**6328-S.E AMH JINK H4778.1 - NOT FOR FLOOR USE**

**ESSB 6328** - H AMD **986**

By Representative Jinkins

**WITHDRAWN 03/29/2016**

On page 5, line 14, after "(19)" insert "Tasting" means the act of a customer activating and using a vapor product within the premises of a licensed retailer in order to obtain information for the purpose of making an informed decision regarding the prospective purchase of a vapor product.

(20)"

Correct any internal references accordingly.

On page 15, beginning on line 2, after "nicotine" strike all material through "tasting" on line 7 and insert ";

(e) A disposable mouthpiece tip is attached to the vapor product being used by the customer for tasting;

(f) The retail outlet exclusively sells only vapor products and does not sell any other products except vapor product paraphernalia;

(g) The vapor products being tasted are owned by the licensee and provided by the licensee to the customer at no cost solely for the limited and immediate purpose of trying a vapor product solution or device prior to a prospective purchase by the customer;

(h) The licensee does not allow the consumption or use of any vapor product purchased on the premises or brought into the premises by any person or customer other than the licensee;

(i) No more than three people may engage in tasting within the licensed premises at any one time and seating for customers is limited to no more than three seats at a sales counter or other seating area;

(j) The licensee does not allow customers to remain on the licensed premises except to engage in lawful activities authorized under the license, and does not facilitate the prolonged, continuous presence of customers within the premises by providing entertainment or other diversions designed to encourage lounging within the retail premises;

(k) There is no entry, admission, membership, or similar charge or fee associated with access to the premises or tasting; and

(l) The owners and employees of a retail outlet are not permitted to taste or use vapor products within the licensed premises"

Correct any internal references accordingly.

EFFECT: (1) Creates a definition for the term "tasting."

(2) Prohibits the inclusion of nicotine in vapor products being tasted by customers within the licensed premises of a vapor products retailer.

(3) Adds and revises criteria that must be met by a licensed vapor products retailer before the retailer may allow vapor product tasting by customers within the licensed premises, including requirements relating to:

(a) Use of disposable mouthpieces;

(b) Sales of products other than vapor products;

(c) Prohibiting charges for tasting activities;

(d) Use of vapor products brought into the premises by prospective customers;

(e) Limits on the number of customers that may taste vapor products within the premises at any one time;

(f) Prohibiting entertainment or other diversions designed to encourage customers to treat the premises as a lounge or to otherwise remain on the premises for prolonged periods;

(g) Prohibiting charges or fees related to accessing the licensed premises or the tasting of vapor products; and

(h) Prohibiting owners and employees from tasting or using vapor products on the licensed premises.