

SIXTY SIXTH LEGISLATURE - REGULAR SESSION

THIRTY EIGHTH DAY

House Chamber, Olympia, Wednesday, February 20, 2019

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Seattle Buddhist Church Boy Scout and Pack Troup 252 led by Scoutmaster Gary Kato. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Takashi Miyaji, Tacoma Buddhist Temple, Tacoma, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2019-4610, by Representatives Chopp, Wilcox, Appleton, Barkis, Bergquist, Blake, Boehnke, Calder, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Ricelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the United States military to forcibly remove and incarcerate more than 120,000 persons of Japanese ancestry from the West Coast, including 12,000 Japanese American residents of Washington State; and

WHEREAS, The first civilian evacuation order gave Japanese Americans from Bainbridge Island less than one week to leave behind homes, personal belongings, farms, businesses, friends, and family and report to hastily constructed detention centers like Camp Harmony on the grounds of the Washington State fair in Puyallup; and

WHEREAS, This drastic course of action allegedly aimed to prevent acts of espionage and sabotage by Japanese Americans who were deemed untrustworthy and disloyal to the United States; and

WHEREAS, On March 23, 1943, the War Department organized a segregated unit of Japanese Americans, many of whom reported for military duty from the concentration camps surrounded by barbed wire in which they and their families were detained; and

WHEREAS, More than 12,000 volunteers responded to questions about their loyalty and patriotism by amassing a battle record unparalleled in United States military history with 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 1 Distinguished Service Medal, 588 Silver Stars, more than 4,000 Bronze Stars, 22 Legion of Merit Medals, 145 Soldier's Medals, 9,486 Purple Hearts, 16 decorations from France and Italy, and, in 2010, the Congressional Gold Medal; and

WHEREAS, Equally loyal and patriotic Japanese Americans fought to protect our constitutional rights and liberties through dissent, like University of Washington student Gordon Hirabayashi who was arrested, convicted, and imprisoned for defying the military curfew on select civilians and refusing to evacuate when ordered; and

WHEREAS, In 1982, the Congressional commission on wartime relocation and internment of civilians found "no military or security reason for the internment" of persons of Japanese ancestry, but determined the cause of the incarceration as "racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, Through this travesty of justice, Japanese Americans suffered immense economic loss of property and assets, immeasurable physical and psychological harm, and were deprived of their constitutional liberties without due process of law; and

WHEREAS, In 1979, Washington State Congressman Mike Lowry introduced H.R. 5977 to provide reparations and an apology to the Japanese American incarcerated, thus initiating a ten-year legislative quest that ended when President Ronald Reagan signed the Civil Liberties Act of 1988; and

WHEREAS, Throughout Washington State, the last remaining survivors of the European and Asian Pacific battlefields of World War II and of American incarceration camps live their golden years in quiet contrast to their extraordinary acts of conscience and valor while all of America continues to benefit from their heroic patriotism;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives pause to acknowledge the seventy-seventh anniversary of the signing of Executive Order 9066; to recognize and remember Japanese American veterans, incarcerated, and civil rights

activists from the State of Washington, and to honor the lessons and blessings of liberty and justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Nisei Veterans Committee, Densho, the Japanese American Citizens League, the Japanese Cultural and Community Center of Washington State, and the Wing Luke Museum of the Asian Pacific American Experience.

Representative Santos moved adoption of HOUSE RESOLUTION NO. 4610

Representatives Santos, Steele, Stonier and Irwin spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4610 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) introduced guests in the gallery here to observe the Day of Remembrance and asked the members to acknowledge them.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 2099 by Representatives Irwin and Jinkins

AN ACT Relating to the use of video technology under the involuntary treatment act; amending RCW 71.05.150, 71.05.150, 71.05.153, and 71.05.153; reenacting and amending RCW 71.05.020; providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 2100 by Representatives Dufault, Reeves, Gildon, Ybarra and Eslick

AN ACT Relating to small city business licensing; and amending RCW 35.90.020.

Referred to Committee on Finance.

HB 2101 by Representatives Pettigrew and Frame

AN ACT Relating to kinship care; and amending RCW 74.13.600.

Referred to Committee on Appropriations.

HB 2102 by Representatives Vick, Hoff, Walsh, Reeves and Shewmake

AN ACT Relating to expediting professional licenses for new Washington residents; and amending RCW 18.340.020.

Referred to Committee on Consumer Protection & Business.

HB 2103 by Representatives Shea, Blake, McCaslin, Young, Boehnke, Sutherland, Walsh, Dent, Graham, Ybarra, Chandler, Barkis, Rude, Eslick and Corry

AN ACT Relating to increasing public safety, in accordance with Article 1, section 24 of the state Constitution and the Second Amendment of the United States Constitution, by simplifying firearms regulations; amending RCW 9.41.010, 9.41.050, 9.41.060, 9.41.073, 9.41.075, 9.41.090, 9.41.092, 9.41.098, 9.41.110, 9.41.113, 9.41.122, 9.41.124, 9.41.171, 9.41.190, 9.41.220, 9.41.225, 9.41.230, 9.41.240, and 9.41.280; reenacting and amending RCW 9.41.070 and 9.94A.515; creating new sections; repealing RCW 9.41.065, 9.41.080, 9.41.094, 9.41.097, 9.41.0975, 9.41.114, 9.41.129, 9.41.137, 9.41.139, 9.41.173, 9.41.175, 9.41.350, 9.41.352, 9.41.360, 9.41.365, 36.28A.400, 36.28A.405, 36.28A.410, 36.28A.420, and 43.43.823; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 18, 2019

HB 1057 Prime Sponsor, Representative Mosbrucker: Concerning school bus safety. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Thai; Stonier; Rude; Ortiz-Self; Kraft; Kilduff; Harris; Valdez; Corry; Caldier; Bergquist; Volz, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Steele, Ranking Minority Member; Paul, Vice Chair; Dolan, Vice Chair; Callan and Ybarra.

Referred to Committee on Appropriations.

February 18, 2019

HB 1314 Prime Sponsor, Representative Ortiz-Self: Concerning ethnic studies in public schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Paul, Vice Chair; Bergquist; Callan; Kilduff; Ortiz-Self; Stonier; Thai; Dolan, Vice Chair; Valdez Santos, Chair.

February 18, 2019

MINORITY recommendation: Without recommendation. Signed by Representatives Volz, Assistant Ranking Minority Member and Harris.

MINORITY recommendation: Do not pass. Signed by Representatives McCaslin, Assistant Ranking Minority Member; Caldier; Corry; Kraft; Rude; Ybarra Steele, Ranking Minority Member.

Referred to Committee on Appropriations.

February 14, 2019

HB 1436 Prime Sponsor, Representative Mosbrucker: Concerning snow bikes. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Dufault; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Paul; Pellicciotti; Ramos; Riccelli; Shea; Shewmake; Van Werven; Slatter, 2nd Vice Chair Fey, Chair.

MINORITY recommendation: Without recommendation. Signed by Representatives Doglio and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 15, 2019

HB 1453 Prime Sponsor, Representative Macri: Concerning residential tenant protections. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jenkins, Chair; Thai, Vice Chair; Goodman; Hansen; Kilduff; Kirby; Orwall; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Dufault, Assistant Ranking Minority Member; Klippert; Shea and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Irwin, Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

HB 1454 Prime Sponsor, Representative Pollet: Concerning students with disabilities. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Thai; Stonier; Rude; Ortiz-Self; Kilduff; Harris; Corry; Valdez; Callan; Bergquist; Volz, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Steele, Ranking Minority Member; Paul, Vice Chair; Dolan, Vice Chair; Santos, Chair; Caldier and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Kraft.

Referred to Committee on Appropriations.

February 18, 2019

HB 1641 Prime Sponsor, Representative Vick: Concerning programs for highly capable students. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Thai; Stonier; Rude; Ortiz-Self; Kraft; Kilduff; Harris; Valdez; Corry; Caldier; Bergquist; Volz, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Steele, Ranking Minority Member; Paul, Vice Chair; Dolan, Vice Chair; Callan and Ybarra.

Referred to Committee on Appropriations.

February 15, 2019

HB 1645 Prime Sponsor, Representative Ortiz-Self: Concerning certificates of parental improvement. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Appropriations.

February 15, 2019

HB 1656 Prime Sponsor, Representative Macri: Protecting tenants in residential tenancies.

Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Thai, Vice Chair; Goodman; Hansen; Kilduff; Kirby; Orwall; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Dufault, Assistant Ranking Minority Member; Graham; Klippert; Shea and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Irwin, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 18, 2019

HB 1660 Prime Sponsor, Representative Bergquist: Concerning the participation of students who are low income in extracurricular activities. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Paul, Vice Chair; Steele, Ranking Minority Member; Bergquist; Caldier; Callan; Harris; Kilduff; Dolan, Vice Chair; Ortiz-Self; Thai; Valdez; Ybarra; Stonier Santos, Chair.

MINORITY recommendation: Do not pass. Signed by Representatives Corry; Rude; Kraft; McCaslin, Assistant Ranking Minority Member Volz, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 18, 2019

HB 1676 Prime Sponsor, Representative MacEwen: Concerning business activities in the liquor licensing process. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Young; Vick; Morgan; Kloba; Kirby; Jenkin; Blake; Chambers, Assistant Ranking Minority Member; MacEwen, Ranking Minority Member; Reeves, Vice Chair Stanford, Chair.

Referred to Committee on Rules for second reading.

February 18, 2019

HB 1685 Prime Sponsor, Representative Peterson: Concerning free or reduced-price meals for students. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Thai; Stonier; Rude; Ortiz-Self; Kraft; Kilduff; Harris; Valdez; Corry; Caldier; Bergquist; Volz, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Steele, Ranking Minority Member; Paul, Vice Chair; Dolan, Vice Chair; Callan and Ybarra.

Referred to Committee on Appropriations.

February 15, 2019

HB 1734 Prime Sponsor, Representative Leavitt: Requiring accreditation standards for college in the high school programs. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Slatter; Sells; Rude; Ramos; Pollet; Paul; Sutherland; Mead; Bergquist; Graham, Assistant Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Van Werven, Ranking Minority Member; Leavitt, Vice Chair; Entenman, Vice Chair and Kraft.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Rules for second reading.

February 15, 2019

HB 1776 Prime Sponsor, Representative Cody: Making changes to support future operations of the state all payer claims database by transferring the responsibility to the health care authority, partnering with a lead organization with broad data experience, including with self-insured employers, and other changes to improve and ensure successful and sustainable database operations for access to and use of the data to improve health care, providing consumers useful and consistent quality and cost measures, and assess total cost of care in Washington state. Reported by Committee on Innovation, Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kloba, Vice Chair; Smith, Ranking Minority Member; Boehnke, Assistant Ranking Minority Member; Slatter; Tarleton; Van Werven and Wylie.

Referred to Committee on Appropriations.

February 18, 2019

HB 1792 Prime Sponsor, Representative Pettigrew: Concerning criminal penalties applicable to licensed marijuana retailers and employees of marijuana retail outlets. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Stanford, Chair; Reeves, Vice Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Kloba; Morgan; Vick and Young.

Referred to Committee on Rules for second reading.

February 18, 2019

HB 1803 Prime Sponsor, Representative Orcutt: Increasing the number of school districts that may be authorized to reduce the minimum number of required school days in a school year. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Valdez; Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Ybarra; Caldier; Corry; Harris; Kilduff; Kraft; Ortiz-Self; Rude; Thai and Callan.

MINORITY recommendation: Without recommendation. Signed by Representative Stonier.

Referred to Committee on Rules for second reading.

February 18, 2019

HB 1838 Prime Sponsor, Representative Walsh: Exempting certain licensed distillery information from public disclosure. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Young; Vick; Morgan; Kloba; Kirby; Jenkin; Blake; Chambers, Assistant Ranking Minority Member; MacEwen, Ranking Minority Member; Reeves, Vice Chair Stanford, Chair.

Referred to Committee on Rules for second reading.

February 15, 2019

HB 1840 Prime Sponsor, Representative Smith: Concerning the removal of payment credentials and other sensitive data from state data networks. Reported by Committee on Innovation, Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Wylie; Van Werven; Tarleton; Slatter; Boehnke, Assistant Ranking Minority Member; Smith, Ranking Minority Member; Kloba, Vice Chair Hudgins, Chair.

Referred to Committee on Appropriations.

February 15, 2019

HB 1876 Prime Sponsor, Representative Frame: Concerning children's mental health. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ortiz-Self; Lovick; Kilduff; Griffey; Goodman; Corry; Eslick, Assistant Ranking Minority Member; Dent, Ranking Minority Member; Frame, Vice Chair; Callan, Vice Chair Senn, Chair.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert McCaslin, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker assumed the chair.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1074, by Representatives Harris, Orwall, Riccelli, Jenkins, DeBolt, Pollet, Stonier, Stanford, Rude, Davis, Tharinger, Macri, Slatter, Kloba, Peterson, Valdez, Kilduff, Ryu, Fitzgibbon, Robinson, Appleton, Wylie, Cody, Bergquist, Doglio, Senn, Frame, Walen and Callan

Protecting youth from tobacco products and vapor products by increasing the minimum legal age of sale of tobacco and vapor products.

The bill was read the second time.

Representative Schmick moved the adoption of amendment (017):

On page 10, line 5, after "with" insert "federally recognized"

Representatives Schmick and Cody spoke in favor of the adoption of the amendment.

Amendment (017) was adopted.

Representative Schmick moved the adoption of the striking amendment (018):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.28.080 and 2016 1st sp.s. c 38 s 1 are each amended to read as follows:

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

(2) It is not a defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

(3) For the purposes of this section, "vapor product" has the same meaning as provided in RCW 70.345.010.

Sec. 2. RCW 70.155.005 and 1993 c 507 s 1 are each amended to read as follows:

(1) The legislature finds that ~~chapter ..., Laws of 2019~~ (this act) furthers the public health, safety, and welfare by reducing youth access to addictive and harmful products.

(2) While present state law prohibits the sale and distribution of tobacco and vapor products to ~~((minors))~~ youth under the age of eighteen, youth obtain ~~((tobacco))~~ these products with ease. ~~((Availability and lack of enforcement put tobacco products in the hands of youth.))~~

(3) The legislature recognizes that many people who purchase cigarettes for minors are eighteen year old high school students. By decreasing the number of eligible buyers in high school, raising the minimum legal age to sell tobacco and vapor products will decrease the access of students to tobacco products. According to the 2014 healthy youth survey, forty-one percent of tenth graders say it is "sort of easy" to "very easy" to get cigarettes. Nationally, among youth who smoke, more than twice as many get their cigarettes from social sources than from a store or vending machine.

(4) The legislature recognizes that eighty percent of smokers start by the age of eighteen.

(5) The legislature recognizes that jurisdictions across the country are increasing the age of sale for tobacco products to nineteen.

(6) The legislature recognizes the national institute of medicine report predicted increasing the tobacco sale age will make the greatest difference among those ages fifteen to seventeen, who will no longer be able to pass for legal age and will have a harder time getting tobacco products from older classmates and friends.

(7) The legislature recognizes that reducing the youth smoking rate will save lives and reduce health care costs. Every year, two billion eight hundred ten million dollars in health care costs can be directly attributed to tobacco use in

Washington. Smoking-caused government expenditures cost every Washington household eight hundred twenty-one dollars per year.

(8) Federal law requires states to enforce laws prohibiting sale and distribution of tobacco products to minors in a manner that can reasonably be expected to reduce the extent to which the products are available to minors. It is imperative to effectively reduce the sale, distribution, and availability of tobacco products to minors.

Sec. 3. RCW 70.155.010 and 2009 c 278 s 1 are each amended to read as follows:

The definitions set forth in RCW 82.24.010 ~~((shall))~~ apply to this chapter. In addition, for the purposes of this chapter, unless otherwise required by the context:

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

(2) "Internet" means any computer network, telephonic network, or other electronic network.

~~(3) ("Minor" refers to an individual who is less than eighteen years old.~~

~~(4))~~ "Sample" means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotion purposes.

~~((5))~~ (4) "Sampling" means the distribution of samples to members of the public.

~~((6))~~ (5) "Tobacco product" means a product that contains tobacco and is intended for human use, including any product defined in RCW 82.24.010(2) or 82.26.010~~((4))~~ (21), except that for the purposes of RCW 70.155.140 only, "tobacco product" does not include cigars defined in RCW 82.26.010 as to which one thousand units weigh more than three pounds.

(6) "Vapor product" has the same meaning as defined in RCW 70.345.010.

Sec. 4. RCW 70.345.010 and 2016 1st sp.s. c 38 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

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

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

(4) "Closed system nicotine container" means a sealed, prefilled, and disposable container of nicotine in a solution or other form in which such container is inserted directly into an electronic cigarette, electronic nicotine delivery system, or other similar product, if the nicotine in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.

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

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

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

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

(7) "Distributor" means any person who:

(a) Sells vapor products to persons other than ultimate consumers; or

(b) Is engaged in the business of selling vapor products in this state and who brings, or causes to be brought, into this state from outside of the state any vapor products for sale.

(8) "Liquid nicotine container" means a package from which nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer and that is used to hold soluble nicotine in any concentration. "Liquid nicotine container" does not include closed system nicotine containers.

(9) "Manufacturer" means a person who manufactures and sells vapor products.

(10) ~~("Minor" refers to an individual who is less than eighteen years old.~~

~~((41))~~ (11) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

~~((42))~~ (11) "Place of business" means any place where vapor products are sold or where vapor products are manufactured, stored, or kept for the purpose of sale.

~~((43))~~ (12) "Playground" means any public improved area designed, equipped, and set aside for play of six or more children which is not intended for use as an athletic playing field or athletic court, including but not limited to any play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation, and related structures.

~~((44))~~ (13) "Retail outlet" means each place of business from which vapor products are sold to consumers.

~~((45))~~ (14) "Retailer" means any person engaged in the business of selling vapor products to ultimate consumers.

~~((46))~~ (15)(a) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by any person.

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

~~((47))~~ (16) "School" has the same meaning as provided in RCW 70.140.020.

~~((48))~~ (17) "Self-service display" means a display that contains vapor products and is located in an area that is openly accessible to customers and from which customers can readily access such products without the assistance of a salesperson. A display case that holds vapor products behind locked doors does not constitute a self-service display.

~~((49))~~ (18) "Vapor product" means any noncombustible product that may contain nicotine and that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor or aerosol from a solution or other substance.

(a) "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container that may contain nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

(b) "Vapor product" does not include any product that meets the definition of marijuana, useable marijuana, marijuana concentrates, marijuana-infused products, cigarette, or tobacco products.

(c) For purposes of this subsection ~~((49))~~ (18), "marijuana," "useable marijuana," "marijuana concentrates," and "marijuana-infused products" have the same meaning as provided in RCW 69.50.101.

Sec. 5. RCW 70.155.020 and 1993 c 507 s 3 are each amended to read as follows:

A person who holds a license issued under RCW 82.24.520 or 82.24.530 shall:

(1) Display the license or a copy in a prominent location at the outlet for which the license is issued; and

(2) Display a sign concerning the prohibition of tobacco sales to ~~((minors))~~ persons under the age of nineteen.

Such sign shall:

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

(b) Be designed and produced by the department of health to read: "THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER AGE ~~((48))~~ 19 IS STRICTLY PROHIBITED BY STATE LAW. ~~((IF YOU ARE UNDER 18, YOU COULD BE PENALIZED FOR PURCHASING~~

~~A TOBACCO PRODUCT;)) PHOTO ID REQUIRED UPON REQUEST"; and~~

(c) Be provided free of charge by the liquor ~~((control))~~ and cannabis board.

Sec. 6. RCW 70.345.070 and 2016 1st sp.s. c 38 s 12 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person who holds a retailer's license issued under this chapter must display a sign concerning the prohibition of vapor product sales to ~~((minors))~~ persons under the age of nineteen. Such sign must:

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

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

(c) Be provided free of charge by the department of health.

(2) For persons also licensed under RCW 82.24.510 or 82.26.150, the board may issue a sign to read: "The sale of tobacco or vapor products to persons under age ~~((eighteen))~~ nineteen is strictly prohibited by state law. ~~((If you are under age eighteen, you could be penalized for purchasing a tobacco or vapor product;))~~ Photo id required(,) upon request." The sign must be provided free of charge by the board.

(3) A person who holds a license issued under this chapter must display the license or a copy in a prominent location at the outlet for which the license is issued.

Sec. 7. RCW 70.345.100 and 2016 1st sp.s. c 38 s 19 are each amended to read as follows:

(1) No person may offer a tasting of vapor products to the general public unless:

(a) The person is a licensed retailer under RCW 70.345.020;

(b) The tastings are offered only within the licensed premises operated by the licensee and the products tasted are not removed from within the licensed premises by the customer;

(c) Entry into the licensed premises is restricted to persons ~~((eighteen))~~ nineteen years of age or older;

(d) The vapor product being offered for tasting contains zero milligrams per milliliter of nicotine or the customer explicitly consents to a tasting of a vapor product that contains nicotine; and

(e) If the customer is tasting from a vapor device owned and maintained by the retailer, a disposable mouthpiece tip is attached to the vapor product being used by the customer for tasting or the vapor device is disposed of after each tasting.

(2) A violation of this section is a misdemeanor.

Sec. 8. RCW 70.155.030 and 1994 c 202 s 1 are each amended to read as follows:

(1) No person shall sell or permit to be sold any tobacco product through any device that mechanically dispenses tobacco products unless the device is located fully within premises from which ~~((minors))~~ persons under the age of nineteen are prohibited or in industrial worksites where ~~((minors))~~ persons under the age of nineteen are not employed and not less than ten feet from all entrance or exit ways to and from each premise.

(2) The board shall adopt rules that allow an exception to the requirement that a device be located not less than ten feet from all entrance or exit ways to and from a premise if it is architecturally impractical for the device to be located not less than ten feet from all entrance and exit ways.

Sec. 9. RCW 70.345.080 and 2017 c 210 s 1 are each amended to read as follows:

(1) No person may offer a vapor product for sale in an open, unsecured display that is accessible to the public without the intervention of a store employee.

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

(3) Retail establishments are exempt from subsections (1) and (2) of this section if ~~((minors))~~ persons under the age of nineteen are not allowed in the store and such prohibition is posted clearly on all entrances.

Sec. 10. RCW 70.155.120 and 2016 1st sp.s. c 38 s 2 are each amended to read as follows:

(1) The youth tobacco and vapor products prevention account is created in the state treasury. All fees collected pursuant to RCW 82.24.520, 82.24.530, 82.26.160, and 82.26.170 and funds collected by the liquor and cannabis board from the imposition of monetary penalties shall be deposited into this account, except that ten percent of all such fees and penalties shall be deposited in the state general fund.

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

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

(4) The department of health, the liquor and cannabis board, and the department of revenue shall enter into an interagency agreement for payment of the cost of administering the tobacco retailer licensing system and for the provision of quarterly documentation of tobacco wholesaler, retailer, and vending machine names and locations.

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

NEW SECTION. Sec. 11. In recognition of the sovereign authority of tribal governments, the governor may seek government-to-government consultations with Indian tribes regarding raising the minimum legal age of sale in compacts entered into pursuant to RCW 43.06.455, 43.06.465, and 43.06.466. The office of the governor shall report to the appropriate committees of the legislature regarding the status of such consultations no later than December 1, 2020.

NEW SECTION. Sec. 12. This act takes effect January 1, 2020.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representative Schmick spoke in favor of the adoption of the amendment.

Representative Orwall spoke against the adoption of the amendment.

Amendment (018) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Harris, Pollet, Riccelli and Robinson spoke in favor of the passage of the bill.

Representatives Caldier, Schmick, Graham, Jenkin and Walsh spoke against the passage of the bill.

MOTIONS

On motion of Representative Riccelli, Representative Ortiz-Self was excused.

On motion of Representative Chambers, Representatives Griffey and DeBolt were excused.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1074.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1074, and the bill passed the House by the following vote: Yeas, 66; Nays, 30; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Cody, Davis, Doglio, Dolan, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hansen, Harris, Hudgins, Jinkins, Kilduff, Klippert, Kloba, Kraft, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Mead, Morris, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Ybarra and Mr. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, Dent, Dufault, Gildon, Graham, Hoff, Irwin, Jenkin, Kirby, Kretz, MacEwen, McCaslin, Morgan, Orcutt, Schmick, Shea, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representatives DeBolt and Griffey.

ENGROSSED HOUSE BILL NO. 1074, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

HOUSE BILL NO. 1138, by Representatives Ryu, Barkis, Leavitt, Reeves, Harris, Macri, Klippert, Kilduff, Dolan, Shea, Sells, Appleton, Goodman, Young, Riccelli and Stanford

Concerning the armed forces exceptions for giving notice of termination of a tenancy.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1138 was substituted for House Bill No. 1138 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1138 was read the second time.

Representative Barkis moved the adoption of amendment (014):

On page 8, beginning on line 3, after "housing" strike all material through "housing" on line 4

On page 12, beginning on line 12, after "housing" strike all material through "housing" on line 13

Representatives Barkis and Jinkins spoke in favor of the adoption of the amendment.

Amendment (014) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ryu and Barkis spoke in favor of the passage of the bill.

MOTION

On motion of Representative Chambers, Representative Wilcox was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1138.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1138, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representatives DeBolt, Griffey and Wilcox.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1149, by Representatives Jinkins, Griffey, Doglio, Kilduff, Macri, Valdez, Irwin, Dolan, Appleton, Tarleton, Goodman, Orwall, Stanford and Walen

Clarifying requirements to obtain a sexual assault protection order.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jinkins and Irwin spoke in favor of the passage of the bill.

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1149.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1149, and the bill passed the House by the following vote: Yeas, 81; Nays, 14; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Cody, Corry, Davis, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Morris, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wylie and Mr. Speaker.

Voting nay: Representatives Chandler, Dent, Graham, Jenkin, Kraft, McCaslin, Orcutt, Shea, Sutherland, Vick, Volz, Walsh, Ybarra and Young.

Excused: Representatives DeBolt, Griffey and Wilcox.

HOUSE BILL NO. 1149, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1197, by Representatives Riccelli, Irwin, Lovick, Barkis, Reeves, Blake, Ortiz-Self, Ormsby, Valdez, Bergquist, Mead, Fey, Volz, Chapman, Pellicciotti, Kilduff, Dolan, Sells, Maycumber, Shea, Griffey, Leavitt and Stanford

Concerning gold star license plates.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1197 was substituted for House Bill No. 1197 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1197 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli, MacEwen and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1197.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1197, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representatives DeBolt, Griffey and Wilcox.

SUBSTITUTE HOUSE BILL NO. 1197, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1533, by Representatives Mosbrucker, Pettigrew, Corry, Goodman, Maycumber, Dye, Macri, Griffey, Kraft, Van Werven, Chambers, Walsh, Graham, Appleton, Blake, Doglio, Reeves, Stanford, Valdez and Leavitt

Making information about domestic violence resources available in the workplace.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mosbrucker and Gregerson spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1533.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1533, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, Dent, Doglio,

Dolan, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, Young and Mr. Speaker.

Voting nay: Representative Dufault.

Excused: Representatives DeBolt, Griffey and Wilcox.

HOUSE BILL NO. 1533, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., February 21, 2019, the 39th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk