
SENATE BILL 5689

State of Washington

54th Legislature

1995 Regular Session

By Senators Oke, Quigley, Rasmussen, Moyer, Drew, Heavey, Hargrove, Haugen, Hochstatter, Deccio, Palmer, Pelz, Fairley, Franklin, Spanel, Prentice, Morton, Fraser, Sutherland, West, Strannigan, Swecker, Winsley and Hale

Read first time 01/31/95. Referred to Committee on Health & Long-Term Care.

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.** The liquor control board may take any or all
13 of the following actions to enforce section 2 of this act if the board
14 finds that there has been a violation of section 2 of this act:

15 (1) Suspend or revoke a cigarette retailer's license;

16 (2) Impose a civil penalty of three hundred dollars for each
17 violation upon any person other than a licensed cigarette retailer;

18 (3) Issue a cease and desist order to any person who, as found by
19 the liquor control board, has violated or intends to violate section 2
20 of this act which requires such person to cease specified conduct that
21 is in violation. The issuance of a cease and desist order shall not
22 preclude the imposition of other sanctions authorized by this chapter
23 or any other provision of law;

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

31 (4) Funds collected by the liquor control board from imposition of
32 civil penalties shall be deposited in the youth tobacco prevention
33 account and used for implementing programs intended to prevent the use
34 of cigarettes and tobacco products or promote the cessation of their
35 use.

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

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

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