

WAC 314-10-090 What tobacco products may be used for sampling promotions? (1) No person may engage in providing samples of tobacco products other than cigarettes within Washington state.

(2) No person may engage in providing samples of cigarettes without a valid sampler's license. A firm contracting with a tobacco manufacturer to distribute samples of a manufacturer's product is deemed to be the person engaged in the business of sampling. The liquor control board will issue any sampler's licenses.

(3) The annual fee for a manufacturer's cigarette sampler's license within the state is \$500 and is designated a Class T1 license. The fee for independent businesses that provide samples of cigarettes is \$50 and is designated a Class T2 license. All sampler's licenses expire on the 30th day of June each year and must be renewed annually.

In adopting the language of subsection (4) of this section, the board affirms that sampling does have a direct impact upon the availability of product to minors. Many sampling activities, because of the large volume of product offered, promote secondary distribution to bystanders, especially minors. Addiction to nicotine can occur quickly after the use of a relatively small amount of product. It is the board's intention to limit this amount thereby reducing the opportunity and potential for product to be redistributed to minors.

(4) A sample is the smallest portion representative of the product that is available for retail sales and distribution. T1 and T2 license holders may distribute samples of cigarettes pursuant to chapter 70.155 RCW and chapter 314-10 WAC as follows:

(a) Cigarettes: No more than one sample package may be furnished per eligible customer per day. Such sample shall not contain more than twenty cigarettes per sample package.

(b) T1 and T2 licensees that have sample packages available that contain fewer cigarettes than allowed by this section are encouraged to provide such alternative sizes.

[Statutory Authority: RCW 66.08.030. WSR 08-20-109, § 314-10-090, filed 9/30/08, effective 10/31/08. Statutory Authority: RCW 70.155.110. WSR 96-19-018, § 314-10-090, filed 9/6/96, effective 10/7/96. Statutory Authority: RCW 66.08.030. WSR 93-23-016, § 314-10-090, filed 11/5/93, effective 12/6/93.]