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SENATE BILL 5001

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State of Washington

64th Legislature

2015 Regular Session

By Senators Hewitt, Kohl-Welles, Conway, Schoesler, Keiser, Hatfield,  
and Warnick

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on Commerce & Labor.

1 AN ACT Relating to alcohol tasting by students under twenty-one  
2 years of age; and amending RCW 66.20.010 and 66.44.270.

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

4 **Sec. 1.** RCW 66.20.010 and 2013 c 59 s 1 are each amended to read  
5 as follows:

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

13 (1) Where the application is for a special permit by a physician  
14 or dentist, or by any person in charge of an institution regularly  
15 conducted as a hospital or sanitorium for the care of persons in ill  
16 health, or as a home devoted exclusively to the care of aged people,  
17 a special liquor purchase permit, except that the governor may waive  
18 the requirement for a special liquor purchase permit under this  
19 subsection pursuant to an order issued under RCW 43.06.220(2);

20 (2) Where the application is for a special permit by a person  
21 engaged within the state in mechanical or manufacturing business or

1 in scientific pursuits requiring alcohol for use therein, or by any  
2 private individual, a special permit to purchase alcohol for the  
3 purpose named in the permit, except that the governor may waive the  
4 requirement for a special liquor purchase permit under this  
5 subsection pursuant to an order issued under RCW 43.06.220(2);

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

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

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

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

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

29 (8) Where the application is for a special permit by a vendor  
30 that manufactures or sells a product which cannot be effectively  
31 presented to potential buyers without serving it with liquor or by a  
32 manufacturer, importer, or distributor, or representative thereof, to  
33 serve liquor without charge to delegates and guests at a convention  
34 of a trade association composed of licensees of the board, when the  
35 said liquor is served in a hospitality room or from a booth in a  
36 board-approved suppliers' display room at the convention, and when  
37 the liquor so served is for consumption in the said hospitality room  
38 or display room during the convention, anything in this title to the  
39 contrary notwithstanding. Any such spirituous liquor must be

1 purchased from a spirits retailer or distributor, and any such liquor  
2 is subject to the taxes imposed by RCW 66.24.290 and 66.24.210;

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

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

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

30 (12) Where the application is for a special permit to allow  
31 tasting of alcohol by persons at least eighteen years of age under  
32 the following circumstances:

33 (a) The application is from a community or technical college as  
34 defined in RCW 28B.50.030, a regional university, or a state  
35 university;

36 (b) The person who is permitted to taste under this subsection is  
37 enrolled as a student in a required or elective class that is part of  
38 a culinary, sommelier, wine business, enology, viticulture, wine  
39 technology, beer technology, or spirituous technology-related degree  
40 program;

1 (c) The alcohol served to any person in the degree-related  
2 programs under (b) of this subsection is tasted but not consumed for  
3 the purposes of educational training as part of the class curriculum  
4 with the approval of the educational provider;

5 (d) The service and tasting of alcoholic beverages is supervised  
6 by a faculty or staff member of the educational provider who is  
7 twenty-one years of age or older. The supervising faculty or staff  
8 member shall possess a class 12 or 13 alcohol server permit under the  
9 provisions of RCW 66.20.310;

10 (e) The enrolled student permitted to taste the alcoholic  
11 beverages does not purchase the alcoholic beverages; and

12 (f) The permit fee for the special permit provided for in this  
13 subsection (12) shall be waived by the board.

14 **Sec. 2.** RCW 66.44.270 and 2013 c 112 s 2 are each amended to  
15 read as follows:

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

24 (2)(a) It is unlawful for any person under the age of twenty-one  
25 years to possess, consume, or otherwise acquire any liquor. A  
26 violation of this subsection is a gross misdemeanor punishable as  
27 provided for in chapter 9A.20 RCW.

28 (b) It is unlawful for a person under the age of twenty-one years  
29 to be in a public place, or to be in a motor vehicle in a public  
30 place, while exhibiting the effects of having consumed liquor. For  
31 purposes of this subsection, exhibiting the effects of having  
32 consumed liquor means that a person has the odor of liquor on his or  
33 her breath and either: (i) Is in possession of or close proximity to  
34 a container that has or recently had liquor in it; or (ii) by speech,  
35 manner, appearance, behavior, lack of coordination, or otherwise,  
36 exhibits that he or she is under the influence of liquor. This  
37 subsection (2)(b) does not apply if the person is in the presence of  
38 a parent or guardian or has consumed or is consuming liquor under

1 circumstances described in subsection (4), (5), or (~~(6)~~) (7) of  
2 this section.

3 (3) Subsections (1) and (2)(a) of this section do not apply to  
4 liquor given or permitted to be given to a person under the age of  
5 twenty-one years by a parent or guardian and consumed in the presence  
6 of the parent or guardian. This subsection shall not authorize  
7 consumption or possession of liquor by a person under the age of  
8 twenty-one years on any premises licensed under chapter 66.24 RCW.

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

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

16 (6) This section does not apply to liquor provided to students  
17 under twenty-one years of age in accordance with a special permit  
18 issued under RCW 66.20.010(12).

19 (7)(a) A person under the age of twenty-one years acting in good  
20 faith who seeks medical assistance for someone experiencing alcohol  
21 poisoning shall not be charged or prosecuted under subsection (2)(a)  
22 of this section, if the evidence for the charge was obtained as a  
23 result of the person seeking medical assistance.

24 (b) A person under the age of twenty-one years who experiences  
25 alcohol poisoning and is in need of medical assistance shall not be  
26 charged or prosecuted under subsection (2)(a) of this section, if the  
27 evidence for the charge was obtained as a result of the poisoning and  
28 need for medical assistance.

29 (c) The protection in this subsection shall not be grounds for  
30 suppression of evidence in other criminal charges.

31 (~~(7)~~) (8) Conviction or forfeiture of bail for a violation of  
32 this section by a person under the age of twenty-one years at the  
33 time of such conviction or forfeiture shall not be a disqualification  
34 of that person to acquire a license to sell or dispense any liquor  
35 after that person has attained the age of twenty-one years.

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