

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5365**

Chapter 88, Laws of 1999

56th Legislature  
1999 Regular Session

DIETARY SUPPLEMENTS CONTAINING ALCOHOL

EFFECTIVE DATE: 7/25/99

Passed by the Senate March 13, 1999  
YEAS 47 NAYS 0

BRAD OWEN  
**President of the Senate**

Passed by the House April 8, 1999  
YEAS 95 NAYS 0

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

FRANK CHOPP  
**Speaker of the  
House of Representatives**

Approved April 22, 1999

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5365** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK  
**Secretary**

FILED

April 22, 1999 - 3:50 p.m.

**Secretary of State  
State of Washington**

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**SENATE BILL 5365**

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Passed Legislature - 1999 Regular Session

**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.

Passed the Senate March 13, 1999.

Passed the House April 8, 1999.

Approved by the Governor April 22, 1999.

Filed in Office of Secretary of State April 22, 1999.