
HOUSE BILL 2381

State of Washington 52nd Legislature 1992 Regular Session

By Representatives Heavey, Dorn and Fuhrman

Read first time 01/15/92. Referred to Committee on Judiciary.

1 AN ACT Relating to restricting minors' access to alcohol; amending
2 RCW 66.16.040, 66.20.070, 66.28.220, and 66.44.270; and prescribing
3 penalties.

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

5 **Sec. 1.** RCW 66.16.040 and 1981 1st ex.s. c 5 s 8 are each amended
6 to read as follows:

7 (1) Except as otherwise provided by law, an employee in a state
8 liquor store or agency may sell liquor to any person of legal age to
9 purchase alcoholic beverages and may also sell to holders of permits
10 such liquor as may be purchased under such permits.

11 (2) Where there may be a question of a person's right to purchase
12 liquor by reason of age, such person shall be required to present any
13 one of the following officially issued cards of identification which
14 shows his/her correct age and bears his/her signature and photograph:

1 ~~((1))~~ (a) Liquor control authority card of identification of any
2 state or province of Canada.

3 ~~((2))~~ (b) Driver's license, instruction permit or identification
4 card of any state or province of Canada, or "identocard" issued by the
5 Washington state department of licensing pursuant to RCW 46.20.117.

6 ~~((3))~~ (c) United States active duty military identification.

7 ~~((4))~~ (d) Passport.

8 ~~((5))~~ (e) Merchant Marine identification card issued by the
9 United States Coast Guard.

10 (3) The board may adopt such regulations as it deems proper
11 covering the acceptance of such cards of identification.

12 (4) Where an employee or agent of any state liquor store is found
13 by the board to have violated RCW 66.44.270, 66.44.310, or 66.44.320,
14 the employee or agent shall be disciplined as follows:

15 (a) First violation: Minimum three-day suspension from work
16 without pay.

17 (b) Second violation: Minimum nine-day suspension from work
18 without pay.

19 (c) Third violation: Mandatory termination of employment.

20 (5) No liquor sold under this section shall be delivered until the
21 purchaser has paid for the liquor in cash.

22 **Sec. 2.** RCW 66.20.070 and 1933 ex.s. c 62 s 17 are each amended to
23 read as follows:

24 (1) Where the holder of any permit issued under this title violates
25 any provision of this title or of the regulations, or is an interdicted
26 person, or is otherwise disqualified from holding a permit, the board,
27 upon proof to its satisfaction of the fact or existence of such
28 violation, interdiction, or disqualification, and in its discretion,
29 may with or without any hearing, suspend the permit and all rights of

1 the holder thereunder for such period as the board sees fit, or may
2 cancel the permit.

3 (2) If the holder of any license issued under this title is found
4 by the board to have violated RCW 66.44.270, 66.44.310, or 66.44.320 by
5 selling liquor for off-premises consumption, the board shall either
6 revoke the violator's liquor license or suspend the license in
7 accordance with the following guidelines:

8 (a) First violation: Minimum thirty-day license suspension.

9 (b) Second violation: Minimum six-month license suspension.

10 **Sec. 3.** RCW 66.28.220 and 1989 c 271 s 231 are each amended to
11 read as follows:

12 (1) The board shall adopt rules requiring retail licensees to affix
13 appropriate identification on all containers of four gallons or more of
14 malt liquor for the purpose of tracing the purchasers of such
15 containers. The rules may provide for identification to be done on a
16 state-wide basis or on the basis of smaller geographical areas.

17 (2) The board shall develop and make available forms for the
18 declaration and receipt required by RCW 66.28.200. The declaration and
19 receipt forms shall clearly state the following warning on their face:
20 "SUPPLYING ALCOHOL TO A MINOR MAY RESULT IN A MANDATORY JAIL SENTENCE
21 OF ONE DAY TO ONE YEAR, UNDER RCW 66.44.270."

22 (3) It is unlawful for any person to sell or offer for sale kegs or
23 other containers containing four gallons or more of malt liquor to
24 consumers who are not licensed under chapter 66.24 RCW if the kegs or
25 containers are not identified in compliance with rules adopted by the
26 board.

27 **Sec. 4.** RCW 66.44.270 and 1987 c 458 s 3 are each amended to read
28 as follows:

1 (1) It is unlawful for any person to sell, give, or otherwise
2 supply liquor to any person under the age of twenty-one years or permit
3 any person under that age to consume liquor on his or her premises or
4 on any premises under his or her control.

5 (2) It is unlawful for any person under the age of twenty-one years
6 to possess, consume, or otherwise acquire any liquor.

7 (3) This section does not apply to liquor given or permitted to be
8 given to a person under the age of twenty-one years by a parent or
9 guardian and consumed in the presence of the parent or guardian. This
10 subsection shall not authorize consumption or possession of liquor by
11 a person under the age of twenty-one years on any premises licensed
12 under chapter 66.24 RCW.

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

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

20 (6) Conviction or forfeiture of bail for a violation of this
21 section by a person under the age of twenty-one years at the time of
22 such conviction or forfeiture shall not be a disqualification of that
23 person to acquire a license to sell or dispense any liquor after that
24 person has attained the age of twenty-one years.

25 (7) Every person who is convicted of a violation of this section
26 shall be punished by imprisonment for not less than twenty-four
27 consecutive hours nor more than one year. Twenty-four consecutive
28 hours of the jail sentence shall not be suspended or deferred unless
29 the judge finds that the imposition of the jail sentence will pose a
30 risk to the defendant's physical or mental well-being. Whenever the

1 mandatory jail sentence is suspended or deferred, the judge must state,
2 in writing, the reason for granting the suspension or deferral and the
3 facts upon which the suspension or deferral is based.