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**SENATE BILL 6320**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Senators O'Ban, Zeiger, Honeyford, Mullet, Wagoner, Wilson, C., and Wilson, L.

AN ACT Relating to the ability of a minor to operate a lemonade business on an occasional basis; amending RCW 70.05.060; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating new sections.

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

NEW SECTION. **Sec.**  The legislature finds that the current regulatory environment creates uncertainty and potential barriers to traditional avenues of minor entrepreneurship, specifically operating lemonade stands. Minors who are not seeking to compete with fully established businesses, participate in festival-like events as vendors, or establish full-time employment should not be subjected to the same levels of regulation and taxation. The legislature finds that it is in the state's interest to encourage entrepreneurial activity among the minors of the state. Entrepreneurship among minors has been a means for children to learn basic business and economic principles and earn and save money. Diversion of state and local resources for the permitting and enforcement of regulations controlling such entrepreneurship is not in the best interest of the people of the state of Washington.

**Sec.**  RCW 70.05.060 and 1991 c 3 s 308 are each amended to read as follows:

(1) Each local board of health shall have supervision over all matters pertaining to the preservation of the life and health of the people within its jurisdiction and shall:

((~~(1)~~)) (a) Enforce through the local health officer or the administrative officer appointed under RCW 70.05.040, if any, the public health statutes of the state and rules promulgated by the state board of health and the secretary of health;

((~~(2)~~)) (b) Supervise the maintenance of all health and sanitary measures for the protection of the public health within its jurisdiction;

((~~(3)~~)) (c) Enact such local rules and regulations as are necessary in order to preserve, promote and improve the public health and provide for the enforcement thereof;

((~~(4)~~)) (d) Provide for the control and prevention of any dangerous, contagious or infectious disease within the jurisdiction of the local health department;

((~~(5)~~)) (e) Provide for the prevention, control and abatement of nuisances detrimental to the public health;

((~~(6)~~)) (f) Make such reports to the state board of health through the local health officer or the administrative officer as the state board of health may require; and

((~~(7)~~)) (g) Establish fee schedules for issuing or renewing licenses or permits or for such other services as are authorized by the law and the rules of the state board of health: PROVIDED, That such fees for services shall not exceed the actual cost of providing any such services.

(2)(a) Except as provided in (b) of this subsection, the local board of health may not promulgate or enforce restrictions on any person fifteen years of age or younger operating an occasional lemonade or other nonalcoholic beverage business.

(b) This subsection does not apply to a business operated at a special event as defined in RCW 82.32.033.

(c) For the purposes of this subsection, "occasional" means infrequent or irregular.

NEW SECTION. **Sec.**  A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to any person fifteen years of age or younger with respect to amounts received from occasional sales of lemonade or other nonalcoholic beverages. For purposes of this section, "occasional" means soliciting sales in thirty or fewer days in a calendar year. The exemption in this section does not apply to sales made at a special event as defined in RCW 82.32.033.

NEW SECTION. **Sec.**  A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 does not apply to sales of lemonade or other nonalcoholic beverages by any person exempt from tax under section 3 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter do not apply with respect to the sales of lemonade or other nonalcoholic beverages by any person exempt from tax under section 3 of this act.

NEW SECTION. **Sec.**  The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

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