes of this chapter, "cigarettes" has the meaning
10 given in RCW 82.24.010 and "tobacco products" has the meaning given in
11 RCW 82.26.010.

12 NEW SECTION. **Sec. 3.** (1) The local health officer may take any or
13 all of the following actions to enforce section 2 of this act if the
14 health officer finds that there has been a violation of section 2 of
15 this act:

16 (a) Suspend or revoke a retailer's license held by a business at a
17 location within the health officer's geographical jurisdiction.

18 (b) Impose a civil penalty of three hundred dollars for each
19 violation upon any person other than a licensed cigarette retailer.

20 (c) Issue a cease and desist order to any person who is found by
21 the local health officer to have violated or intended to violate
22 section 2 of this act which requires such person to cease specified
23 conduct that is in violation. The issuance of a cease and desist order
24 shall not preclude the imposition of other sanctions authorized by this
25 chapter or any other provision of law.

26 (d) Seek injunctive relief to enforce section 2 of this act. The
27 health officer may initiate legal action to collect civil penalties
28 imposed under this chapter if the penalties have not been paid within
29 thirty days after they are imposed. In any action filed by the local
30 health officer under the provisions of this chapter, the court may, in
31 addition to any other relief, award the health officer reasonable
32 attorneys' fees and costs.

33 (2) Any order issued by the local health officer under this section
34 may be appealed to the local board of health. The appeal shall be
35 conducted de novo, and the health officer shall have the burden of
36 proving the violation or violations set forth in the order by a
37 preponderance of the evidence.

1 (3) Funds collected by local health departments or districts from
2 imposition of civil penalties shall be retained by them and used for
3 implementing programs intended to prevent the use of cigarettes and
4 tobacco products or promote the cessation of their use.

5 NEW SECTION. **Sec. 4.** The provisions of this chapter are not
6 exclusive, and any political subdivision of the state of Washington may
7 adopt additional provisions which are not less restrictive than the
8 provisions of this chapter.

9 NEW SECTION. **Sec. 5.** Sections 2 through 4 of this act shall
10 constitute a new chapter in Title 70 RCW.

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