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**SUBSTITUTE SENATE BILL 5681**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Quigley, Smith, Pelz, Prentice, Kohl, Fairley, Heavey, Moyer and Oke)

Read first time 02/17/95.

1 AN ACT Relating to illegal activities involving tobacco; amending  
2 RCW 70.155.100 and 70.155.110; and prescribing penalties.

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

4 **Sec. 1.** RCW 70.155.100 and 1993 c 507 s 11 are each amended to  
5 read as follows:

6 (1) The liquor control board may suspend or revoke a retailer's  
7 license held by a business at any location, or may impose a monetary  
8 penalty as set forth in subsection (2) of this section, if the liquor  
9 control board finds that the licensee has violated RCW  
10 26.28.080(~~((4))~~), or 70.155.020, 70.155.030, 70.155.040, 70.155.050,  
11 70.155.060, 70.155.070, or 70.155.090.

12 (2) The sanctions that the liquor control board may impose against  
13 a person licensed under RCW 82.24.530 and 70.155.050 and 70.155.060  
14 based upon one or more findings under subsection (1) of this section  
15 may not exceed the following:

16 (a) For violation of RCW 26.28.080(~~((4))~~) or 70.155.020:

17 (i) A monetary penalty of not less than one hundred and not more  
18 than three hundred dollars for the first violation within any (~~two-~~  
19 ~~year~~) four-year period;

1 (ii) A monetary penalty of not less than three hundred and not more  
2 than five hundred dollars for the second violation within any (~~two-~~  
3 ~~year~~) four-year period;

4 (iii) A monetary penalty of not less than one thousand and not more  
5 than one thousand five hundred dollars and suspension of the license  
6 for a period of six months for the third violation within any (~~two-~~  
7 ~~year~~) four-year period;

8 (iv) A monetary penalty of not less than one thousand five hundred  
9 and not more than two thousand five hundred dollars and suspension of  
10 the license for a period of twelve months for the fourth violation  
11 within any (~~two-year~~) four-year period;

12 (v) A monetary penalty of not more than five thousand dollars and  
13 revocation of the license with no possibility of reinstatement for a  
14 period of five years for the fifth or more violation within any (~~two-~~  
15 ~~year~~) four-year period;

16 (b) For violations of RCW 70.155.030, a monetary penalty in the  
17 amount of one hundred dollars for each day upon which such violation  
18 occurred;

19 (c) For violations of RCW 70.155.040 occurring on the licensed  
20 premises:

21 (i) A monetary penalty of one hundred dollars for the first  
22 violation within any two-year period;

23 (ii) A monetary penalty of three hundred dollars for the second  
24 violation within any two-year period;

25 (iii) A monetary penalty of one thousand dollars and suspension of  
26 the license for a period of six months for the third violation within  
27 any two-year period;

28 (iv) A monetary penalty of one thousand five hundred dollars and  
29 suspension of the license for a period of twelve months for the fourth  
30 violation within any two-year period;

31 (v) Revocation of the license with no possibility of reinstatement  
32 for a period of five years for the fifth or more violation within any  
33 two-year period;

34 (d) For violations of RCW 70.155.050 and 70.155.060, a monetary  
35 penalty in the amount of three hundred dollars for each violation;

36 (e) For violations of RCW 70.155.070, a monetary penalty in the  
37 amount of one thousand dollars for each violation.

38 (3) The liquor control board may impose a monetary penalty upon any  
39 person other than a licensed cigarette retailer or licensed sampler if

1 the liquor control board finds that the person has violated RCW  
2 26.28.080(~~((4))~~), or 70.155.020, 70.155.030, 70.155.040, 70.155.050,  
3 70.155.060, 70.155.070, or 70.155.090.

4 (4) The monetary penalty that the liquor control board may impose  
5 based upon one or more findings under subsection (3) of this section  
6 may not exceed the following:

7 (a) For violation of RCW 26.28.080(~~((4))~~) or 70.155.020, fifty  
8 dollars for the first violation and one hundred dollars for each  
9 subsequent violation;

10 (b) For violations of RCW 70.155.030, one hundred dollars for each  
11 day upon which such violation occurred;

12 (c) For violations of RCW 70.155.040, one hundred dollars for each  
13 violation;

14 (d) For violations of RCW 70.155.050 and 70.155.060, three hundred  
15 dollars for each violation;

16 (e) For violations of RCW 70.155.070, one thousand dollars for each  
17 violation.

18 (5) The liquor control board may develop and offer a class for  
19 retail clerks and use this class in lieu of a monetary penalty for the  
20 clerk's first violation.

21 (6) The liquor control board may issue a cease and desist order to  
22 any person who is found by the liquor control board to have violated or  
23 intending to violate the provisions of this chapter, RCW  
24 26.28.080(~~((4))~~) or 82.24.500, requiring such person to cease specified  
25 conduct that is in violation. The issuance of a cease and desist order  
26 shall not preclude the imposition of other sanctions authorized by this  
27 statute or any other provision of law.

28 (7) The liquor control board may seek injunctive relief to enforce  
29 the provisions of RCW 26.28.080(~~((4))~~) or 82.24.500 or this chapter.  
30 The liquor control board may initiate legal action to collect civil  
31 penalties imposed under this chapter if the same have not been paid  
32 within thirty days after imposition of such penalties. In any action  
33 filed by the liquor control board under this chapter, the court may, in  
34 addition to any other relief, award the liquor control board reasonable  
35 attorneys' fees and costs.

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

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

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

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

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

24       (4) The liquor control board (~~(may work with)~~) shall provide staff  
25 and assistance when requested by local county health departments or  
26 districts and local law enforcement agencies to conduct random,  
27 unannounced(~~(7)~~) inspections to assure compliance.

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