
SUBSTITUTE SENATE BILL 5124

State of Washington

64th Legislature

2015 Regular Session

By Senate Law & Justice (originally sponsored by Senators Warnick, Honeyford, Dinsel, Fain, Keiser, Roach, Mullet, and Darneille)

READ FIRST TIME 02/06/15.

1 AN ACT Relating to prohibiting the sale of electronic smoking
2 devices to minors; and amending RCW 26.28.080.

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

4 **Sec. 1.** RCW 26.28.080 and 2013 c 47 s 1 are each amended to read
5 as follows:

6 (1) Every person who sells or gives, or permits to be sold or
7 given, to any person under the age of eighteen years any cigar,
8 cigarette, cigarette paper or wrapper, tobacco in any form, or a
9 (~~vapor product~~)electronic smoking device is guilty of a gross
10 misdemeanor.

11 (2) It shall be no defense to a prosecution for a violation of
12 this section that the person acted, or was believed by the defendant
13 to act, as agent or representative of another.

14 (3) For the purposes of this section, (~~"vapor product" means a~~
15 ~~noncombustible tobacco-derived product containing nicotine that~~
16 ~~employs a mechanical heating element, battery, or circuit, regardless~~
17 ~~of shape or size, that can be used to heat a liquid nicotine solution~~
18 ~~contained in cartridges. Vapor product does not include any product~~
19 ~~that is regulated by the United States food and drug administration~~
20 ~~under chapter V of the federal food, drug, and cosmetic~~
21 ~~act~~) "electronic smoking device" means any product containing or

1 delivering nicotine or any other similar substance intended for human
2 consumption that can be used by a person to simulate smoking through
3 inhalation of vapor or aerosol from the product. "Electronic smoking
4 device" includes any component part of such product whether or not
5 sold separately. "Electronic smoking device" does not include any
6 product that has been approved by the United States food and drug
7 administration for sale as a tobacco cessation product and is being
8 marketed and sold solely for the approved purpose.

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