

1 **SB 6337** - H AMD

2 By Representative Campbell

3 Strike everything after the enacting clause and insert the
4 following:

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

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

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

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

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

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

1 (6) For the purposes of this section, "adult-only facility" means
2 a facility where the operator ensures or has a reasonable basis to
3 believe that no underage person is present. A facility need not be
4 permanently restricted to adults in order to constitute an adult-only
5 facility if the operator ensures or has a reasonable basis to believe
6 that no underage person is present during the event or time period in
7 question. A reasonable basis for belief can be shown through checking
8 identification as required under state law, or by checking the
9 identification of any person appearing to be under the age of twenty-
10 seven."

11 Correct the title.

EFFECT: Allows tobacco sampling in adult-only facilities.
Prohibits tobacco sampling in institutions of higher education.
Provides a definition of "adult-only facility".