
SUBSTITUTE SENATE BILL 6337

State of Washington 57th Legislature

2002 Regular Session

By Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Oke, Haugen, Eide, Swecker, B. Sheldon, Hargrove, Spanel, Prentice, Jacobsen, Fraser, Gardner and Rasmussen)

READ FIRST TIME 02/08/2002.

1 AN ACT Relating to tobacco product sampling; and amending RCW
2 70.155.050.

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

4 **Sec. 1.** RCW 70.155.050 and 1993 c 507 s 6 are each amended to read
5 as follows:

6 (1) No person may engage in the business of sampling within the
7 state unless licensed to do so by the board. Samplers may distribute
8 or cause to be distributed free samples of tobacco products only in
9 adult-only facilities. A sample does not include a tobacco product
10 that is provided to an adult in connection with: (a) The purchase,
11 exchange, or redemption for proof of purchase of any tobacco products,
12 including, but not limited to, a free offer in connection with the
13 purchase of tobacco products, such as a two-for-one offer, or (b) the
14 conducting of consumer testing or evaluation of tobacco products with
15 persons who certify that they are adults. No samples may be
16 distributed or caused to be distributed on any campus of any
17 institution of higher education in this state, including public,
18 private, or proprietary institutions. If a firm contracts with a

1 manufacturer to distribute samples of the manufacturer's products, that
2 firm is deemed to be the person engaged in the business of sampling.

3 (2) The board shall issue a license to a sampler not otherwise
4 disqualified by RCW 70.155.100 upon application and payment of the fee.

5 (3) A sampler's license expires on the thirtieth day of June of
6 each year and must be renewed annually upon payment of the appropriate
7 fee.

8 (4) The board shall annually determine the fee for a sampler's
9 license and each renewal. However, the fee for a manufacturer whose
10 employees distribute samples within the state is five hundred dollars
11 per annum, and the fee for all other samplers must be not less than
12 fifty dollars per annum.

13 (5) A sampler's license entitles the licensee, and employees or
14 agents of the licensee, to distribute samples at any lawful location in
15 the state during the term of the license. A person engaged in sampling
16 under the license shall carry the license or a copy at all times.

17 (6) For the purposes of this section, "adult-only facility" means
18 a facility or restricted area where the operator ensures or has a
19 reasonable basis to believe that no underage person is present. A
20 facility or restricted area need not be permanently restricted to
21 adults in order to constitute an adult-only facility if the operator
22 ensures or has a reasonable basis to believe that no underage person is
23 present during the event or time period in question. A reasonable
24 basis for belief can be shown through checking identification as
25 required under state law, or by checking the identification of any
26 person appearing to be under the age of twenty-seven.

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