

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5607

63rd Legislature
2013 Regular Session

Passed by the Senate April 28, 2013
YEAS 38 NAYS 9

President of the Senate

Passed by the House April 15, 2013
YEAS 84 NAYS 11

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5607** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5607

AS AMENDED BY THE HOUSE

Passed Legislature - 2013 Regular Session

State of Washington 63rd Legislature 2013 Regular Session

By Senators Harper, Hewitt, Kohl-Welles, and Kline

Read first time 02/05/13. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to beer, wine, and spirits theater licenses;
2 amending RCW 66.20.300 and 66.20.310; adding a new section to chapter
3 66.24 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 66.24 RCW
6 to read as follows:

7 (1) There is a theater license to sell spirits, beer, including
8 strong beer, or wine, or all, at retail, for consumption on theater
9 premises. A spirits, beer, and wine theater license may be issued only
10 to theaters that have no more than one hundred twenty seats per screen
11 and that are maintained in a substantial manner as a place for
12 preparing, cooking, and serving complete meals and providing tabletop
13 accommodations for in-theater dining. Requirements for complete meals
14 are the same as those adopted by the board in rules pursuant to chapter
15 34.05 RCW for a spirits, beer, and wine restaurant license authorized
16 by RCW 66.24.400. The annual fee for a spirits, beer, and wine theater
17 license is two thousand dollars.

18 (2) If the theater premises is to be frequented by minors, an
19 alcohol control plan must be submitted to the board at the time of

1 application. The alcohol control plan must be approved by the board
2 and be prominently posted on the premises, prior to minors being
3 allowed.

4 (3) For the purposes of this section:

5 (a) "Alcohol control plan" means a written, dated, and signed plan
6 submitted to the board by an applicant or licensee for the entire
7 theater premises, or rooms or areas therein, that shows where and when
8 alcohol is permitted, where and when minors are permitted, and the
9 control measures used to ensure that minors are not able to obtain
10 alcohol or be exposed to environments where drinking alcohol
11 predominates.

12 (b) "Theater" means a place of business where motion pictures or
13 other primarily nonparticipatory entertainment are shown.

14 (4) The board must adopt rules regarding alcohol control plans and
15 necessary control measures to ensure that minors are not able to obtain
16 alcohol or be exposed to areas where drinking alcohol predominates.
17 All alcohol control plans must include a requirement that any person
18 involved in the serving of spirits, beer, and/or wine must have
19 completed a mandatory alcohol server training program.

20 (5)(a) A licensee that is an entity that is exempt from taxation
21 under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue
22 code of 1986, as amended as of January 1, 2013, may enter into
23 arrangements with a spirits, beer, or wine manufacturer, importer, or
24 distributor for brand advertising at the theater or promotion of events
25 held at the theater. The financial arrangements providing for the
26 brand advertising or promotion of events may not be used as an
27 inducement to purchase the products of the manufacturer, importer, or
28 distributor entering into the arrangement and such arrangements may not
29 result in the exclusion of brands or products of other companies.

30 (b) The arrangements allowed under this subsection (5) are an
31 exception to arrangements prohibited under RCW 66.28.305. The board
32 must monitor the impacts of these arrangements. The board may conduct
33 audits of a licensee and the affiliated business to determine
34 compliance with this subsection (5). Audits may include, but are not
35 limited to: Product selection at the facility; purchase patterns of
36 the licensee; contracts with the spirits, beer, or wine manufacturer,
37 importer, or distributor; and the amount allocated or used for spirits,

1 beer, or wine advertising by the licensee, affiliated business,
2 manufacturer, importer, or distributor under the arrangements.

3 (6) The maximum penalties prescribed by the board in WAC 314-29-020
4 relating to fines and suspensions are double for violations involving
5 minors or the failure to follow the alcohol control plan with respect
6 to theaters licensed under this section.

7 **Sec. 2.** RCW 66.20.300 and 2011 c 325 s 5 are each amended to read
8 as follows:

9 (~~Unless the context clearly requires otherwise,~~) The definitions
10 in this section apply throughout RCW 66.20.310 through 66.20.350 unless
11 the context clearly requires otherwise.

- 12 (1) "Alcohol" has the same meaning as "liquor" in RCW 66.04.010.
- 13 (2) "Alcohol server" means any person who as part of his or her
14 employment participates in the sale or service of alcoholic beverages
15 for on-premise consumption at a retail licensed premise as a regular
16 requirement of his or her employment, and includes those persons
17 eighteen years of age or older permitted by the liquor laws of this
18 state to serve alcoholic beverages with meals.
- 19 (3) "Board" means the Washington state liquor control board.
- 20 (4) "Training entity" means any liquor licensee associations,
21 independent contractors, private persons, and private or public
22 schools, that have been certified by the board.
- 23 (5) "Retail licensed premises" means any:
 - 24 (a) Premises licensed to sell alcohol by the glass or by the drink,
25 or in original containers primarily for consumption on the premises as
26 authorized by this section and RCW 66.20.310, 66.24.320, 66.24.330,
27 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.570, ~~((and))~~
28 66.24.610, and section 1 of this act;
 - 29 (b) Distillery licensed pursuant to RCW 66.24.140 that is
30 authorized to serve samples of its own production;
 - 31 (c) Facility established by a domestic winery for serving and
32 selling wine pursuant to RCW 66.24.170(4); and
 - 33 (d) Grocery store licensed under RCW 66.24.360, but only with
34 respect to employees whose duties include serving during tasting
35 activities under RCW 66.24.363.

1 **Sec. 3.** RCW 66.20.310 and 2011 c 325 s 4 are each amended to read
2 as follows:

3 (1)(a) There (~~shall be~~) is an alcohol server permit, known as a
4 class 12 permit, for a manager or bartender selling or mixing alcohol,
5 spirits, wines, or beer for consumption at an on-premises licensed
6 facility.

7 (b) There (~~shall be~~) is an alcohol server permit, known as a
8 class 13 permit, for a person who only serves alcohol, spirits, wines,
9 or beer for consumption at an on-premises licensed facility.

10 (c) As provided by rule by the board, a class 13 permit holder may
11 be allowed to act as a bartender without holding a class 12 permit.

12 (2)(a) Effective January 1, 1997, except as provided in (d) of this
13 subsection, every alcohol server employed, under contract or otherwise,
14 at a retail licensed premise (~~shall~~) must be issued a class 12 or
15 class 13 permit.

16 (b) Every class 12 and class 13 permit issued (~~shall~~) must be
17 issued in the name of the applicant and no other person may use the
18 permit of another permit holder. The holder (~~shall~~) must present the
19 permit upon request to inspection by a representative of the board or
20 a peace officer. The class 12 or class 13 permit (~~shall be~~) is valid
21 for employment at any retail licensed premises described in (a) of this
22 subsection.

23 (c) Except as provided in (d) of this subsection, no licensee
24 holding a license as authorized by this section and RCW 66.20.300,
25 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450,
26 66.24.570, 66.24.600, (~~and~~) 66.24.610, and section 1 of this act may
27 employ or accept the services of any person without the person first
28 having a valid class 12 or class 13 permit.

29 (d) Within sixty days of initial employment, every person whose
30 duties include the compounding, sale, service, or handling of liquor
31 (~~shall~~) must have a class 12 or class 13 permit.

32 (e) No person may perform duties that include the sale or service
33 of alcoholic beverages on a retail licensed premises without possessing
34 a valid alcohol server permit.

35 (3) A permit issued by a training entity under this section is
36 valid for employment at any retail licensed premises described in
37 subsection (2)(a) of this section for a period of five years unless
38 suspended by the board.

1 (4) The board may suspend or revoke an existing permit if any of
2 the following occur:

3 (a) The applicant or permittee has been convicted of violating any
4 of the state or local intoxicating liquor laws of this state or has
5 been convicted at any time of a felony; or

6 (b) The permittee has performed or permitted any act that
7 constitutes a violation of this title or of any rule of the board.

8 (5) The suspension or revocation of a permit under this section
9 does not relieve a licensee from responsibility for any act of the
10 employee or agent while employed upon the retail licensed premises.
11 The board may, as appropriate, revoke or suspend either the permit of
12 the employee who committed the violation or the license of the licensee
13 upon whose premises the violation occurred, or both the permit and the
14 license.

15 (6)(a) After January 1, 1997, it is a violation of this title for
16 any retail licensee or agent of a retail licensee as described in
17 subsection (2)(a) of this section to employ in the sale or service of
18 alcoholic beverages, any person who does not have a valid alcohol
19 server permit or whose permit has been revoked, suspended, or denied.

20 (b) It is a violation of this title for a person whose alcohol
21 server permit has been denied, suspended, or revoked to accept
22 employment in the sale or service of alcoholic beverages.

23 (7) Grocery stores licensed under RCW 66.24.360, the primary
24 commercial activity of which is the sale of grocery products and for
25 which the sale and service of beer and wine for on-premises consumption
26 with food is incidental to the primary business, and employees of such
27 establishments, are exempt from RCW 66.20.300 through 66.20.350, except
28 for employees whose duties include serving during tasting activities
29 under RCW 66.24.363.

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