
SENATE BILL 6489

State of Washington 66th Legislature 2020 Regular Session

By Senators Saldaña, Keiser, Nguyen, and Wilson, C.

Read first time 01/17/20. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to possession of vapor, vapor products, tobacco,
2 and tobacco products by persons under the age of twenty-one; amending
3 RCW 70.155.110 and 70.345.160; creating a new section; and repealing
4 RCW 70.155.080 and 70.345.140.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that prevention
7 is the most effective tool to reduce vapor and tobacco usage by
8 persons under the age of twenty-one. The legislature finds that
9 protection of adolescents' health and well-being requires enforcement
10 and intervention efforts to focus upon effective vapor and tobacco
11 control and access strategies. The legislature recognizes vapor and
12 tobacco purchase, possession, and use by persons under the age of
13 twenty-one as a public health issue and finds that persons under the
14 age of twenty-one who engage in vapor or tobacco purchasing,
15 possession, or use should not be treated as violators or status
16 offenders but should be offered community-based interventions that
17 are more effective at addressing the use of vapor products and
18 tobacco.

19 **Sec. 2.** RCW 70.155.110 and 1993 c 507 s 12 are each amended to
20 read as follows:

1 (1) The ((~~liquor control~~)) board shall, in addition to the
2 board's other powers and authorities, have the authority to enforce
3 the provisions of this chapter and RCW 26.28.080(~~(4)~~) and
4 82.24.500. The ((~~liquor control~~)) board shall have full power to
5 revoke or suspend the license of any retailer or wholesaler in
6 accordance with the provisions of RCW 70.155.100.

7 (2) The ((~~liquor control~~)) board and the board's authorized
8 agents or employees shall have full power and authority to enter any
9 place of business where tobacco products are sold for the purpose of
10 enforcing the provisions of this chapter.

11 (3) For the purpose of enforcing the provisions of this chapter
12 and RCW 26.28.080(~~(4)~~) and 82.24.500, a peace officer or
13 enforcement officer of the ((~~liquor control~~)) board who has
14 reasonable grounds to believe a person observed by the officer
15 purchasing, attempting to purchase, or in possession of tobacco
16 products is under the age of (~~eighteen~~) twenty-one years of age,
17 may detain such person for a reasonable period of time and in such a
18 reasonable manner as is necessary to determine the person's true
19 identity and date of birth. Further, tobacco products possessed by
20 persons under the age of (~~eighteen~~) twenty-one years of age are
21 considered contraband and may be seized by a peace officer or
22 enforcement officer of the ((~~liquor control~~)) board. Seizure of
23 product under this section may only occur if the peace officer or
24 enforcement officer of the board provides the person under twenty-one
25 years of age documentation describing the seized product, and the
26 person is provided with written information on cessation resources.

27 (4) The ((~~liquor control~~)) board may work with local county
28 health departments or districts and local law enforcement agencies to
29 conduct random, unannounced, inspections to assure compliance.

30 **Sec. 3.** RCW 70.345.160 and 2016 sp.s. c 38 s 24 are each amended
31 to read as follows:

32 (1) The board must have, in addition to the board's other powers
33 and authorities, the authority to enforce the provisions of this
34 chapter.

35 (2) The board and the board's authorized agents or employees have
36 full power and authority to enter any place of business where vapor
37 products are sold for the purpose of enforcing the provisions of this
38 chapter.

1 (3) For the purpose of enforcing the provisions of this chapter,
2 a peace officer or enforcement officer of the board who has
3 reasonable grounds to believe a person observed by the officer
4 purchasing, attempting to purchase, or in possession of vapor
5 products is under (~~eighteen~~) twenty-one years of age, may detain
6 such person for a reasonable period of time and in such a reasonable
7 manner as is necessary to determine the person's true identity and
8 date of birth. Further, vapor products possessed by persons under
9 (~~eighteen~~) twenty-one years of age are considered contraband and
10 may be seized by a peace officer or enforcement officer of the board.
11 Seizure of product under this section may only occur if the peace
12 officer or enforcement officer of the board provides the person under
13 twenty-one years of age documentation describing the seized product,
14 and the person is provided with written information on cessation
15 resources.

16 (4) The board may work with local county health departments or
17 districts and local law enforcement agencies to conduct random,
18 unannounced, inspections to assure compliance.

19 (5) Upon a determination by the secretary of health or a local
20 health jurisdiction that a vapor product may be injurious to human
21 health or poses a significant risk to public health:

22 (a) The board, in consultation with the department of health and
23 local county health jurisdictions, may cause a vapor product
24 substance or solution sample, purchased or obtained from any vapor
25 product retailer, distributor, or delivery sale licensee, to be
26 analyzed by an analyst appointed or designated by the board;

27 (b) If the analyzed vapor product contains an ingredient,
28 substance, or solution present in quantities injurious to human
29 health or posing a significant risk to public health, as determined
30 by the secretary of health or a local health jurisdiction, the board
31 may suspend the license of the retailer or delivery sale licensee
32 unless the retailer or delivery sale licensee agrees to remove the
33 product from sales; and

34 (c) If upon a finding from the secretary of health or local
35 health jurisdiction that the vapor product poses an injurious risk to
36 public health or significant public health risk, the retailer or
37 delivery sale licensee does not remove the product from sale, the
38 secretary of health or local health officer may file for an
39 injunction in superior court prohibiting the sale or distribution of
40 that specific vapor product substance or solution.

1 (6) Nothing in subsection (5) of this section permits a total ban
2 on the sale or use of vapor products.

3 NEW SECTION. **Sec. 4.** The following acts or parts of acts are
4 each repealed:

5 (1) RCW 70.155.080 (Purchasing, possessing by persons under
6 eighteen—Civil infraction—Jurisdiction) and 2002 c 175 s 47, 1998 c
7 133 s 2, & 1993 c 507 s 9; and

8 (2) RCW 70.345.140 (Purchase or possession by persons under
9 eighteen—Penalty—Jurisdiction) and 2016 sp.s. c 38 s 14.

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