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SENATE BILL 5156

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Kohl-Welles, King, Keiser, Delvin, and Conway

Read first time 01/17/11. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to airport lounges under the alcohol beverage  
2 control act; amending RCW 66.24.440, 66.20.310, 66.20.300, 66.08.180,  
3 66.08.220, and 68.50.107; reenacting and amending RCW 66.04.010; and  
4 adding a new section to chapter 66.24 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 66.24 RCW  
7 to read as follows:

8 There shall be a license to allow a VIP airport lounge operator to  
9 sell or otherwise provide spirits, wine, and beer solely for  
10 consumption on the premises of a VIP airport lounge. The license  
11 described in this section allows the VIP airport lounge operator to  
12 purchase spirits from the board, and to purchase beer and wine at  
13 retail outlets, or from the manufacturer or a distributor. No licensee  
14 may serve liquor from a bar where patrons may sit to be served, but may  
15 only serve liquor from a service bar, as approved by the board.

16 **Sec. 2.** RCW 66.04.010 and 2009 c 373 s 1 and 2009 c 271 s 2 are  
17 each reenacted and amended to read as follows:

18 In this title, unless the context otherwise requires:

1 (1) "Alcohol" is that substance known as ethyl alcohol, hydrated  
2 oxide of ethyl, or spirit of wine, which is commonly produced by the  
3 fermentation or distillation of grain, starch, molasses, or sugar, or  
4 other substances including all dilutions and mixtures of this  
5 substance. The term "alcohol" does not include alcohol in the  
6 possession of a manufacturer or distiller of alcohol fuel, as described  
7 in RCW 66.12.130, which is intended to be denatured and used as a fuel  
8 for use in motor vehicles, farm implements, and machines or implements  
9 of husbandry.

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

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

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

15 (c) Acquires ownership of beer or wine for transportation into and  
16 resale in the state of Washington; and which beer or wine is produced  
17 by a brewery or winery in the United States outside of the state of  
18 Washington; and

19 (d) Is appointed by the brewery or winery referenced in (c) of this  
20 subsection as its authorized representative for marketing and selling  
21 its products within the United States in accordance with a written  
22 agreement between the authorized representative and such brewery or  
23 winery pursuant to this title.

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

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

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

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

37 (7) "Brewer" or "brewery" means any person engaged in the business  
38 of manufacturing beer and malt liquor. Brewer includes a brand owner

1 of malt beverages who holds a brewer's notice with the federal bureau  
2 of alcohol, tobacco, and firearms at a location outside the state and  
3 whose malt beverage is contract-produced by a licensed in-state  
4 brewery, and who may exercise within the state, under a domestic  
5 brewery license, only the privileges of storing, selling to licensed  
6 beer distributors, and exporting beer from the state.

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

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

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

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

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

21 (13) "Dentist" means a practitioner of dentistry duly and regularly  
22 licensed and engaged in the practice of his profession within the state  
23 pursuant to chapter 18.32 RCW.

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

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

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

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

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

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

1 (20) "Flavored malt beverage" means:

2 (a) A malt beverage containing six percent or less alcohol by  
3 volume to which flavoring or other added nonbeverage ingredients are  
4 added that contain distilled spirits of not more than forty-nine  
5 percent of the beverage's overall alcohol content; or

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

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

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

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

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

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

35 (26) "Malt beverage" or "malt liquor" means any beverage such as  
36 beer, ale, lager beer, stout, and porter obtained by the alcoholic  
37 fermentation of an infusion or decoction of pure hops, or pure extract  
38 of hops and pure barley malt or other wholesome grain or cereal in pure

1 water containing not more than eight percent of alcohol by weight, and  
2 not less than one-half of one percent of alcohol by volume. For the  
3 purposes of this title, any such beverage containing more than eight  
4 percent of alcohol by weight shall be referred to as "strong beer."

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

7 (28) "Nightclub" means an establishment that provides entertainment  
8 and has as its primary source of revenue (a) the sale of alcohol for  
9 consumption on the premises, (b) cover charges, or (c) both, and has an  
10 occupancy load of one hundred or more.

11 (29) "Package" means any container or receptacle used for holding  
12 liquor.

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

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

17 (32) "Person" means an individual, copartnership, association, or  
18 corporation.

19 (33) "Physician" means a medical practitioner duly and regularly  
20 licensed and engaged in the practice of his profession within the state  
21 pursuant to chapter 18.71 RCW.

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

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

1 similar nature to which the general public has unrestricted right of  
2 access, and which are generally used by the public.

3 (36) "Regulations" means regulations made by the board under the  
4 powers conferred by this title.

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

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

21 (39) "Soda fountain" means a place especially equipped with  
22 apparatus for the purpose of dispensing soft drinks, whether mixed or  
23 otherwise.

24 (40) "Spirits" means any beverage which contains alcohol obtained  
25 by distillation, except flavored malt beverages, but including wines  
26 exceeding twenty-four percent of alcohol by volume.

27 (41) "Store" means a state liquor store established under this  
28 title.

29 (42) "Tavern" means any establishment with special space and  
30 accommodation for sale by the glass and for consumption on the  
31 premises, of beer, as herein defined.

32 (43)(a) "Wine" means any alcoholic beverage obtained by  
33 fermentation of fruits (grapes, berries, apples, et cetera) or other  
34 agricultural product containing sugar, to which any saccharine  
35 substances may have been added before, during or after fermentation,  
36 and containing not more than twenty-four percent of alcohol by volume,  
37 including sweet wines fortified with wine spirits, such as port,  
38 sherry, muscatel and angelica, not exceeding twenty-four percent of

1 alcohol by volume and not less than one-half of one percent of alcohol  
2 by volume. For purposes of this title, any beverage containing no more  
3 than fourteen percent of alcohol by volume when bottled or packaged by  
4 the manufacturer shall be referred to as "table wine," and any beverage  
5 containing alcohol in an amount more than fourteen percent by volume  
6 when bottled or packaged by the manufacturer shall be referred to as  
7 "fortified wine." However, "fortified wine" shall not include: (i)  
8 Wines that are both sealed or capped by cork closure and aged two years  
9 or more; and (ii) wines that contain more than fourteen percent alcohol  
10 by volume solely as a result of the natural fermentation process and  
11 that have not been produced with the addition of wine spirits, brandy,  
12 or alcohol.

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

15 (44) "Wine distributor" means a person who buys wine from a  
16 domestic winery, wine certificate of approval holder, or wine importer,  
17 or who acquires foreign produced wine from a source outside of the  
18 United States, for the purpose of selling the same not in violation of  
19 this title, or who represents such vintner or winery as agent.

20 (45) "Wine importer" means a person or business within Washington  
21 who purchases wine from a wine certificate of approval holder or who  
22 acquires foreign produced wine from a source outside of the United  
23 States for the purpose of selling the same pursuant to this title.

24 (46) "Winery" means a business conducted by any person for the  
25 manufacture of wine for sale, other than a domestic winery.

26 (47) "VIP airport lounge" means an establishment within an  
27 international airport located beyond security checkpoints that provides  
28 a special space to sit, relax, read, work, and enjoy beverages where  
29 access is controlled by the VIP airport lounge operator and is  
30 generally limited to the following classifications of persons:

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

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

37 (c) Airline passengers of any age who are qualified members or

1 allowed guests of certain enhanced amenities programs maintained by  
2 companies that have agreements describing the conditions for access to  
3 the VIP airport lounge;

4 (d) Airport and airline employees, government officials, foreign  
5 dignitaries, and other attendees of functions held by the airport  
6 authority or airlines related to the promotion of business objectives  
7 such as increasing international air traffic and enhancing foreign  
8 trade where access to the VIP airport lounge will be controlled by the  
9 VIP airport lounge operator; and

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

13 (48) "VIP airport lounge operator" means an airline, port district,  
14 or other entity operating a VIP airport lounge that: Is accountable  
15 for compliance with the alcohol beverage control act under Title 66  
16 RCW; holds the license under chapter 66.24 RCW issued to the VIP  
17 airport lounge; and provides a point of contact for addressing any  
18 licensing and enforcement by the board.

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

23 **Sec. 3.** RCW 66.24.440 and 2009 c 271 s 8 are each amended to read  
24 as follows:

25 Each spirits, beer, and wine restaurant, spirits, beer, and wine  
26 private club, hotel, spirits, beer, and wine nightclub, ((and)) sports  
27 entertainment facility licensee, and VIP airport lounge licensee shall  
28 be entitled to purchase any spirituous liquor items salable under such  
29 license from the board at a discount of not less than fifteen percent  
30 from the retail price fixed by the board, together with all taxes.

31 **Sec. 4.** RCW 66.20.310 and 2010 c 141 s 2 are each amended to read  
32 as follows:

33 (1)(a) There shall be an alcohol server permit, known as a class 12  
34 permit, for a manager or bartender selling or mixing alcohol, spirits,  
35 wines, or beer for consumption at an on-premises licensed facility.



1 (b) There shall be an alcohol server permit, known as a class 13  
2 permit, for a person who only serves alcohol, spirits, wines, or beer  
3 for consumption at an on-premises licensed facility.

4 (c) As provided by rule by the board, a class 13 permit holder may  
5 be allowed to act as a bartender without holding a class 12 permit.

6 (2)(a) Effective January 1, 1997, except as provided in (d) of this  
7 subsection, every alcohol server employed, under contract or otherwise,  
8 at a retail licensed premise shall be issued a class 12 or class 13  
9 permit.

10 (b) Every class 12 and class 13 permit issued shall be issued in  
11 the name of the applicant and no other person may use the permit of  
12 another permit holder. The holder shall present the permit upon  
13 request to inspection by a representative of the board or a peace  
14 officer. The class 12 or class 13 permit shall be valid for employment  
15 at any retail licensed premises described in (a) of this subsection.

16 (c) Except as provided in (d) of this subsection, no licensee  
17 holding a license as authorized by RCW 66.24.320, 66.24.330, 66.24.350,  
18 66.24.400, 66.24.425, 66.24.450, 66.24.570, ~~((and))~~ 66.24.600, and  
19 section 1 of this act may employ or accept the services of any person  
20 without the person first having a valid class 12 or class 13 permit.

21 (d) Within sixty days of initial employment, every person whose  
22 duties include the compounding, sale, service, or handling of liquor  
23 shall have a class 12 or class 13 permit.

24 (e) No person may perform duties that include the sale or service  
25 of alcoholic beverages on a retail licensed premises without possessing  
26 a valid alcohol server permit.

27 (3) A permit issued by a training entity under this section is  
28 valid for employment at any retail licensed premises described in  
29 subsection (2)(a) of this section for a period of five years unless  
30 suspended by the board.

31 (4) The board may suspend or revoke an existing permit if any of  
32 the following occur:

33 (a) The applicant or permittee has been convicted of violating any  
34 of the state or local intoxicating liquor laws of this state or has  
35 been convicted at any time of a felony; or

36 (b) The permittee has performed or permitted any act that  
37 constitutes a violation of this title or of any rule of the board.

1 (5) The suspension or revocation of a permit under this section  
2 does not relieve a licensee from responsibility for any act of the  
3 employee or agent while employed upon the retail licensed premises.  
4 The board may, as appropriate, revoke or suspend either the permit of  
5 the employee who committed the violation or the license of the licensee  
6 upon whose premises the violation occurred, or both the permit and the  
7 license.

8 (6)(a) After January 1, 1997, it is a violation of this title for  
9 any retail licensee or agent of a retail licensee as described in  
10 subsection (2)(a) of this section to employ in the sale or service of  
11 alcoholic beverages, any person who does not have a valid alcohol  
12 server permit or whose permit has been revoked, suspended, or denied.

13 (b) It is a violation of this title for a person whose alcohol  
14 server permit has been denied, suspended, or revoked to accept  
15 employment in the sale or service of alcoholic beverages.

16 (7) Grocery stores licensed under RCW 66.24.360, the primary  
17 commercial activity of which is the sale of grocery products and for  
18 which the sale and service of beer and wine for on-premises consumption  
19 with food is incidental to the primary business, and employees of such  
20 establishments, are exempt from RCW 66.20.300 through 66.20.350, except  
21 for employees whose duties include serving during tasting activities  
22 under RCW 66.24.363.

23 **Sec. 5.** RCW 66.20.300 and 2010 c 141 s 3 are each amended to read  
24 as follows:

25 Unless the context clearly requires otherwise, the definitions in  
26 this section apply throughout RCW 66.20.310 through 66.20.350.

27 (1) "Alcohol" has the same meaning as "liquor" in RCW 66.04.010.

28 (2) "Alcohol server" means any person who as part of his or her  
29 employment participates in the sale or service of alcoholic beverages  
30 for on-premise consumption at a retail licensed premise as a regular  
31 requirement of his or her employment, and includes those persons  
32 eighteen years of age or older permitted by the liquor laws of this  
33 state to serve alcoholic beverages with meals.

34 (3) "Board" means the Washington state liquor control board.

35 (4) "Training entity" means any liquor licensee associations,  
36 independent contractors, private persons, and private or public  
37 schools, that have been certified by the board.

1 (5) "Retail licensed premises" means any:

2 (a) Premises licensed to sell alcohol by the glass or by the drink,  
3 or in original containers primarily for consumption on the premises as  
4 authorized by RCW 66.24.320, 66.24.330, 66.24.350, 66.24.400,  
5 66.24.425, 66.24.450, and 66.24.570, and section 1 of this act;

6 (b) Distillery licensed pursuant to RCW 66.24.140 that is  
7 authorized to serve samples of its own production;

8 (c) Facility established by a domestic winery for serving and  
9 selling wine pursuant to RCW 66.24.170(4); and

10 (d) Grocery store licensed under RCW 66.24.360, but only with  
11 respect to employees whose duties include serving during tasting  
12 activities under RCW 66.24.363.

13 **Sec. 6.** RCW 66.08.180 and 2009 c 271 s 3 are each amended to read  
14 as follows:

15 Except as provided in RCW 66.24.290(1), moneys in the liquor  
16 revolving fund shall be distributed by the board at least once every  
17 three months in accordance with RCW 66.08.190, 66.08.200 and  
18 66.08.210(~~(:—PROVIDED, That)~~). However, the board shall reserve from  
19 distribution such amount not exceeding five hundred thousand dollars as  
20 may be necessary for the proper administration of this title.

21 (1) All license fees, penalties, and forfeitures derived under  
22 chapter 13, Laws of 1935 from spirits, beer, and wine restaurant;  
23 spirits, beer, and wine private club; hotel; spirits, beer, and wine  
24 nightclub; spirits, beer, and wine VIP airport lounge; and sports  
25 entertainment facility licenses shall every three months be disbursed  
26 by the board as follows:

27 (a) Three hundred thousand dollars per biennium, to the death  
28 investigations account for the state toxicology program pursuant to RCW  
29 68.50.107; and

30 (b) Of the remaining funds:

31 (i) 6.06 percent to the University of Washington and 4.04 percent  
32 to Washington State University for alcoholism and drug abuse research  
33 and for the dissemination of such research; and

34 (ii) 89.9 percent to the general fund to be used by the department  
35 of social and health services solely to carry out the purposes of RCW  
36 70.96A.050;

1 (2) The first fifty-five dollars per license fee provided in RCW  
2 66.24.320 and 66.24.330 up to a maximum of one hundred fifty thousand  
3 dollars annually shall be disbursed every three months by the board to  
4 the general fund to be used for juvenile alcohol and drug prevention  
5 programs for kindergarten through third grade to be administered by the  
6 superintendent of public instruction;

7 (3) Twenty percent of the remaining total amount derived from  
8 license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.350, and  
9 66.24.360, shall be transferred to the general fund to be used by the  
10 department of social and health services solely to carry out the  
11 purposes of RCW 70.96A.050; and

12 (4) One-fourth cent per liter of the tax imposed by RCW 66.24.210  
13 shall every three months be disbursed by the board to Washington State  
14 University solely for wine and wine grape research, extension programs  
15 related to wine and wine grape research, and resident instruction in  
16 both wine grape production and the processing aspects of the wine  
17 industry in accordance with RCW 28B.30.068. The director of financial  
18 management shall prescribe suitable accounting procedures to ensure  
19 that the funds transferred to the general fund to be used by the  
20 department of social and health services and appropriated are  
21 separately accounted for.

22 **Sec. 7.** RCW 66.08.220 and 2009 c 271 s 4 are each amended to read  
23 as follows:

24 The board shall set aside in a separate account in the liquor  
25 revolving fund an amount equal to ten percent of its gross sales of  
26 liquor to spirits, beer, and wine restaurant; spirits, beer, and wine  
27 private club; spirits, beer, and wine nightclub; hotel; spirits, beer,  
28 and wine VIP airport lounge; and sports entertainment facility  
29 licensees collected from these licensees pursuant to the provisions of  
30 RCW 82.08.150, less the fifteen percent discount provided for in RCW  
31 66.24.440; and the moneys in said separate account shall be distributed  
32 in accordance with the provisions of RCW 66.08.190, 66.08.200 and  
33 66.08.210. No election unit in which the sale of liquor under spirits,  
34 beer, and wine restaurant; spirits, beer, and wine private club;  
35 spirits, beer, and wine nightclub; and sports entertainment facility  
36 licenses is unlawful shall be entitled to share in the distribution of  
37 moneys from such separate account.

1       **Sec. 8.** RCW 68.50.107 and 2009 c 271 s 11 are each amended to read  
2 as follows:

3       There shall be established in conjunction with the chief of the  
4 Washington state patrol and under the authority of the state forensic  
5 investigations council a state toxicological laboratory under the  
6 direction of the state toxicologist whose duty it will be to perform  
7 all necessary toxicologic procedures requested by all coroners, medical  
8 examiners, and prosecuting attorneys. The state forensic  
9 investigations council, after consulting with the chief of the  
10 Washington state patrol and director of the bureau of forensic  
11 laboratory services, shall appoint a toxicologist as state  
12 toxicologist, who shall report to the director of the bureau of  
13 forensic laboratory services and the office of the chief of the  
14 Washington state patrol. Toxicological services shall be funded by  
15 disbursement from the spirits, beer, and wine restaurant; spirits,  
16 beer, and wine private club; spirits, beer, and wine nightclub;  
17 spirits, beer, and wine VIP airport lounge; and sports entertainment  
18 facility license fees as provided in RCW 66.08.180 and by appropriation  
19 from the death investigations account as provided in RCW 43.79.445.

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