

VETO MESSAGE ON SB 5751-S

May 16, 1995

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5751 entitled:

"AN ACT Relating to alcoholic beverages;"

Substitute Senate Bill No. 5751 leaves a person "apparently under the influence of liquor" subject to a civil fine of between \$100 and \$200 for purchasing or consuming liquor in an establishment licensed by the liquor control board. Although the bill establishes a civil, rather than a criminal penalty for violating the statute, it nonetheless steps back from the state's policy as established in RCW 70.96A.010 declaring that, "alcoholics and intoxicated persons may not be subjected to criminal prosecution solely because of their consumption of alcoholic beverages, but should...be afforded a continuum of treatment..."

Substitute Senate Bill No. 5751 establishes violation based on the appearance of inebriation, rather than on an objective, measurable standard. The broad language of the bill raises the possibility of wide disparity in its application to the population generally and presents an unacceptably high potential to compound discrimination already faced by people with certain disability characteristics. An individual with slurred speech or an uneven gait may well give others the impression that they are inebriated in spite of the fact they have consumed no alcohol.

Although the intent of the bill is to provide equity in penalizing the purchaser as well as the server, this bill will likely result in confusion and misapplication. Stiff penalties would -- and should -- be assessed if a person attempts to drive a vehicle while intoxicated or would otherwise constitute a danger to others. However, if someone has made arrangements, such as designating a driver who remains sober, there is no legitimate public policy purpose behind their being fined solely on the basis of appearing to be under the influence of alcohol.

I have requested that the Liquor Control Board work with the drafters of this legislation over the interim to carefully tailor language that better achieves their objective. Moreover, I have asked the Liquor Control Board to analyze the current law and agency rules related to serving individuals who are apparently intoxicated. The misapplication of well intended rules due to appearance factors other than intoxication must be assessed and prevented.

For these reasons, I am vetoing Substitute Senate Bill No. 5751 in its entirety.

Respectfully submitted,  
Mike Lowry  
Governor