
SUBSTITUTE SENATE BILL 6328

State of Washington

64th Legislature

2016 Regular Session

By Senate Health Care (originally sponsored by Senators Dammeier, Hasegawa, Conway, O'Ban, Becker, and Carlyle)

1 AN ACT Relating to vapor products in respect to youth substance
2 use prevention associated with vapor products, amending and renaming
3 the youth tobacco prevention account, provisions concerning certain
4 child-resistant packaging, definitions related to "vapor product,"
5 signage requirements prohibiting vapor product sales to minors,
6 prohibition of the sale of cannabinoids by vapor product retailers,
7 prohibition of the purchase and possession of vapor products by
8 minors, the liquor and cannabis board's enforcement authority over
9 vapor products, preemption of certain local regulation of vapor
10 products, labeling and advertisement requirements, and a requirement
11 for vendor-assisted sales of vapor products in retail establishments;
12 amending RCW 26.28.080, 70.155.120, and 70.155.130; adding a new
13 chapter to Title 70 RCW; prescribing penalties; providing a
14 contingent effective date; and providing contingent expiration dates.

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

16 **Sec. 1.** RCW 26.28.080 and 2013 c 47 s 1 are each amended to read
17 as follows:

18 (1) Every person who sells or gives, or permits to be sold or
19 given, to any person under the age of eighteen years any cigar,
20 cigarette, cigarette paper or wrapper, tobacco in any form, or a
21 vapor product is guilty of a gross misdemeanor.

1 (2) It (~~shall be no~~) is not a defense to a prosecution for a
2 violation of this section that the person acted, or was believed by
3 the defendant to act, as agent or representative of another.

4 (3) For the purposes of this section, "vapor product" (~~means a~~
5 ~~noncombustible tobacco derived product containing nicotine that~~
6 ~~employs a mechanical heating element, battery, or circuit, regardless~~
7 ~~of shape or size, that can be used to heat a liquid nicotine solution~~
8 ~~contained in cartridges. Vapor product does not include any product~~
9 ~~that is regulated by the United States food and drug administration~~
10 ~~under chapter V of the federal food, drug, and cosmetic~~) has the
11 same meaning as provided in section 4 of this act.

12 **Sec. 2.** RCW 70.155.120 and 1993 c 507 s 13 are each amended to
13 read as follows:

14 (1) The youth tobacco and vapor products prevention account is
15 created in the state treasury. All fees collected pursuant to RCW
16 82.24.520 and 82.24.530 and funds collected by the liquor (~~control~~)
17 and cannabis board from the imposition of monetary penalties and
18 samplers' fees shall be deposited into this account, except that ten
19 percent of all such fees and penalties shall be deposited in the
20 state general fund.

21 (2) Moneys appropriated from the youth tobacco and vapor products
22 prevention account to the department of health shall be used by the
23 department of health for implementation of this chapter, including
24 collection and reporting of data regarding enforcement and the extent
25 to which access to tobacco products and vapor products by youth has
26 been reduced.

27 (3) The department of health shall enter into interagency
28 agreements with the liquor (~~control~~) and cannabis board to pay the
29 costs incurred, up to thirty percent of available funds, in carrying
30 out its enforcement responsibilities under this chapter. Such
31 agreements shall set forth standards of enforcement, consistent with
32 the funding available, so as to reduce the extent to which tobacco
33 products and vapor products are available to individuals under the
34 age of eighteen. The agreements shall also set forth requirements for
35 data reporting by the liquor (~~control~~) and cannabis board regarding
36 its enforcement activities.

37 (4) The department of health and the department of revenue shall
38 enter into an interagency agreement for payment of the cost of
39 administering the tobacco retailer licensing system and for the

1 provision of quarterly documentation of tobacco wholesaler, retailer,
2 and vending machine names and locations.

3 (5) The department of health shall, within up to seventy percent
4 of available funds, provide grants to local health departments or
5 other local community agencies to develop and implement coordinated
6 tobacco intervention strategies to prevent and reduce tobacco use by
7 youth.

8 **Sec. 3.** RCW 70.155.130 and 1993 c 507 s 14 are each amended to
9 read as follows:

10 This chapter and chapter 70.--- RCW (the new chapter created in
11 section 22 of this act) preempt(~~(s)~~) political subdivisions from
12 adopting or enforcing requirements for the licensure and regulation
13 of tobacco and vapor product promotions and sales (~~(within retail~~
14 ~~stores))~~ at retail, except that political subdivisions that have
15 adopted ordinances prohibiting sampling by January 1, 1993, may
16 continue to enforce these ordinances. No political subdivision may:
17 (1) Impose fees or license requirements on retail businesses for
18 possessing or selling cigarettes (~~(or)~~) tobacco, or vapor products,
19 other than general business taxes or license fees not primarily
20 levied on (~~(tobacco)~~) such products; or (2) regulate or prohibit
21 activities covered by RCW 70.155.020 through 70.155.080 or chapter
22 70.--- RCW (the new chapter created in section 22 of this act). This
23 chapter does not otherwise preempt political subdivisions from
24 adopting ordinances regulating the sale, purchase, use, or promotion
25 of tobacco products not inconsistent with chapter 507, Laws of 1993.

26 NEW SECTION. **Sec. 4.** DEFINITIONS. The definitions in this
27 section apply throughout this chapter unless the context clearly
28 requires otherwise.

29 (1) "Board" means the Washington state liquor and cannabis board.

30 (2) "Business" means any trade, occupation, activity, or
31 enterprise engaged in for the purpose of selling or distributing
32 vapor products in this state.

33 (3) "Child care facility" has the same meaning as provided in RCW
34 70.140.020.

35 (4) "Delivery sale" means any sale of a vapor product to a
36 purchaser in this state where either:

1 (a) The purchaser submits the order for such sale by means of a
2 telephonic or other method of voice transmission, the mails or any
3 other delivery service, or the internet or other online service; or

4 (b) The vapor product is delivered by use of the mails or of a
5 delivery service. The foregoing sales of vapor products constitute a
6 delivery sale regardless of whether the seller is located within or
7 without this state. "Delivery sale" does not include a sale of any
8 vapor product not for personal consumption to a retailer.

9 (5) "Delivery seller" means a person who makes delivery sales.

10 (6) "Liquid nicotine container" means a bottle or other container
11 of a liquid or other substance containing nicotine where the liquid
12 or substance is sold, marketed, or intended for use in a vapor
13 product. A "liquid nicotine container" does not include a liquid or
14 other substance containing nicotine in a cartridge that is sold,
15 marketed, or intended for use in a vapor product, provided that such
16 cartridge is prefilled and sealed by the manufacturer, and not
17 intended to be opened by the consumer.

18 (7) "Manufacturer" means a person who manufactures and sells
19 vapor products.

20 (8) "Minor" refers to an individual who is less than eighteen
21 years old.

22 (9) "Person" means any individual, receiver, administrator,
23 executor, assignee, trustee in bankruptcy, trust, estate, firm,
24 copartnership, joint venture, club, company, joint stock company,
25 business trust, municipal corporation, the state and its departments
26 and institutions, political subdivision of the state of Washington,
27 corporation, limited liability company, association, society, any
28 group of individuals acting as a unit, whether mutual, cooperative,
29 fraternal, nonprofit, or otherwise.

30 (10) "Place of business" means any place where vapor products are
31 sold or where vapor products are manufactured, stored, or kept for
32 the purpose of sale.

33 (11) "Playground" means any public improved area designed,
34 equipped, and set aside for play of six or more children which is not
35 intended for use as an athletic playing field or athletic court,
36 including but not limited to any play equipment, surfacing, fencing,
37 signs, internal pathways, internal land forms, vegetation, and
38 related structures.

39 (12) "Retail outlet" means each place of business from which
40 vapor products are sold to consumers.

1 (13) "Retailer" means any person engaged in the business of
2 selling vapor products to ultimate consumers.

3 (14)(a) "Sale" means any transfer, exchange, or barter, in any
4 manner or by any means whatsoever, for a consideration, and includes
5 and means all sales made by any person.

6 (b) The term "sale" includes a gift by a person engaged in the
7 business of selling vapor products, for advertising, promoting, or as
8 a means of evading the provisions of this chapter.

9 (15) "School" has the same meaning as provided in RCW 70.140.020.

10 (16) "Self-service display" means a display that contains vapor
11 products and is located in an area that is openly accessible to
12 customers and from which customers can readily access such products
13 without the assistance of a salesperson. A display case that holds
14 vapor products behind locked doors does not constitute a self-service
15 display.

16 (17) "Vapor product" means any noncombustible product that may
17 contain nicotine and that employs a heating element, power source,
18 electronic circuit, or other electronic, chemical, or mechanical
19 means, regardless of shape or size, that can be used to produce vapor
20 from a solution or other substance. "Vapor product" includes any
21 electronic cigarette, electronic cigar, electronic cigarillo,
22 electronic pipe, or similar product or device and any vapor cartridge
23 or other container that may contain nicotine in a solution or other
24 form that is intended to be used with or in an electronic cigarette,
25 electronic cigar, electronic cigarillo, electronic pipe, or similar
26 product or device. "Vapor product" does not include any product
27 regulated as a drug or device by the United States food and drug
28 administration under chapter V of the federal food, drug, and
29 cosmetic act.

30 NEW SECTION. **Sec. 5.** RETAILER'S LICENSES REQUIRED. (1)(a) No
31 person may engage in or conduct business as a retailer in this state
32 after the effective date of this section, without a valid license
33 issued under this chapter. No person engaged in or conducting
34 business as a retailer in this state may sell or give, or permit to
35 sell or give, a product that contains any amount of any cannabinoid,
36 synthetic cannabinoid, cathinone, or methcathinone.

37 (b) A violation of this subsection (1) is punishable as a class C
38 felony according to chapter 9A.20 RCW.

1 (2)(a) No person engaged in or conducting business as a retailer
2 in this state may:

3 (i) Refuse to allow the board, on demand, to make a full
4 inspection of any place of business where any of the vapor products
5 licensed under this chapter are sold, stored, or handled, or
6 otherwise hinder or prevent such inspection; or

7 (ii) Make, use, or present or exhibit to the board any invoice
8 for any of the vapor products licensed under this chapter that bears
9 an untrue date or falsely states the nature or quantity of the goods
10 invoiced.

11 (b) A violation of this subsection (2) is a gross misdemeanor.

12 (3) The penalties provided in this section are in addition to any
13 other penalties provided by law for violating the provisions of this
14 chapter.

15 NEW SECTION. **Sec. 6.** LICENSE APPLICATION, APPROVAL, AND
16 DISPLAY. (1) Application for a retailer's license must be made
17 through the business licensing system under chapter 19.02 RCW.
18 Applications must be made on a form prescribed by the board. Upon
19 receipt of a complete application for a retailer's license and the
20 license fee required by this chapter, the board must issue the
21 license.

22 (2) Each license issued under this chapter expires on the
23 business license expiration date. The license must be continued
24 annually if the licensee has paid the required fee and complied with
25 all the provisions of this chapter.

26 (3) Each license and any other evidence of the license required
27 under this chapter must be exhibited in each place of business for
28 which it is issued and in the manner required for the display of a
29 business license.

30 NEW SECTION. **Sec. 7.** LICENSE FEES. (1) A fee of ninety-three
31 dollars must accompany each retailer's license application or license
32 renewal application. A separate license is required for each separate
33 location at which the retailer operates, except that delivery sellers
34 need only obtain a license for their principal place of business.

35 (2) The fee imposed under subsection (1) of this section does not
36 apply to any person applying for a retailer's license or for renewal
37 of a retailer's license if the person has a valid retailer's license

1 under RCW 82.24.510 or 82.26.150 for the place of business associated
2 with the retailer's license application or renewal application.

3 NEW SECTION. **Sec. 8.** ENFORCEMENT—LICENSE SUSPENSION,
4 REVOCATION. (1) The board, or its enforcement officers, has the
5 authority to enforce provisions of this chapter.

6 (2) The board may revoke or suspend a retailer's license issued
7 under this chapter upon sufficient cause showing a violation of this
8 chapter.

9 (3) A license may not be suspended or revoked except upon notice
10 to the licensee and after a hearing as prescribed by the board. The
11 board, upon finding that the licensee has failed to comply with any
12 provision of this chapter, may, in the case of the first offense,
13 suspend the license or licenses of the licensee for a period of not
14 less than thirty consecutive business days, and in the case of a
15 second or further offense, suspend the license or licenses for a
16 period of not less than ninety consecutive business days but not more
17 than twelve months, and in the event the board finds the licensee has
18 been guilty of willful and persistent violations, it may revoke the
19 license or licenses.

20 (4) Any retailer's licenses issued under chapter 82.24 or 82.26
21 RCW to a person whose license or licenses have been suspended or
22 revoked under this section must also be suspended or revoked during
23 the period of suspension or revocation under this section.

24 (5) Any person whose license or licenses have been revoked under
25 this section may reapply to the board at the expiration of one year
26 of the license or licenses. The license or licenses may be approved
27 by the board if it appears to the satisfaction of the board that the
28 licensee will comply with the provisions of this chapter.

29 (6) A person whose license has been suspended or revoked may not
30 sell vapor products or permit vapor products to be sold during the
31 period of suspension or revocation on the premises occupied by the
32 person or upon other premises controlled by the person or others or
33 in any other manner or form.

34 (7) Any determination and order by the board, and any order of
35 suspension or revocation by the board of the license or licenses
36 issued under this chapter, or refusal to reinstate a license or
37 licenses after revocation is reviewable by an appeal to the superior
38 court of Thurston county. The superior court must review the order or
39 ruling of the board and may hear the matter de novo, having due

1 regard to the provisions of this chapter and the duties imposed upon
2 the board.

3 (8) If the board makes an initial decision to deny a license or
4 renewal, or suspend or revoke a license, the applicant may request a
5 hearing subject to the applicable provisions under Title 34 RCW.

6 NEW SECTION. **Sec. 9.** SIGNAGE. (1) A person who holds a license
7 issued under this chapter must display a sign concerning the
8 prohibition of vapor product sales to minors. Such sign must:

9 (a) Be posted so that it is clearly visible to anyone purchasing
10 vapor products from the licensee;

11 (b) Be designed and produced by the department of health to read:
12 "The sale of vapor products to persons under age eighteen is strictly
13 prohibited by state law. If you are under age eighteen, you could be
14 penalized for purchasing a vapor product; photo id required;" and

15 (c) Be provided free of charge by the board.

16 (2) In lieu of the sign required by subsection (1) of this
17 section, for persons also licensed under RCW 82.24.520 or 82.24.530,
18 the board may issue a sign to read: "The sale of tobacco or vapor
19 products to persons under age eighteen is strictly prohibited by
20 state law. If you are under age eighteen, you could be penalized for
21 purchasing a tobacco or vapor product; photo id required," provided
22 free of charge by the board.

23 NEW SECTION. **Sec. 10.** LABELING AND ADVERTISEMENT REQUIREMENTS.

24 (1) A manufacturer that sells, offers for sale, or distributes a
25 vapor product shall label the vapor product with: (a) A warning
26 regarding the harmful effects of nicotine; (b) a warning to keep the
27 vapor product away from children; (c) a warning that vaping is
28 illegal for those under the age of eighteen; and (d) the amount of
29 milligrams per milliliter of nicotine contained in the product.

30 (2) A manufacturer or retailer that advertises a vapor product
31 shall include in any advertisement a: (a) Warning regarding the
32 harmful effects of nicotine; (b) warning to keep the vapor product
33 away from children; and (c) warning that vaping is illegal for those
34 under the age of eighteen.

35 NEW SECTION. **Sec. 11.** LABELING AND ADVERTISING REQUIREMENTS.

36 (1) A manufacturer that sells, offers for sale, or distributes a
37 vapor product shall label the vapor product with a: (a) Warning

1 regarding the harmful effects of nicotine; (b) warning to keep the
2 vapor product away from children; and (c) warning that vaping is
3 illegal for those under the age of eighteen.

4 (2) A manufacturer or retailer that advertises a vapor product
5 shall include in any advertisement a: (a) Warning regarding the
6 harmful effects of nicotine; (b) warning to keep the vapor product
7 away from children; and (c) warning that vaping is illegal for those
8 under the age of eighteen.

9 (3)(a) This section expires on the effective date of the final
10 regulations issued by the United States food and drug administration
11 or by any other federal agency, when such regulations mandate warning
12 or advertisement requirements for vapor products.

13 (b) The board must provide notice of the expiration date of this
14 section to affected parties, the chief clerk of the house of
15 representatives, the secretary of the senate, the office of the code
16 reviser, and others as deemed appropriate by the board.

17 NEW SECTION. **Sec. 12.** PURCHASING, POSSESSING BY PERSONS UNDER
18 EIGHTEEN—CIVIL INFRACTION—JURISDICTION. (1) A person under the age
19 of eighteen who purchases or attempts to purchase, possesses, or
20 obtains or attempts to obtain vapor products commits a class 3 civil
21 infraction under chapter 7.80 RCW and is subject to a fine as set out
22 in chapter 7.80 RCW or participation in up to four hours of community
23 restitution, or both. The court may also require participation in a
24 smoking cessation program. This provision does not apply if a person
25 under the age of eighteen, with parental authorization, is
26 participating in a controlled purchase as part of a board, law
27 enforcement, or local health department activity.

28 (2) Municipal and district courts within the state have
29 jurisdiction for enforcement of this section.

30 NEW SECTION. **Sec. 13.** AGE IDENTIFICATION REQUIREMENT. (1) When
31 there may be a question of a person's right to purchase or obtain
32 vapor products by reason of age, the retailer or agent thereof, must
33 require the purchaser to present any one of the following officially
34 issued forms of identification that shows the purchaser's age and
35 bears his or her signature and photograph: (a) Liquor control
36 authority card of identification of a state or province of Canada;
37 (b) driver's license, instruction permit, or identification card of a
38 state or province of Canada; (c) "identocard" issued by the

1 Washington state department of licensing under chapter 46.20 RCW; (d)
2 United States military identification; (e) passport; (f) enrollment
3 card, issued by the governing authority of a federally recognized
4 Indian tribe located in Washington, that incorporates security
5 features comparable to those implemented by the department of
6 licensing for Washington drivers' licenses. At least ninety days
7 prior to implementation of an enrollment card under this subsection,
8 the appropriate tribal authority must give notice to the board. The
9 board must publish and communicate to licensees regarding the
10 implementation of each new enrollment card; or (g) merchant marine
11 identification card issued by the United States coast guard.

12 (2) It is a defense to a prosecution under RCW 26.28.080 that the
13 person making a sale reasonably relied on any of the officially
14 issued identification as defined in subsection (1) of this section.
15 The board must waive the suspension or revocation of a license if the
16 licensee clearly establishes that he or she acted in good faith to
17 prevent violations and a violation occurred despite the licensee's
18 exercise of due diligence.

19 NEW SECTION. **Sec. 14.** VENDOR-ASSISTED SALES REQUIREMENT. (1) It
20 is unlawful to sell or distribute vapor products at a retail
21 establishment in this state by any means other than vendor-assisted
22 sales where the customer has no direct access to the product except
23 through the assistance of the seller.

24 (2) It is unlawful to sell or distribute vapor products from
25 self-service displays.

26 (3) Retail establishments are exempt from subsections (1) and (2)
27 of this section if minors are not allowed in the store and such
28 prohibition is posted clearly on all entrances.

29 (4) Subsections (1) and (2) of this section do not apply to
30 delivery sales of vapor products if the delivery seller meets the age
31 verification requirements set forth in subsection (5) of this
32 section.

33 (5) No person may mail, ship, or otherwise cause to be delivered
34 any vapor product in connection with a delivery sale unless prior to
35 its sale to the purchaser, the person verifies that the purchaser is
36 at least eighteen years of age through a commercially available
37 database, or aggregate of databases, that is regularly used by
38 government and businesses for the purpose of age and identity
39 verification.

1 NEW SECTION. **Sec. 15.** CHILD-RESISTANT PACKAGING REQUIREMENT.

2 (1) Any liquid nicotine container that is sold at retail in this
3 state must satisfy the child-resistant effectiveness standards set
4 forth in 16 C.F.R. Sec. 1700.15(b), as in effect on the effective
5 date of this section, when tested in accordance with the method
6 described in 16 C.F.R. Sec. 1700.20, as in effect on the effective
7 date of this section.

8 (2) Any person that engages in retail sales of liquid nicotine
9 containers in violation of this section is guilty of a gross
10 misdemeanor.

11 (3)(a) This section expires on the effective date of the final
12 regulations issued by the United States food and drug administration
13 or by any other federal agency, when such regulations mandate child-
14 resistant effectiveness standards for liquid nicotine containers.

15 (b) The board must provide notice of the expiration date of this
16 section to affected parties, the chief clerk of the house of
17 representatives, the secretary of the senate, the office of the code
18 reviser, and others as deemed appropriate by the board.

19 NEW SECTION. **Sec. 16.** USE OF VAPOR PRODUCTS IN CERTAIN PUBLIC
20 PLACES. (1) Indoor areas. The use of vapor products is prohibited in
21 the following indoor areas:

22 (a) Inside a child care facility, provided that a child care
23 facility that is home-based is excluded from this paragraph when
24 children enrolled in such child care facility are not present;

25 (b) Schools; and

26 (c) Elevators.

27 (2) Outdoor areas. The use of vapor products is prohibited in the
28 following outdoor areas:

29 (a) Real property that is under the control of a child care
30 facility and upon which the child care facility is located, provided
31 that a child care facility that is home-based is excluded from this
32 paragraph when children enrolled in such child care facility are not
33 present;

34 (b) Real property that is under the control of a school and upon
35 which the school is located; and

36 (c) Playgrounds, during the hours between sunrise and sunset,
37 when one or more persons under twelve years of age are present at
38 such playground.

1 NEW SECTION. **Sec. 17.** PENALTIES, SANCTIONS, AND ACTIONS AGAINST
2 LICENSEES. (1) The board may impose a monetary penalty as set forth
3 in subsection (2) of this section, if the board finds that the
4 licensee has violated RCW 26.28.080 or any other provision of this
5 chapter.

6 (2) The sanctions that the board may impose against a person
7 licensed under this chapter based upon one or more findings under
8 subsection (1) of this section may not exceed the following:

9 (a) A monetary penalty of one hundred dollars for the first
10 violation within any two-year period;

11 (b) A monetary penalty of three hundred dollars for the second
12 violation within any two-year period;

13 (c) A monetary penalty of one thousand dollars for the third
14 violation within any two-year period; and

15 (d) A monetary penalty of one thousand five hundred dollars for
16 the fourth or subsequent violation within any two-year period.

17 (3) The board may impose a monetary penalty upon any person other
18 than a licensed retailer if the board finds that the person has
19 violated RCW 26.28.080.

20 (4) The monetary penalty that the board may impose based upon one
21 or more findings under subsection (3) of this section may not exceed
22 fifty dollars for the first violation and one hundred dollars for
23 each subsequent violation.

24 (5) The board may develop and offer a class for retail clerks and
25 use this class in lieu of a monetary penalty for the clerk's first
26 violation.

27 (6) The board may issue a cease and desist order to any person
28 who is found by the board to have violated or intending to violate
29 the provisions of this chapter or RCW 26.28.080, requiring such
30 person to cease specified conduct that is in violation. The issuance
31 of a cease and desist order does not preclude the imposition of other
32 sanctions authorized by this statute or any other provision of law.

33 (7) The board may seek injunctive relief to enforce the
34 provisions of RCW 26.28.080 or this chapter. The board may initiate
35 legal action to collect civil penalties imposed under this chapter if
36 the same have not been paid within thirty days after imposition of
37 such penalties. In any action filed by the board under this chapter,
38 the court may, in addition to any other relief, award the board
39 reasonable attorneys' fees and costs.

1 (8) All proceedings under subsections (1) through (6) of this
2 section must be conducted in accordance with chapter 34.05 RCW.

3 (9) The board may reduce or waive either the penalties or the
4 suspension or revocation of a license, or both, as set forth in this
5 chapter where the elements of proof are inadequate or where there are
6 mitigating circumstances. Mitigating circumstances may include, but
7 are not limited to, an exercise of due diligence by a retailer.
8 Further, the board may exceed penalties set forth in this chapter
9 based on aggravating circumstances.

10 NEW SECTION. **Sec. 18.** LIQUOR AND CANNABIS BOARD AUTHORITY. (1)

11 The board must have, in addition to the board's other powers and
12 authorities, the authority to enforce the provisions of this chapter.

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

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

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

30 NEW SECTION. **Sec. 19.** YOUTH TOBACCO AND VAPOR PRODUCTS

31 PREVENTION ACCOUNT—SOURCE AND USE OF FUNDS. All fees collected
32 pursuant to this chapter and funds collected by the board from the
33 imposition of monetary penalties must be deposited into the youth
34 tobacco and vapor products prevention account created by RCW
35 70.155.120, except that ten percent of all such fees and penalties
36 must be deposited in the state general fund.

1 NEW SECTION. **Sec. 20.** EXEMPTIONS. This chapter does not apply
2 to a motor carrier or a freight forwarder as defined in 49 U.S.C.
3 Sec. 13102 or an air carrier as defined in 49 U.S.C. Sec. 40102.

4 NEW SECTION. **Sec. 21.** SEVERABILITY. If any provision of this
5 act or its application to any person or circumstance is held invalid,
6 the remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

8 NEW SECTION. **Sec. 22.** NEW CHAPTER CREATION. Sections 3 through
9 20 of this act constitute a new chapter in Title 70 RCW.

10 NEW SECTION. **Sec. 23.** EFFECTIVE DATE. (1) Sections 5 through 7
11 of this act take effect thirty days after the Washington state liquor
12 and cannabis board prescribes the form for an application for a
13 license required under section 6 of this act.

14 (2) The Washington state liquor and cannabis board must provide
15 written notice of the effective date of sections 5 through 7 of this
16 act to affected parties, the chief clerk of the house of
17 representatives, the secretary of the senate, the office of the code
18 reviser, and others as deemed appropriate by the department.

--- END ---