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**SUBSTITUTE HOUSE BILL 1459**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** House Government Accountability & Oversight (originally sponsored by Representatives Haler, Springer, Walsh, Wylie, Seaquist, Wilcox, Johnson, Condotta, Fagan, Maxwell, and Pollet)

READ FIRST TIME 02/19/13.

1           AN ACT Relating to authorizing students under the age of twenty-one  
2 to taste wine in viticulture and enology programs; amending RCW  
3 66.20.010 and 66.44.270; and adding a new section to chapter 66.20 RCW.

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

5           **Sec. 1.** RCW 66.20.010 and 2012 c 2 s 109 (Initiative Measure No.  
6 1183) are each amended to read as follows:

7           Upon application in the prescribed form being made to any employee  
8 authorized by the board to issue permits, accompanied by payment of the  
9 prescribed fee, and upon the employee being satisfied that the  
10 applicant should be granted a permit under this title, the employee  
11 must issue to the applicant under such regulations and at such fee as  
12 may be prescribed by the board a permit of the class applied for, as  
13 follows:

14           (1) Where the application is for a special permit by a physician or  
15 dentist, or by any person in charge of an institution regularly  
16 conducted as a hospital or sanitorium for the care of persons in ill  
17 health, or as a home devoted exclusively to the care of aged people, a  
18 special liquor purchase permit, except that the governor may waive the

1 requirement for a special liquor purchase permit under this subsection  
2 pursuant to an order issued under RCW 43.06.220(2);

3 (2) Where the application is for a special permit by a person  
4 engaged within the state in mechanical or manufacturing business or in  
5 scientific pursuits requiring alcohol for use therein, or by any  
6 private individual, a special permit to purchase alcohol for the  
7 purpose named in the permit, except that the governor may waive the  
8 requirement for a special liquor purchase permit under this subsection  
9 pursuant to an order issued under RCW 43.06.220(2);

10 (3) Where the application is for a special permit to consume liquor  
11 at a banquet, at a specified date and place, a special permit to  
12 purchase liquor for consumption at such banquet, to such applicants as  
13 may be fixed by the board;

14 (4) Where the application is for a special permit to consume liquor  
15 on the premises of a business not licensed under this title, a special  
16 permit to purchase liquor for consumption thereon for such periods of  
17 time and to such applicants as may be fixed by the board;

18 (5) Where the application is for a special permit by a manufacturer  
19 to import or purchase within the state alcohol, malt, and other  
20 materials containing alcohol to be used in the manufacture of liquor,  
21 or other products, a special permit;

22 (6) Where the application is for a special permit by a person  
23 operating a drug store to purchase liquor at retail prices only, to be  
24 thereafter sold by such person on the prescription of a physician, a  
25 special liquor purchase permit, except that the governor may waive the  
26 requirement for a special liquor purchase permit under this subsection  
27 pursuant to an order issued under RCW 43.06.220(2);

28 (7) Where the application is for a special permit by an authorized  
29 representative of a military installation operated by or for any of the  
30 armed forces within the geographical boundaries of the state of  
31 Washington, a special permit to purchase liquor for use on such  
32 military installation;

33 (8) Where the application is for a special permit by a vendor that  
34 manufactures or sells a product which cannot be effectively presented  
35 to potential buyers without serving it with liquor or by a  
36 manufacturer, importer, or distributor, or representative thereof, to  
37 serve liquor without charge to delegates and guests at a convention of  
38 a trade association composed of licensees of the board, when the said

1 liquor is served in a hospitality room or from a booth in a board-  
2 approved suppliers' display room at the convention, and when the liquor  
3 so served is for consumption in the said hospitality room or display  
4 room during the convention, anything in this title to the contrary  
5 notwithstanding. Any such spirituous liquor must be purchased from a  
6 spirits retailer or distributor, and any such liquor is subject to the  
7 taxes imposed by RCW 66.24.290 and 66.24.210;

8 (9) Where the application is for a special permit by a  
9 manufacturer, importer, or distributor, or representative thereof, to  
10 donate liquor for a reception, breakfast, luncheon, or dinner for  
11 delegates and guests at a convention of a trade association composed of  
12 licensees of the board, when the liquor so donated is for consumption  
13 at the said reception, breakfast, luncheon, or dinner during the  
14 convention, anything in this title to the contrary notwithstanding.  
15 Any such spirituous liquor must be purchased from a spirits retailer or  
16 distributor, and any such liquor is subject to the taxes imposed by RCW  
17 66.24.290 and 66.24.210;

18 (10) Where the application is for a special permit by a  
19 manufacturer, importer, or distributor, or representative thereof, to  
20 donate and/or serve liquor without charge to delegates and guests at an  
21 international trade fair, show, or exposition held under the auspices  
22 of a federal, state, or local governmental entity or organized and  
23 promoted by a nonprofit organization, anything in this title to the  
24 contrary notwithstanding. Any such spirituous liquor must be purchased  
25 from a liquor spirits retailer or distributor, and any such liquor is  
26 subject to the taxes imposed by RCW 66.24.290 and 66.24.210;

27 (11) Where the application is for an annual special permit by a  
28 person operating a bed and breakfast lodging facility to donate or  
29 serve wine or beer without charge to overnight guests of the facility  
30 if the wine or beer is for consumption on the premises of the facility.  
31 "Bed and breakfast lodging facility," as used in this subsection, means  
32 a facility offering from one to eight lodging units and breakfast to  
33 travelers and guests;

34 (12) Where the application is for a special permit to allow  
35 students who are enrolled in a viticulture or enology degree program  
36 and who are under twenty-one years of age to taste wine for educational  
37 purposes. Such permits must be issued in accordance with section 2 of  
38 this act.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 66.20 RCW  
2 to read as follows:

3        The board, in consultation with the Washington viticulture and  
4 enology education consortium, must develop rules for the issuance and  
5 monitoring of permits authorized under RCW 66.20.010(12) by January 1,  
6 2014. The rules must include the following provisions:

7        (1) The application must be from an accredited college, university,  
8 community college, area vocational technical institute, or private  
9 vocational school;

10        (2) The persons under twenty-one years of age, who are permitted to  
11 taste under this permit, must be enrolled as a student in a required or  
12 elective class that is part of a viticulture or enology degree program;

13        (3) Students under twenty-one years of age may taste but not ingest  
14 the wine for the purpose of educational training as part of the class  
15 curriculum during regularly scheduled course meeting times;

16        (4) The service and tasting of wine must be directly supervised by  
17 a faculty or staff member who is twenty-one years of age or older and  
18 is employed by the accredited college, university, community college,  
19 area vocational technical institute, or private vocational school  
20 offering the viticulture or enology degree program;

21        (5) The students who taste wine served under this permit may not  
22 purchase the wine; and

23        (6) The tastings must be conducted in accordance with RCW  
24 66.28.160.

25        **Sec. 3.**    RCW 66.44.270 and 1998 c 4 s 1 are each amended to read as  
26 follows:

27        (1) It is unlawful for any person to sell, give, or otherwise  
28 supply liquor to any person under the age of twenty-one years or permit  
29 any person under that age to consume liquor on his or her premises or  
30 on any premises under his or her control. For the purposes of this  
31 subsection, "premises" includes real property, houses, buildings, and  
32 other structures, and motor vehicles and watercraft. A violation of  
33 this subsection is a gross misdemeanor punishable as provided for in  
34 chapter 9A.20 RCW.

35        (2)(a) It is unlawful for any person under the age of twenty-one  
36 years to possess, consume, or otherwise acquire any liquor. A

1 violation of this subsection is a gross misdemeanor punishable as  
2 provided for in chapter 9A.20 RCW.

3 (b) It is unlawful for a person under the age of twenty-one years  
4 to be in a public place, or to be in a motor vehicle in a public place,  
5 while exhibiting the effects of having consumed liquor. For purposes  
6 of this subsection, exhibiting the effects of having consumed liquor  
7 means that a person has the odor of liquor on his or her breath and  
8 either: (i) Is in possession of or close proximity to a container that  
9 has or recently had liquor in it; or (ii) by speech, manner,  
10 appearance, behavior, lack of coordination, or otherwise, exhibits that  
11 he or she is under the influence of liquor. This subsection (2)(b)  
12 does not apply if the person is in the presence of a parent or guardian  
13 or has consumed or is consuming liquor under circumstances described in  
14 subsection (4) or (5) of this section.

15 (3) Subsections (1) and (2)(a) of this section do not apply to  
16 liquor given or permitted to be given to a person under the age of  
17 twenty-one years by a parent or guardian and consumed in the presence  
18 of the parent or guardian. This subsection (~~shall~~) does not  
19 authorize consumption or possession of liquor by a person under the age  
20 of twenty-one years on any premises licensed under chapter 66.24 RCW.

21 (4) This section does not apply to liquor given for medicinal  
22 purposes to a person under the age of twenty-one years by a parent,  
23 guardian, physician, or dentist.

24 (5) This section does not apply to liquor given to a person under  
25 the age of twenty-one years when such liquor is being used in  
26 connection with religious services and the amount consumed is the  
27 minimal amount necessary for the religious service.

28 (6) This section does not apply to wine provided to students under  
29 twenty-one years of age in accordance with a special permit issued  
30 under RCW 66.20.010(12).

31 (7) Conviction or forfeiture of bail for a violation of this  
32 section by a person under the age of twenty-one years at the time of  
33 such conviction or forfeiture (~~shall not be a disqualification of~~)  
34 does not disqualify that person to acquire a license to sell or  
35 dispense any liquor after that person has attained the age of twenty-  
36 one years.

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