



**Bill Title:** Concerning vapor products in respect to youth substance use prevention associated with vapor products, amending and renaming the youth tobacco prevention account, provisions concerning certain child-resistant packaging, definitions related to "vapor product," signage requirements prohibiting vapor product sales to minors, prohibition of the sale of cannabinoids by vapor product retailers, prohibition of the purchase and possession of vapor products by minors, the liquor and cannabis board's enforcement authority over vapor products, preemption of certain local regulation of vapor products, labeling and advertisement requirements, and a requirement for vendor-assisted sales of vapor products in retail establishments.

**Bill Number:** ESSB 6328

**Effective Date:** 6/28/2016

**Amends:** RCW 26.28.080, 70.155.120, 82.24.530, 70.155.100, 82.26.170, and 66.08.145; adding a new section to chapter 70.155 RCW; adding a new chapter to Title 70 RCW

**Summary:**

Senate Bill 6328 contains multiple components to prevent access to vaping products by youth and address public safety and health regulations, including:

- Clarifies the definition of "vapor products," and what is included in that category of products, excluding any products that contain marijuana, marijuana concentrates, or marijuana-infused products;
- State preemption for licensure, regulation of promotions and sales, and any additional fees on retail outlets;
- Creates a vapor product retailers license, distributor license and delivery sellers license;
- Creates penalties to be enforced by the Washington State Liquor and Cannabis Board (WSLCB), as well as grants authority to the WSLCB to set other enforcement and regulatory provisions;
- Establishes signage, labeling, and packaging requirements for all vapor products;
  - The state labeling requirements will expire in 2018. Labels on vapor products containing nicotine will have to follow FDA requirements only. Non-nicotine liquids have no labeling requirements under either state law or FDA rule.
- Internet or mail sales may only occur with proof that purchaser is 18 years of age and older. Before accepting a purchase or order, a licensed delivery seller must verify the buyer's full name, birth date, and residential address through a third-party database that is regularly used by government and businesses to verify age and identity. Further, they may only accept payment via a credit or debit card in the purchaser's own name, and before shipping, must have the purchaser certify or declare that they are over 18 years of age or older.
- Restricts consumption at certain locations, and within 500 feet of schools.
- Most provisions become effective on June 28, 2016. The licensing provisions, sections 5-10 and 28 become effective 30 days after the Liquor and Cannabis Board adopts the license application form.

**Note:** Because the FDA has banned free samples, including tastings of tobacco products, only tastings of non-nicotine products will be allowed. These will be limited to adults-only, licensed premises in compliance with Section 19.

**Revenue:**

Funds go to the Youth Tobacco and Vapor Products Prevention Account (formerly the Youth Tobacco Prevention Account), with portions of the funds to the WSLCB for enforcement, and to community youth tobacco and vapor product prevention activities.

**How to apply for a product retailer's license; vapor product distributor's license; or vapor product delivery sale license:**

SB 6328 set the following fees for all vapor product licenses, as well as raised the fee for certain tobacco retailers.

- Vapor Product Retailers - \$175
- Distributors - \$150
- Delivery Sellers - \$250
- Tobacco and Other Tobacco Product Retailers - \$175
- Vapor Product Retailer and Tobacco Product or Other Tobacco Product Retailer Combo Fee - \$250

Once available the application for new licenses will be found on the WSLCB website at: [lcb.wa.gov](http://lcb.wa.gov).

When the WSLCB Licensing Division receives an application, a WSLCB Customer Service Specialist will send the applicant an approval letter. Licensing staff will notify the licensee if any further documents are needed to process the request.

**Contact Information:**

For specific questions, please contact Customer Service at 360-664-1600 or [lcb.wa.gov](http://lcb.wa.gov)