

SENATE BILL REPORT

SB 5751

As Reported By Senate Committee On:
Law & Justice, February 28, 1995

Title: An act relating to alcoholic beverages.

Brief Description: Prohibiting the purchase or consumption of liquor on licensed premises by persons apparently under the influence of liquor.

Sponsors: Senators Newhouse, Smith, Deccio, Owen and Winsley.

Brief History:

Committee Activity: Law & Justice: 2/16/95, 2/28/95 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5751 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Staff: Dick Armstrong (786-7460)

Background: State law places numerous restrictions on the sale, purchase, and consumption of liquor. One statute, which has been in effect since 1933, prohibits the sale of liquor to any person apparently under the influence of liquor. Liquor Control Board enforcement officers find that this is one of the most frequently violated statutes in the Alcohol Beverage Control Act.

While it is a misdemeanor to sell alcohol to an apparently intoxicated person, it is not a crime for the intoxicated person to purchase or consume liquor on any premises licensed by the Board.

Summary of Substitute Bill: It is a civil infraction for a person apparently under the influence of liquor to purchase or consume liquor on any premises licensed by the Liquor Control Board. The fine for violating the statute is established at not less than \$100 and not more than \$200.

Substitute Bill Compared to Original Bill: The original bill made it a misdemeanor to violate the statute. Also, the words "apparently under the influence" were not defined.

Appropriation: None.

Fiscal Note: Requested on February 10, 1995.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The person who is intoxicated should incur a penalty for trying to purchase liquor. The law should be balanced in terms of punishing the server and purchaser.

Testimony Against: None.

Testified: Vito Chiechi, Licensed Beverage Assn.; Carter Mitchell, Liquor Control Board; Bob Gault, Licensed Beverage Assn.; Gary McClanahan, Licensed Beverage Assn.