

SENATE BILL REPORT

EHB 1740

As Reported By Senate Committee On:
Law & Justice, February 26, 1998

Title: An act relating to liquor sales to persons apparently under the influence of liquor.

Brief Description: Prohibiting the purchase of liquor by intoxicated persons.

Sponsors: Representatives Sheahan, Boldt, Thompson and Clements.

Brief History:

Committee Activity: Law & Justice: 4/2/97; 2/23/98, 2/26/98 [DPA, DNPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Kline, Long, Stevens and Zarelli.

Minority Report: Do not pass as amended.

Signed by Senator Fairley.

Staff: Lidia Mori (786-7755)

Background: It is unlawful for any person to sell liquor to a person "apparently under the influence of liquor."

A violation of this provision carries criminal penalties. A first offense is punishable by a fine of up to \$500 and by imprisonment for up to two months. A second offense is punishable by imprisonment for up to six months, and a third offense by imprisonment for up to one year.

Persons or businesses that are licensed by the Liquor Control Board to sell liquor may have their licenses suspended or revoked for violating this law.

Although it is a crime for a person to sell liquor to a person who is under the influence, it is not a crime for the person who is under the influence to buy liquor.

Summary of Amended Bill: It is unlawful for an apparently intoxicated— person to purchase or consume liquor on any licensed premises.

Intoxicated— means:

- Temporary impairment of mental or physical faculties that diminishes the ability to think and act in the manner of an ordinarily prudent cautious person who is in full possession of his or her faculties and who is using reasonable care; or
- Sufficiently intoxicated to be a danger to self or others; or

- In danger of losing consciousness from further ingestion of liquor.

Purchase or consumption of liquor on licensed premises by an intoxicated person is a civil infraction punishable by a fine of up to \$500. A person alleged to have violated this infraction may not use his or her own intoxication as a defense.

Every establishment that sells liquor must conspicuously post notice of these provisions.

Amended Bill Compared to Original Bill: The amended bill defines intoxicated person as: (a) a temporary impairment of a person's mental or physical faculties as a result of alcoholic beverage use so as to diminish the person's ability to think and act in a manner in which an ordinarily prudent and cautious person, in full possession of his or her faculties and using reasonable care, would act under like circumstances; (b) the condition of a person who is sufficiently intoxicated to present a danger to himself or herself or others; or (c) the condition of a person who is in danger of losing consciousness from further ingestion of liquor.

The original bill defines intoxicated person additionally as a person having been refused service as intoxicated— within the previous 12 hours.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: None.

Testimony Against: None.

Testified: No one.