
HOUSE BILL 2255

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Valle, Talcott, Dellwo, Shin, Brown, Flemming, Wineberry, Dyer, Hansen, Veloria, Quall, Chandler, Foreman, J. Kohl and H. Myers

Read first time 01/12/94. Referred to Committee on Health Care.

1 AN ACT Relating to the distribution of free tobacco products;
2 amending RCW 70.155.060 and 70.155.100; repealing RCW 70.155.050; and
3 prescribing penalties.

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

5 **Sec. 1.** RCW 70.155.060 and 1993 c 507 s 7 are each amended to read
6 as follows:

7 ~~((1))~~ No person may distribute or offer to distribute ~~((samples~~
8 ~~in a public place. This prohibition does not apply to sampling (a) in~~
9 ~~an area to which persons under the age of eighteen are denied~~
10 ~~admission, (b) in or at a store or concession to which a retailer's~~
11 ~~license has been issued, or (c) at or adjacent to a production, repair,~~
12 ~~or outdoor construction site or facility.~~

13 ~~(2) Notwithstanding subsection (1) of this section, no person may~~
14 ~~distribute or offer to distribute samples in or on a public street,~~
15 ~~sidewalk, or park that is within five hundred feet of a playground,~~
16 ~~school, or other facility when that facility is being used primarily by~~
17 ~~persons under the age of eighteen for recreational, educational, or~~
18 ~~other purposes)) free tobacco products.~~

1 **Sec. 2.** RCW 70.155.100 and 1993 c 507 s 11 are each amended to
2 read as follows:

3 (1) The liquor control board may suspend or revoke a retailer's
4 license held by a business at any location, or may impose a monetary
5 penalty as set forth in subsection (2) of this section, if the liquor
6 control board finds that the licensee has violated RCW 26.28.080(4), or
7 70.155.020, 70.155.030, 70.155.040, (~~70.155.050,~~) 70.155.060,
8 70.155.070, or 70.155.090.

9 (2) The sanctions that the liquor control board may impose against
10 a person licensed under RCW 82.24.530 (~~and 70.155.050 and 70.155.060~~)
11 based upon one or more findings under subsection (1) of this section
12 may not exceed the following:

13 (a) For violation of RCW 26.28.080(4) or 70.155.020:

14 (i) A monetary penalty of one hundred dollars for the first
15 violation within any two-year period;

16 (ii) A monetary penalty of three hundred dollars for the second
17 violation within any two-year period;

18 (iii) A monetary penalty of one thousand dollars and suspension of
19 the license for a period of six months for the third violation within
20 any two-year period;

21 (iv) A monetary penalty of one thousand five hundred dollars and
22 suspension of the license for a period of twelve months for the fourth
23 violation within any two-year period;

24 (v) Revocation of the license with no possibility of reinstatement
25 for a period of five years for the fifth or more violation within any
26 two-year period;

27 (b) For violations of RCW 70.155.030, a monetary penalty in the
28 amount of one hundred dollars for each day upon which such violation
29 occurred;

30 (c) For violations of RCW 70.155.040 occurring on the licensed
31 premises:

32 (i) A monetary penalty of one hundred dollars for the first
33 violation within any two-year period;

34 (ii) A monetary penalty of three hundred dollars for the second
35 violation within any two-year period;

36 (iii) A monetary penalty of one thousand dollars and suspension of
37 the license for a period of six months for the third violation within
38 any two-year period;

1 (iv) A monetary penalty of one thousand five hundred dollars and
2 suspension of the license for a period of twelve months for the fourth
3 violation within any two-year period;

4 (v) Revocation of the license with no possibility of reinstatement
5 for a period of five years for the fifth or more violation within any
6 two-year period;

7 (d) For violations of RCW ((~~70.155.050~~ and)) 70.155.060, a monetary
8 penalty in the amount of ((~~three~~)) five hundred dollars for each
9 violation;

10 (e) For violations of RCW 70.155.070, a monetary penalty in the
11 amount of one thousand dollars for each violation.

12 (3) The liquor control board may impose a monetary penalty upon any
13 person other than a licensed cigarette retailer or licensed sampler if
14 the liquor control board finds that the person has violated RCW
15 26.28.080(4), or 70.155.020, 70.155.030, 70.155.040, ((~~70.155.050~~),
16 70.155.060, 70.155.070, or 70.155.090.

17 (4) The monetary penalty that the liquor control board may impose
18 based upon one or more findings under subsection (3) of this section
19 may not exceed the following:

20 (a) For violation of RCW 26.28.080(4) or 70.155.020, fifty dollars
21 for the first violation and one hundred dollars for each subsequent
22 violation;

23 (b) For violations of RCW 70.155.030, one hundred dollars for each
24 day upon which such violation occurred;

25 (c) For violations of RCW 70.155.040, one hundred dollars for each
26 violation;

27 (d) For violations of RCW ((~~70.155.050~~ and)) 70.155.060, ((~~three~~))
28 five hundred dollars for each violation;

29 (e) For violations of RCW 70.155.070, one thousand dollars for each
30 violation.

31 (5) The liquor control board may develop and offer a class for
32 retail clerks and use this class in lieu of a monetary penalty for the
33 clerk's first violation.

34 (6) The liquor control board may issue a cease and desist order to
35 any person who is found by the liquor control board to have violated or
36 intending to violate the provisions of this chapter, RCW 26.28.080(4)
37 or 82.24.500, requiring such person to cease specified conduct that is
38 in violation. The issuance of a cease and desist order shall not

1 preclude the imposition of other sanctions authorized by this statute
2 or any other provision of law.

3 (7) The liquor control board may seek injunctive relief to enforce
4 the provisions of RCW 26.28.080(4) or 82.24.500 or this chapter. The
5 liquor control board may initiate legal action to collect civil
6 penalties imposed under this chapter if the same have not been paid
7 within thirty days after imposition of such penalties. In any action
8 filed by the liquor control board under this chapter, the court may, in
9 addition to any other relief, award the liquor control board reasonable
10 attorneys' fees and costs.

11 (8) All proceedings under subsections (1) through (6) of this
12 section shall be conducted in accordance with chapter 34.05 RCW.

13 NEW SECTION. **Sec. 3.** RCW 70.155.050 and 1993 c 507 s 6 are each
14 repealed.

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