
SUBSTITUTE SENATE BILL 5292

State of Washington

64th Legislature

2015 Regular Session

By Senate Law & Justice (originally sponsored by Senators Roach, Billig, Hasegawa, and Benton)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to protecting children and youth from powdered
2 alcohol; amending RCW 66.04.010; creating a new section; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that powdered
6 alcohol poses a risk to the public health and safety of children and
7 youth. The legislature seeks to minimize this risk by ensuring the
8 use, purchase, sale, and possession of powdered alcohol is treated in
9 the same manner as other liquors.

10 **Sec. 2.** RCW 66.04.010 and 2012 c 117 s 264 are each amended to
11 read as follows:

12 In this title, unless the context otherwise requires:

13 (1)(a) "Alcohol" is that substance known as ethyl alcohol,
14 hydrated oxide of ethyl, or spirit of wine, which is commonly
15 produced by the fermentation or distillation of grain, starch,
16 molasses, or sugar, or other substances including all dilutions and
17 mixtures of this substance. The term "alcohol" also includes powdered
18 alcohol.

19 (b) The term "alcohol" does not include alcohol in the possession
20 of a manufacturer or distiller of alcohol fuel, as described in RCW

1 66.12.130, which is intended to be denatured and used as a fuel for
2 use in motor vehicles, farm implements, and machines or implements of
3 husbandry.

4 (2) "Authorized representative" means a person who:

5 (a) Is required to have a federal basic permit issued pursuant to
6 the federal alcohol administration act, 27 U.S.C. Sec. 204;

7 (b) Has its business located in the United States outside of the
8 state of Washington;

9 (c) Acquires ownership of beer or wine for transportation into
10 and resale in the state of Washington; and which beer or wine is
11 produced by a brewery or winery in the United States outside of the
12 state of Washington; and

13 (d) Is appointed by the brewery or winery referenced in (c) of
14 this subsection as its authorized representative for marketing and
15 selling its products within the United States in accordance with a
16 written agreement between the authorized representative and such
17 brewery or winery pursuant to this title.

18 (3) "Beer" means any malt beverage, flavored malt beverage, or
19 malt liquor as these terms are defined in this chapter.

20 (4) "Beer distributor" means a person who buys beer from a
21 domestic brewery, microbrewery, beer certificate of approval holder,
22 or beer importers, or who acquires foreign produced beer from a
23 source outside of the United States, for the purpose of selling the
24 same pursuant to this title, or who represents such brewer or brewery
25 as agent.

26 (5) "Beer importer" means a person or business within Washington
27 who purchases beer from a beer certificate of approval holder or who
28 acquires foreign produced beer from a source outside of the United
29 States for the purpose of selling the same pursuant to this title.

30 (6) "Board" means the liquor control board, constituted under
31 this title.

32 (7) "Brewer" or "brewery" means any person engaged in the
33 business of manufacturing beer and malt liquor. Brewer includes a
34 brand owner of malt beverages who holds a brewer's notice with the
35 federal bureau of alcohol, tobacco, and firearms at a location
36 outside the state and whose malt beverage is contract-produced by a
37 licensed in-state brewery, and who may exercise within the state,
38 under a domestic brewery license, only the privileges of storing,
39 selling to licensed beer distributors, and exporting beer from the
40 state.

1 (8) "Club" means an organization of persons, incorporated or
2 unincorporated, operated solely for fraternal, benevolent,
3 educational, athletic, or social purposes, and not for pecuniary
4 gain.

5 (9) "Confection" means a preparation of sugar, honey, or other
6 natural or artificial sweeteners in combination with chocolate,
7 fruits, nuts, dairy products, or flavorings, in the form of bars,
8 drops, or pieces.

9 (10) "Consume" includes the putting of liquor to any use, whether
10 by drinking or otherwise.

11 (11) "Contract liquor store" means a business that sells liquor
12 on behalf of the board through a contract with a contract liquor
13 store manager.

14 (12) "Craft distillery" means a distillery that pays the reduced
15 licensing fee under RCW 66.24.140.

16 (13) "Dentist" means a practitioner of dentistry duly and
17 regularly licensed and engaged in the practice of his or her
18 profession within the state pursuant to chapter 18.32 RCW.

19 (14) "Distiller" means a person engaged in the business of
20 distilling spirits.

21 (15) "Domestic brewery" means a place where beer and malt liquor
22 are manufactured or produced by a brewer within the state.

23 (16) "Domestic winery" means a place where wines are manufactured
24 or produced within the state of Washington.

25 (17) "Drug store" means a place whose principal business is, the
26 sale of drugs, medicines, and pharmaceutical preparations and
27 maintains a regular prescription department and employs a registered
28 pharmacist during all hours the drug store is open.

29 (18) "Druggist" means any person who holds a valid certificate
30 and is a registered pharmacist and is duly and regularly engaged in
31 carrying on the business of pharmaceutical chemistry pursuant to
32 chapter 18.64 RCW.

33 ~~((18) "Drug store" means a place whose principal business is,~~
34 ~~the sale of drugs, medicines, and pharmaceutical preparations and~~
35 ~~maintains a regular prescription department and employs a registered~~
36 ~~pharmacist during all hours the drug store is open.))~~

37 (19) "Employee" means any person employed by the board.

38 (20) "Flavored malt beverage" means:

39 (a) A malt beverage containing six percent or less alcohol by
40 volume to which flavoring or other added nonbeverage ingredients are

1 added that contain distilled spirits of not more than forty-nine
2 percent of the beverage's overall alcohol content; or

3 (b) A malt beverage containing more than six percent alcohol by
4 volume to which flavoring or other added nonbeverage ingredients are
5 added that contain distilled spirits of not more than one and
6 one-half percent of the beverage's overall alcohol content.

7 (21) "Fund" means 'liquor revolving fund.'

8 (22) "Hotel" means buildings, structures, and grounds, having
9 facilities for preparing, cooking, and serving food, that are kept,
10 used, maintained, advertised, or held out to the public to be a place
11 where food is served and sleeping accommodations are offered for pay
12 to transient guests, in which twenty or more rooms are used for the
13 sleeping accommodation of such transient guests. The buildings,
14 structures, and grounds must be located on adjacent property either
15 owned or leased by the same person or persons.

16 (23) "Importer" means a person who buys distilled spirits from a
17 distillery outside the state of Washington and imports such
18 spirituous liquor into the state for sale to the board or for export.

19 (24) "Imprisonment" means confinement in the county jail.

20 (25) "Liquor" includes the four varieties of liquor herein
21 defined (alcohol, spirits, wine, and beer), and all fermented,
22 spirituous, vinous, or malt liquor, or combinations thereof, and
23 mixed liquor, a part of which is fermented, spirituous, vinous or
24 malt liquor, or otherwise intoxicating; and every liquid or solid or
25 semisolid or other substance, patented or not, containing alcohol,
26 spirits, wine, or beer, and all drinks or drinkable liquids and all
27 preparations or mixtures capable of human consumption, and any
28 liquid, semisolid, solid, or other substance, which contains more
29 than one percent of alcohol by weight shall be conclusively deemed to
30 be intoxicating. Liquor does not include confections or food products
31 that contain one percent or less of alcohol by weight.

32 (26) "Malt beverage" or "malt liquor" means any beverage such as
33 beer, ale, lager beer, stout, and porter obtained by the alcoholic
34 fermentation of an infusion or decoction of pure hops, or pure
35 extract of hops and pure barley malt or other wholesome grain or
36 cereal in pure water containing not more than eight percent of
37 alcohol by weight, and not less than one-half of one percent of
38 alcohol by volume. For the purposes of this title, any such beverage
39 containing more than eight percent of alcohol by weight shall be
40 referred to as "strong beer."

1 (27) "Manufacturer" means a person engaged in the preparation of
2 liquor for sale, in any form whatsoever.

3 (28) "Nightclub" means an establishment that provides
4 entertainment and has as its primary source of revenue (a) the sale
5 of alcohol for consumption on the premises, (b) cover charges, or (c)
6 both.

7 (29) "Package" means any container or receptacle used for holding
8 liquor.

9 (30) "Passenger vessel" means any boat, ship, vessel, barge, or
10 other floating craft of any kind carrying passengers for
11 compensation.

12 (31) "Permit" means a permit for the purchase of liquor under
13 this title.

14 (32) "Person" means an individual, copartnership, association, or
15 corporation.

16 (33) "Physician" means a medical practitioner duly and regularly
17 licensed and engaged in the practice of his or her profession within
18 the state pursuant to chapter 18.71 RCW.

19 (34) "Powdered alcohol" means any powder or crystalline substance
20 containing alcohol that is produced for direct use or reconstitution.

21 (35) "Prescription" means a memorandum signed by a physician and
22 given by him or her to a patient for the obtaining of liquor pursuant
23 to this title for medicinal purposes.

24 (~~(35)~~) (36) "Public place" includes streets and alleys of
25 incorporated cities and towns; state or county or township highways
26 or roads; buildings and grounds used for school purposes; public
27 dance halls and grounds adjacent thereto; those parts of
28 establishments where beer may be sold under this title, soft drink
29 establishments, public buildings, public meeting halls, lobbies,
30 halls and dining rooms of hotels, restaurants, theatres, stores,
31 garages and filling stations which are open to and are generally used
32 by the public and to which the public is permitted to have
33 unrestricted access; railroad trains, stages, and other public
34 conveyances of all kinds and character, and the depots and waiting
35 rooms used in conjunction therewith which are open to unrestricted
36 use and access by the public; publicly owned bathing beaches, parks,
37 and/or playgrounds; and all other places of like or similar nature to
38 which the general public has unrestricted right of access, and which
39 are generally used by the public.

1 ~~((36))~~ (37) "Regulations" means regulations made by the board
2 under the powers conferred by this title.

3 ~~((37))~~ (38) "Restaurant" means any establishment provided with
4 special space and accommodations where, in consideration of payment,
5 food, without lodgings, is habitually furnished to the public, not
6 including drug stores and soda fountains.

7 ~~((38))~~ (39) "Sale" and "sell" include exchange, barter, and
8 traffic; and also include the selling or supplying or distributing,
9 by any means whatsoever, of liquor, or of any liquid known or
10 described as beer or by any name whatever commonly used to describe
11 malt or brewed liquor or of wine, by any person to any person; and
12 also include a sale or selling within the state to a foreign
13 consignee or his or her agent in the state. "Sale" and "sell" shall
14 not include the giving, at no charge, of a reasonable amount of
15 liquor by a person not licensed by the board to a person not licensed
16 by the board, for personal use only. "Sale" and "sell" also does not
17 include a raffle authorized under RCW 9.46.0315: PROVIDED, That the
18 nonprofit organization conducting the raffle has obtained the
19 appropriate permit from the board.

20 ~~((39))~~ (40) "Service bar" means a fixed or portable table,
21 counter, cart, or similar work station primarily used to prepare,
22 mix, serve, and sell alcohol that is picked up by employees or
23 customers. Customers may not be seated or allowed to consume food or
24 alcohol at a service bar.

25 ~~((40))~~ (41) "Soda fountain" means a place especially equipped
26 with apparatus for the purpose of dispensing soft drinks, whether
27 mixed or otherwise.

28 ~~((41))~~ (42) "Spirits" means powdered alcohol, and any beverage
29 which contains alcohol obtained by distillation, except flavored malt
30 beverages, but including wines exceeding twenty-four percent of
31 alcohol by volume.

32 ~~((42))~~ (43) "Store" means a state liquor store established
33 under this title.

34 ~~((43))~~ (44) "Tavern" means any establishment with special space
35 and accommodation for sale by the glass and for consumption on the
36 premises, of beer, as herein defined.

37 ~~((44))~~ (45) "VIP airport lounge" means an establishment within
38 an international airport located beyond security checkpoints that
39 provides a special space to sit, relax, read, work, and enjoy
40 beverages where access is controlled by the VIP airport lounge

1 operator and is generally limited to the following classifications of
2 persons:

3 (a) Airline passengers of any age whose admission is based on a
4 first-class, executive, or business class ticket;

5 (b) Airline passengers of any age who are qualified members or
6 allowed guests of certain frequent flyer or other loyalty incentive
7 programs maintained by airlines that have agreements describing the
8 conditions for access to the VIP airport lounge;

9 (c) Airline passengers of any age who are qualified members or
10 allowed guests of certain enhanced amenities programs maintained by
11 companies that have agreements describing the conditions for access
12 to the VIP airport lounge;

13 (d) Airport and airline employees, government officials, foreign
14 dignitaries, and other attendees of functions held by the airport
15 authority or airlines related to the promotion of business objectives
16 such as increasing international air traffic and enhancing foreign
17 trade where access to the VIP airport lounge will be controlled by
18 the VIP airport lounge operator; and

19 (e) Airline passengers of any age or airline employees whose
20 admission is based on a pass issued or permission given by the
21 airline for access to the VIP airport lounge.

22 (~~(45)~~) (46) "VIP airport lounge operator" means an airline,
23 port district, or other entity operating a VIP airport lounge that:
24 Is accountable for compliance with the alcohol beverage control act
25 under this title; holds the license under chapter 66.24 RCW issued to
26 the VIP airport lounge; and provides a point of contact for
27 addressing any licensing and enforcement by the board.

28 (~~(46)~~) (47)(a) "Wine" means any alcoholic beverage obtained by
29 fermentation of fruits (grapes, berries, apples, et cetera) or other
30 agricultural product containing sugar, to which any saccharine
31 substances may have been added before, during or after fermentation,
32 and containing not more than twenty-four percent of alcohol by
33 volume, including sweet wines fortified with wine spirits, such as
34 port, sherry, muscatel, and angelica, not exceeding twenty-four
35 percent of alcohol by volume and not less than one-half of one
36 percent of alcohol by volume. For purposes of this title, any
37 beverage containing no more than fourteen percent of alcohol by
38 volume when bottled or packaged by the manufacturer shall be referred
39 to as "table wine," and any beverage containing alcohol in an amount
40 more than fourteen percent by volume when bottled or packaged by the

1 manufacturer shall be referred to as "fortified wine." However,
2 "fortified wine" shall not include: (i) Wines that are both sealed or
3 capped by cork closure and aged two years or more; and (ii) wines
4 that contain more than fourteen percent alcohol by volume solely as a
5 result of the natural fermentation process and that have not been
6 produced with the addition of wine spirits, brandy, or alcohol.

7 (b) This subsection shall not be interpreted to require that any
8 wine be labeled with the designation "table wine" or "fortified
9 wine."

10 ~~((47))~~ (48) "Wine distributor" means a person who buys wine
11 from a domestic winery, wine certificate of approval holder, or wine
12 importer, or who acquires foreign produced wine from a source outside
13 of the United States, for the purpose of selling the same not in
14 violation of this title, or who represents such vintner or winery as
15 agent.

16 ~~((48))~~ (49) "Wine importer" means a person or business within
17 Washington who purchases wine from a wine certificate of approval
18 holder or who acquires foreign produced wine from a source outside of
19 the United States for the purpose of selling the same pursuant to
20 this title.

21 ~~((49))~~ (50) "Winery" means a business conducted by any person
22 for the manufacture of wine for sale, other than a domestic winery.

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