
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: I-2476.1/11

ATTY/TYPIST: AI:lel

BRIEF DESCRIPTION:

Initiative Measure No. 512

AN ACT Relating to tobacco; adding a new section to chapter 9.91 RCW; creating a new section; repealing RCW 43.340.005, 43.340.010, 43.340.020, 43.340.030, 43.340.040, 43.340.050, 43.340.060, 43.340.070, 43.340.080, 43.340.090, 43.340.100, 43.340.110, 43.340.120, 43.340.130, 43.340.900, 43.340.901, 43.340.902, 70.155.005, 70.155.010, 70.155.020, 70.155.030, 70.155.040, 70.155.050, 70.155.070, 70.155.080, 70.155.090, 70.155.100, 70.155.110, 70.155.120, 70.155.130, 70.155.140, 70.155.900, 70.157.005, 70.157.010, 70.157.020, 70.157.020, 70.157.030, 70.158.010, 70.158.020, 70.158.030, 70.158.040, 70.158.050, 70.158.060, 70.158.070, 70.158.900, 70.158.901, 82.26.010, 82.26.020, 82.26.030, 82.26.040, 82.26.060, 82.26.070, 82.26.080, 82.26.090, 82.26.100, 82.26.105, 82.26.110, 82.26.120, 82.26.121, 82.26.130, 82.26.140, 82.26.150, 82.26.160, 82.26.170, 82.26.180, 82.26.190, 82.26.200, 82.26.210, 82.26.220, 82.26.230, 82.26.240, 82.26.250, and 82.26.260; and prescribing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** The people recognize that the use of tobacco products of all types is a significant public health problem. Cigarettes, cigars, and smokeless tobacco can lead to lifelong nicotine addiction. Cigar and cigarette smokers are at significant risk for oral, throat, and esophageal cancers. Smokeless tobacco products similarly raise users' risk of various diseases including cancers of the lip, tongue, cheeks, and gums.

NEW SECTION. **Sec. 2.** A new section is added to chapter 9.91 RCW to read as follows:

(1) It is unlawful to sell, manufacture, or possess any tobacco products including, but not limited to, cigarettes, cigars, and smokeless tobacco.

(2) A person who:

(a) Sells or manufactures any tobacco product is guilty of a class B felony punishable according to chapter 9A.20 RCW; or

(b) Possesses any tobacco product is guilty of a class C felony punishable according to chapter 9A.20 RCW.

(3) For the purposes of this section, "tobacco product" includes any product containing tobacco or nicotine that is expected or intended for human consumption.

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 **Sec. 3.** The following acts or parts of acts are each repealed:

(1) RCW 43.340.005 (Purpose--Construction) and 2002 c 365 s 1;

(2) RCW 43.340.010 (Definitions) and 2002 c 365 s 2;

(3) RCW 43.340.020 (Tobacco settlement authority--Governing board--Meetings--Staff support) and 2002 c 365 s 3;

(4) RCW 43.340.030 (Tobacco settlement authority--Powers--Rule-making authority) and 2002 c 365 s 6;

(5) RCW 43.340.040 (Financing powers) and 2002 c 365 s 5;

(6) RCW 43.340.050 (Bonds) and 2011 c 74 s 702 & 2002 c 365 s 8;

(7) RCW 43.340.060 (Bonds--Obligations of authority--Not obligations of state) and 2002 c 365 s 4;

(8) RCW 43.340.070 (Bonds--Legal investments) and 2002 c 365 s 9;

- (9) RCW 43.340.080 (Sale of rights in master settlement agreement) and 2002 c 365 s 7;
- (10) RCW 43.340.090 (Limitation of liability) and 2002 c 365 s 10;
- (11) RCW 43.340.100 (Bankruptcy--Contractual obligation to contain section) and 2002 c 365 s 11;
- (12) RCW 43.340.110 (Dissolution of authority) and 2002 c 365 s 12;
- (13) RCW 43.340.120 (Tobacco securitization trust account) and 2002 c 365 s 13;
- (14) RCW 43.340.130 (Appeals bonds--Amounts) and 2006 c 246 s 2;
- (15) RCW 43.340.900 (Captions not law--2002 c 365) and 2002 c 365 s 16;
- (16) RCW 43.340.901 (Severability--2002 c 365) and 2002 c 365 s 18;
- (17) RCW 43.340.902 (Effective date--2002 c 365) and 2002 c 365 s 19;
- (18) RCW 70.155.005 (Finding) and 1993 c 507 s 1;
- (19) RCW 70.155.010 (Definitions) and 2009 c 278 s 1, 2006 c 14 s 2, 2003 c 113 s 1, & 1993 c 507 s 2;
- (20) RCW 70.155.020 (Cigarette wholesaler or retailer licensee duties--Prohibition sign to be posted) and 1993 c 507 s 3;
- (21) RCW 70.155.030 (Cigarette machine location) and 1994 c 202 s 1 & 1993 c 507 s 4;
- (22) RCW 70.155.040 (Cigarettes must be sold in original package--Exception) and 1993 c 507 s 5;
- (23) RCW 70.155.050 (Sampling prohibited--Penalty) and 2006 c 14 s 3 & 1993 c 507 s 6;
- (24) RCW 70.155.070 (Coupons) and 1993 c 507 s 8;
- (25) RCW 70.155.080 (Purchasing, possessing by persons under eighteen--Civil infraction--Jurisdiction) and 2002 c 175 s 47, 1998 c 133 s 2, & 1993 c 507 s 9;
- (26) RCW 70.155.090 (Age identification requirement) and 2006 c 14 s 4, 2005 c 206 s 2, & 1993 c 507 s 10;
- (27) RCW 70.155.100 (Penalties, sanctions, and actions against licensees) and 2006 c 14 s 5, 1998 c 133 s 3, & 1993 c 507 s 11;

- (28) RCW 70.155.110 (Liquor control board authority) and 1993 c 507 s 12;
- (29) RCW 70.155.120 (Youth tobacco prevention account--Source and use of funds) and 1993 c 507 s 13;
- (30) RCW 70.155.130 (Preemption of political subdivisions) and 1993 c 507 s 14;
- (31) RCW 70.155.140 (Shipping or transporting tobacco products ordered or purchased by mail or through the internet prohibited--Penalty) and 2009 c 278 s 2;
- (32) RCW 70.155.900 (Severability--1993 c 507) and 1993 c 507 s 20;
- (33) RCW 70.157.005 (Findings and purpose) and 1999 c 393 s 1;
- (34) RCW 70.157.010 (Definitions) and 1999 c 393 s 2;
- (35) RCW 70.157.020 (Requirements) and 2003 c 342 s 1 & 1999 c 393 s 3;
- (36) RCW 70.157.020 (Requirements) and 1999 c 393 s 3;
- (37) RCW 70.157.030 (Contingent expiration date--Court action) and 2003 c 342 s 2;
- (38) RCW 70.158.010 (Findings) and 2003 c 25 s 1;
- (39) RCW 70.158.020 (Definitions) and 2003 c 25 s 2;
- (40) RCW 70.158.030 (Tobacco product manufacturers--Certification--Attorney general to publish directory--Violations) and 2003 c 25 s 3;
- (41) RCW 70.158.040 (Nonresident, nonparticipating manufacturers--Agent for service of process) and 2003 c 25 s 4;
- (42) RCW 70.158.050 (Reports, records--Confidentiality, disclosures, voluntary waivers--Escrow payments) and 2003 c 25 s 5;
- (43) RCW 70.158.060 (Penalties--Application of consumer protection act) and 2003 c 25 s 6;
- (44) RCW 70.158.070 (Attorney general's directory decision to be final agency action--Due dates for reports, certifications, directory--Rules--Costs--Penalties) and 2003 c 25 s 7;
- (45) RCW 70.158.900 (Conflict of law--Severability--2003 c 25) and 2003 c 25 s 8;

- (46) RCW 70.158.901 (Effective date--2003 c 25) and 2003 c 25 s 13;
- (47) RCW 82.26.010 (Definitions) and 2010 1st sp.s. c 22 s 4, 2005 c 180 s 2, 2002 c 325 s 1, 1995 c 278 s 16, 1975 1st ex.s. c 278 s 70, & 1961 c 15 s 82.26.010;
- (48) RCW 82.26.020 (Tax imposed--Deposited into the general fund) and 2010 1st sp.s. c 22 s 5, 2009 c 479 s 70, 2005 c 180 s 3, 2002 c 325 s 2, 1993 c 492 s 309, 1983 2nd ex.s. c 3 s 16, 1982 1st ex.s. c 35 s 9, 1975 1st ex.s. c 278 s 71, 1971 ex.s. c 299 s 77, 1965 ex.s. c 173 s 25, & 1961 c 15 s 82.26.020;
- (49) RCW 82.26.030 (Legislative intent--Purpose) and 2010 1st sp.s. c 22 s 7, 2005 c 180 s 1, 2002 c 325 s 4, & 1961 c 15 s 82.26.030;
- (50) RCW 82.26.040 (When tax not applicable under laws of United States) and 1961 c 15 s 82.26.040;
- (51) RCW 82.26.060 (Books and records to be preserved--Entry and inspection by department or board) and 2009 c 154 s 3, 2005 c 180 s 4, 1975 1st ex.s. c 278 s 73, & 1961 c 15 s 82.26.060;
- (52) RCW 82.26.070 (Preservation of invoices of sales to other than ultimate consumer) and 2005 c 180 s 7 & 1961 c 15 s 82.26.070;
- (53) RCW 82.26.080 (Retailer invoices--Requirements--Inspection) and 2005 c 180 s 5, 1975 1st ex.s. c 278 s 74, & 1961 c 15 s 82.26.080;
- (54) RCW 82.26.090 (Records of shipments, deliveries from public warehouse of first destination--Preservation--Inspection) and 1975 1st ex.s. c 278 s 75 & 1961 c 15 s 82.26.090;
- (55) RCW 82.26.100 (Reports and returns) and 2005 c 180 s 8, 1983 c 3 s 218, & 1961 c 15 s 82.26.100;
- (56) RCW 82.26.105 (Inspection of books, documents, or records of carriers) and 2007 c 221 s 3 & 2005 c 180 s 6;
- (57) RCW 82.26.110 (When credit may be obtained for tax paid) and 2007 c 221 s 4, 2005 c 180 s 9, 1975 1st ex.s. c 278 s 76, & 1961 c 15 s 82.26.110;
- (58) RCW 82.26.120 (Administration) and 1963 ex.s. c 28 s 5;

(59) RCW 82.26.121 (Enforcement--Appointment of officers of liquor control board) and 1997 c 420 s 11;

(60) RCW 82.26.130 (Invoices--Nonpayment--Penalties and interest) and 2002 c 325 s 5;

(61) RCW 82.26.140 (Transport of tobacco products--Requirements--Vehicle inspection) and 2005 c 180 s 10;

(62) RCW 82.26.150 (Distributor's license, retailer's license--Application--Approval--Display) and 2009 c 154 s 4 & 2005 c 180 s 11;

(63) RCW 82.26.160 (Distributor's license--Application fees) and 2005 c 180 s 12;

(64) RCW 82.26.170 (Retailer's license--Application fee) and 2005 c 180 s 13;

(65) RCW 82.26.180 (Board web site listing distributors and retailers) and 2009 c 154 s 5 & 2005 c 180 s 15;

(66) RCW 82.26.190 (Distributors and retailers--Valid license required--Violations--Penalties) and 2009 c 154 s 6 & 2005 c 180 s 16;

(67) RCW 82.26.200 (Sales from distributors to retailers--Requirements) and 2005 c 180 s 17;

(68) RCW 82.26.210 (Manufacturer's representatives--Requirements) and 2009 c 154 s 7 & 2005 c 180 s 14;

(69) RCW 82.26.220 (Enforcement, administration of chapter--License suspension, revocation) and 2009 c 154 s 8 & 2005 c 180 s 18;

(70) RCW 82.26.230 (Enforcement--Unlicensed distributors or retailers--Seizure and forfeiture of property) and 2005 c 180 s 20;

(71) RCW 82.26.240 (Seizure and forfeiture of property--Department and board requirements) and 2005 c 180 s 21;

(72) RCW 82.26.250 (Enforcement--Search warrants) and 2005 c 180 s 22; and

(73) RCW 82.26.260 (Tobacco product code--Tax payment and exemption verification) and 2010 1st sp.s. c 22 s 6.