
SUBSTITUTE SENATE BILL 6489

State of Washington

66th Legislature

2020 Regular Session

By Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Saldaña, Keiser, Nguyen, and Wilson, C.)

READ FIRST TIME 02/07/20.

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 new sections; 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. The legislature further
14 recognizes that, with passage of chapter 15, Laws of 2019,
15 individuals between the ages of eighteen and twenty-one do not face
16 criminal or civil liability for purchase or possession of vapor or
17 tobacco products but that individuals under the age of eighteen
18 continue to face civil liability for purchase or possession of vapor
19 or tobacco products. The legislature therefore finds that all persons
20 under the age of twenty-one who engage in vapor or tobacco
21 purchasing, possession, or use should not be treated as violators or

1 status offenders but should be offered community-based interventions
2 that are more effective at addressing the use of vapor products and
3 tobacco.

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

6 (1) The (~~liquor control~~) board shall, in addition to the
7 board's other powers and authorities, have the authority to enforce
8 the provisions of this chapter and RCW 26.28.080(~~(4)~~) and
9 82.24.500. The (~~liquor control~~) board shall have full power to
10 revoke or suspend the license of any retailer or wholesaler in
11 accordance with the provisions of RCW 70.155.100.

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

16 (3) (~~For the purpose of enforcing the provisions of this chapter~~
17 ~~and RCW 26.28.080(4) and 82.24.500, a peace officer or enforcement~~
18 ~~officer of the liquor control board who has reasonable grounds to~~
19 ~~believe a person observed by the officer purchasing, attempting to~~
20 ~~purchase, or in possession of tobacco products is under the age of~~
21 ~~eighteen years of age, may detain such person for a reasonable period~~
22 ~~of time and in such a reasonable manner as is necessary to determine~~
23 ~~the person's true identity and date of birth. Further, tobacco~~
24 ~~products possessed by persons under the age of eighteen years of age~~
25 ~~are considered contraband and may be seized by a peace officer or~~
26 ~~enforcement officer of the liquor control board.~~

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. The
30 board, local law enforcement agencies, or local health departments
31 may coordinate controlled purchases including persons under the age
32 of eighteen with parental authorization and persons between the ages
33 of eighteen and twenty-one, if they are performed in accordance with
34 chapter 49.46 RCW.

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

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

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

8 ~~(3) ((For the purpose of enforcing the provisions of this
9 chapter, a peace officer or enforcement officer of the board who has
10 reasonable grounds to believe a person observed by the officer
11 purchasing, attempting to purchase, or in possession of vapor
12 products is under eighteen years of age, may detain such person for a
13 reasonable period of time and in such a reasonable manner as is
14 necessary to determine the person's true identity and date of birth.
15 Further, vapor products possessed by persons under eighteen years of
16 age are considered contraband and may be seized by a peace officer or
17 enforcement officer of the board.~~

18 ~~(4))~~ The board may work with local county health departments or
19 districts and local law enforcement agencies to conduct random,
20 unannounced, inspections to assure compliance. The board, local law
21 enforcement agencies, or local health departments may coordinate
22 controlled purchases including persons under the age of eighteen with
23 parental authorization and persons between the ages of eighteen and
24 twenty-one, if they are performed in accordance with chapter 49.46
25 RCW.

26 ~~((5))~~ (4) Upon a determination by the secretary of health or a
27 local health jurisdiction that a vapor product may be injurious to
28 human health or poses a significant risk to public health:

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

34 (b) If the analyzed vapor product contains an ingredient,
35 substance, or solution present in quantities injurious to human
36 health or posing a significant risk to public health, as determined
37 by the secretary of health or a local health jurisdiction, the board
38 may suspend the license of the retailer or delivery sale licensee
39 unless the retailer or delivery sale licensee agrees to remove the
40 product from sales; and

1 (c) If upon a finding from the secretary of health or local
2 health jurisdiction that the vapor product poses an injurious risk to
3 public health or significant public health risk, the retailer or
4 delivery sale licensee does not remove the product from sale, the
5 secretary of health or local health officer may file for an
6 injunction in superior court prohibiting the sale or distribution of
7 that specific vapor product substance or solution.

8 ~~((+6))~~ (5) Nothing in subsection ~~((+5))~~ (4) of this section
9 permits a total ban on the sale or use of vapor products.

10 NEW SECTION. **Sec. 4.** Nothing in this act shall be interpreted
11 to limit the ability of a peace officer or an enforcement officer of
12 the liquor and cannabis board to enforce the provisions of chapters
13 70.155 and 70.345 RCW and RCW 26.28.080 and 82.24.500.

14 NEW SECTION. **Sec. 5.** The following acts or parts of acts are
15 each repealed:

16 (1) RCW 70.155.080 (Purchasing, possessing by persons under
17 eighteen—Civil infraction—Jurisdiction) and 2002 c 175 s 47, 1998 c
18 133 s 2, & 1993 c 507 s 9; and

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

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