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**SENATE BILL 6407**

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**State of Washington**

**53rd Legislature**

**1994 Regular Session**

**By** Senators Talmadge, Oke and Pelz

Read first time 01/21/94. Referred to Committee on Health & Human Services.

1 AN ACT Relating to health and safety; adding a new section to  
2 chapter 4.24 RCW; adding a new section to chapter 70.54 RCW; adding a  
3 new section to chapter 70.160 RCW; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW  
6 to read as follows:

7 (1) A manufacturer of tobacco products shall be strictly liable for  
8 health injuries caused by inhaling, ingesting, chewing, or applying  
9 tobacco products or smoke from tobacco products.

10 (2) To recover under this section it is not a requirement that the  
11 injured party show active use or participation in the use of a tobacco  
12 product.

13 (3) Evidence of contributory fault is inadmissible under this  
14 section.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.54 RCW  
16 to read as follows:

1 (1) Except as provided in subsection (3) of this section, tobacco  
2 products may not be sold or distributed in those portions of buildings  
3 or vessels that are publicly owned or leased.

4 (2) A violation of this section is grounds for the termination or  
5 nonrenewal of a contract for occupancy or rental of any area of any  
6 publicly owned or leased building or vessel.

7 (3) This section does not apply to correctional institutions.  
8 However, the secretary of corrections or a local correctional  
9 institution authority may prohibit sales and distributions of tobacco  
10 products if the prohibition applies equally to employees and inmates.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.160 RCW  
12 to read as follows:

13 This chapter does not preempt local regulation of indoor smoking  
14 that is as restrictive or more restrictive than this chapter.

15 NEW SECTION. **Sec. 4.** Section 2 of this act shall take effect  
16 January 1, 1995.

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