
HOUSE BILL 2380

State of Washington 52nd Legislature 1992 Regular Session

By Representatives Heavey, Dorn, Wineberry, Fuhrman and Sprenkle

Read first time 01/15/92. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to health warnings in liquor advertising; amending
2 RCW 66.08.060; adding new sections to chapter 66.28 RCW; adding a new
3 section to chapter 66.08 RCW; creating a new section; and providing an
4 effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that adult
7 citizens of this state have the right to use alcohol in a responsible
8 manner. However, the illegal use of alcohol by minors, the high
9 incidence of driving while under the influence of alcohol, the health
10 risks associated with the abuse of alcohol, and the large number of
11 alcohol-related crimes in Washington state are all compelling problems
12 that the state must address.

13 Alcohol is an illegal drug for persons under twenty-one years of
14 age, yet it has been estimated that over fifty thousand students in

1 grades six to twelve in Washington schools can be considered heavy
2 drinkers and over fifty percent have tried alcohol. Almost one-half of
3 the deaths and almost one-quarter of the disabling injuries on
4 Washington highways result from accidents involving drivers under the
5 influence of alcohol. As a class, young people are greatly
6 overrepresented in the number of alcohol-related collisions. Alcohol-
7 related accidents are the leading cause of death of sixteen to twenty-
8 four year olds in the United States.

9 Alcohol abuse has been linked to a wide array of family and health
10 problems, causing much pain and suffering. The treatment of these
11 problems raises the cost of health care for all citizens of the state.
12 Approximately one hundred forty-five babies are born in Washington each
13 year with fetal alcohol syndrome. Fetal alcohol syndrome is the third
14 leading cause of mental retardation in the United States.

15 More than one-third of the arrests in the United States each year
16 are related to alcohol abuse. Taxpayers in the United States pay one
17 hundred fifty million dollars a year for the arrest, trial, and jail
18 time of these people.

19 The legislature further finds that advertising has a tremendous
20 effect on the attitudes, beliefs, social behavior, and consumer
21 behavior of citizens of all ages, especially young persons. It is
22 estimated that over seventy percent of high school seniors watch some
23 television every day. The average primary and secondary level student
24 spends more time watching television than doing homework. Many
25 advertisers have taken advantage of this eager market by explicitly or
26 implicitly purveying the message that alcohol contributes to a person's
27 attractiveness, athletic ability, professional ability, or social
28 status. Advertisers have also attempted to make alcohol appealing to
29 young people by linking alcohol to various animated characters and

1 mascots. Moreover, some alcohol advertisements convey a sexist message
2 by objectifying women.

3 Recognizing the severity of the problems associated with alcohol
4 use and abuse, recognizing that the twenty-first amendment to the
5 Constitution of the United States grants states the power to prohibit
6 the sale of liquor entirely, or to regulate the time, place, and manner
7 in which it may be served, recognizing the overriding state interest in
8 protecting the health, welfare, and safety of its citizens, and
9 recognizing that the right to sell liquor in the state of Washington is
10 subject to any condition imposed by the state, the legislature intends
11 that any person or entity advertising or promoting the sale of liquor
12 in this state shall provide health warnings in the manner required by
13 this act. The purpose of these warnings is to provide public education
14 on the following issues: The dangers of drinking liquor while
15 pregnant; the dangers and consequences of driving or operating
16 machinery while under the influence of liquor; the dangers of using
17 alcohol while using other drugs; the danger of addiction to alcohol;
18 and the fact that alcohol is illegal for persons under twenty-one years
19 of age.

20 **Sec. 2.** RCW 66.08.060 and 1933 ex.s. c 62 s 43 are each amended to
21 read as follows:

22 The board shall not advertise liquor in any form or through any
23 medium whatsoever. The board shall have power to adopt any and all
24 reasonable regulations as to the kind, character and location of
25 advertising of liquor, subject to any restrictions imposed upon liquor
26 advertising under this title.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 66.28 RCW
28 to read as follows:

1 (1) It is unlawful for any person to advertise or cause to be
2 advertised within the state of Washington any liquor unless the
3 advertising bears one of the following health warnings:

4 (a) "Surgeon General's Warning: Drinking during pregnancy may
5 cause mental retardation and other birth defects. Avoid alcohol during
6 pregnancy."

7 (b) "Warning: Alcohol impairs your ability to drive a car or
8 operate machinery."

9 (c) "Warning: Alcohol may be hazardous if you are using any other
10 drugs such as over-the-counter, prescription, or illicit drugs."

11 (d) "Warning: Drinking alcohol may become addictive."

12 (e) "Warning: It's against the law to purchase alcohol for persons
13 under age 21."

14 (2) "Advertise" means to make a representation in any medium for
15 the purpose of inducing, or which is likely to induce, the purchase of
16 a product.

17 (3) Every manufacturer or importer selling liquor within the state
18 of Washington shall submit a health warning rotation plan for approval
19 by the board. The plan shall provide for roughly equal distribution of
20 the health warnings required by this section and section 4 of this act
21 on advertisements of each brand style.

22 After December 31, 1992, no person may advertise or cause to be
23 advertised within the state of Washington any liquor except in
24 accordance with a plan approved under this subsection. An approved
25 plan shall apply with respect to the applicant for a one-year period
26 beginning on the date the plan is approved.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 66.28 RCW
28 to read as follows:

1 (1) The health warnings required for liquor advertisements by
2 section 3 of this act shall:

3 (a) For print advertising, be located in a conspicuous place and
4 manner on each advertisement;

5 (b) For radio advertising, be read audibly and deliberately on each
6 advertisement; and

7 (c) For television advertising, be read audibly and deliberately
8 and be accompanied by a graphic representation that is conspicuous and
9 legible on each advertisement.

10 (2) The board shall adopt rules to take effect no later than
11 January 1, 1993, to implement this section.

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 66.08 RCW
13 to read as follows:

14 The board may suspend a manufacturer's or importer's right to sell
15 liquor in this state for noncompliance with section 3 or 4 of this act.

16 NEW SECTION. **Sec. 6.** A new section is added to chapter 66.28 RCW
17 to read as follows:

18 The advertising of liquor in a manner that does not comply with the
19 requirements of section 3 or 4 of this act is a matter affecting the
20 public interest for the purpose of applying chapter 19.86 RCW. Liquor
21 advertising that does not comply with the requirements of section 3 or
22 4 of this act is not reasonable in relation to the development and
23 preservation of business. A violation of section 3 or 4 of this act
24 constitutes an unfair or deceptive act or practice in trade or commerce
25 for the purpose of applying chapter 19.86 RCW.

26 NEW SECTION. **Sec. 7.** Section 3 of this act shall take effect
27 January 1, 1993.