
SENATE BILL 5365

State of Washington

56th Legislature

1999 Regular Session

By Senators Prentice and Winsley; by request of Liquor Control Board

Read first time 01/21/1999. Referred to Committee on Commerce, Trade, Housing & Financial Institutions.

1 AN ACT Relating to the preparation and sale of dietary supplements
2 containing alcohol; and amending RCW 66.12.070.

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

4 **Sec. 1.** RCW 66.12.070 and 1933 ex.s. c 62 s 51 are each amended to
5 read as follows:

6 (1) Where a medicinal preparation contains liquor as one of the
7 necessary ingredients thereof, and also contains sufficient medication
8 to prevent its use as an alcoholic beverage, nothing in this title
9 shall apply to or prevent its composition or sale by a druggist when
10 compounded from liquor purchased by the druggist under a special permit
11 held by him, nor apply to or prevent the purchase or consumption of the
12 preparation by any person for strictly medicinal purposes.

13 (2) Where a toilet or culinary preparation, that is to say, any
14 perfume, lotion, or flavoring extract or essence, or dietary supplement
15 as defined by the federal food and drug administration, contains liquor
16 and also contains sufficient ingredient or medication to prevent its
17 use as a beverage, nothing in this title shall apply to or prevent the
18 sale or purchase of that preparation by any druggist or other person
19 who manufactures or deals in the preparation, nor apply to or prevent

1 the purchase or consumption of the preparation by any person who
2 purchases or consumes it for any toilet or culinary purpose.

3 (3) In order to determine whether any particular medicinal, toilet,
4 dietary supplement, or culinary preparation referred to in this section
5 contains sufficient ingredient or medication to prevent its use as an
6 alcoholic beverage, the board may cause a sample of the preparation,
7 purchased or obtained from any person whomsoever, to be analyzed by an
8 analyst appointed or designated by the board; and if it appears from a
9 certificate signed by the analyst that he finds the sample so analyzed
10 by him did not contain sufficient ingredient or medication to prevent
11 its use as an alcoholic beverage, the certificate shall be conclusive
12 evidence that the preparation, the sample of which was so analyzed, is
13 not a preparation the sale or purchase of which is permitted by this
14 section.

15 (4) Dietary supplements that contain more than one-half of one
16 percent alcohol which are prepared and sold under this section shall be
17 clearly labeled and the ingredients listed on the label in accordance
18 with the provisions of the federal food, drug, and cosmetics act (21
19 U.S.C. Sec. 321) as now or hereafter amended.

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