

ESB 5607 - H AMD 409

By Representative Hurst

ADOPTED 04/15/2013

1 Strike everything after the enacting clause and insert the
2 following:

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4 "NEW SECTION. **Sec. 1.** A new section is added to chapter 66.24
5 RCW to read as follows:

6 (1) There is a theater license to sell spirits, beer, including
7 strong beer, or wine, or all, at retail, for consumption on theater
8 premises. A spirits, beer, and wine theater license may be issued
9 only to theaters that have no more than one hundred twenty seats per
10 screen and that are maintained in a substantial manner as a place for
11 preparing, cooking, and serving complete meals and providing tabletop
12 accommodations for in-theater dining. Requirements for complete meals
13 are the same as those adopted by the board in rules pursuant to
14 chapter 34.05 RCW for a spirits, beer, and wine restaurant license
15 authorized by RCW 66.24.400. The annual fee for a spirits, beer, and
16 wine theater license is two thousand dollars.

17 (2) If the theater premises is to be frequented by minors, an
18 alcohol control plan must be submitted to the board at the time of
19 application. The alcohol control plan must be approved by the board
20 and be prominently posted on the premises, prior to minors being
21 allowed.

22 (3) For the purposes of this section:

23 (a) "Alcohol control plan" means a written, dated, and signed plan
24 submitted to the board by an applicant or licensee for the entire
25 theater premises, or rooms or areas therein, that shows where and when
26 alcohol is permitted, where and when minors are permitted, and the
27 control measures used to ensure that minors are not able to obtain

1 alcohol or be exposed to environments where drinking alcohol
2 predominates.

3 (b) "Theater" means a place of business where motion pictures or
4 other primarily nonparticipatory entertainment are shown.

5 (4) The board must adopt rules regarding alcohol control plans and
6 necessary control measures to ensure that minors are not able to
7 obtain alcohol or be exposed to areas where drinking alcohol
8 predominates. All alcohol control plans must include a requirement
9 that any person involved in the serving of spirits, beer, and/or wine
10 must have completed a mandatory alcohol server training program.

11 (5)(a) A licensee that is an entity that is exempt from taxation
12 under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue
13 code of 1986, as amended as of January 1, 2013, may enter into
14 arrangements with a spirits, beer, or wine manufacturer, importer, or
15 distributor for brand advertising at the theater or promotion of
16 events held at the theater. The financial arrangements providing for
17 the brand advertising or promotion of events may not be used as an
18 inducement to purchase the products of the manufacturer, importer, or
19 distributor entering into the arrangement and such arrangements may
20 not result in the exclusion of brands or products of other companies.

21 (b) The arrangements allowed under this subsection (5) are an
22 exception to arrangements prohibited under RCW 66.28.305. The board
23 must monitor the impacts of these arrangements. The board may conduct
24 audits of a licensee and the affiliated business to determine
25 compliance with this subsection (5). Audits may include, but are not
26 limited to: Product selection at the facility; purchase patterns of
27 the licensee; contracts with the spirits, beer, or wine manufacturer,
28 importer, or distributor; and the amount allocated or used for
29 spirits, beer, or wine advertising by the licensee, affiliated
30 business, manufacturer, importer, or distributor under the
31 arrangements.

32 (6) The maximum penalties prescribed by the board in WAC 314-29-
33 020 relating to fines and suspensions are double for violations
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1 involving minors or the failure to follow the alcohol control plan
2 with respect to theaters licensed under this section.

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4 **Sec. 2.** RCW 66.20.300 and 2011 c 325 s 5 are each amended to read
5 as follows:

6 ~~((Unless the context clearly requires otherwise,))~~ The definitions
7 in this section apply throughout RCW 66.20.310 through 66.20.350
8 unless the context clearly requires otherwise.

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

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

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

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

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

21 (a) Premises licensed to sell alcohol by the glass or by the
22 drink, or in original containers primarily for consumption on the
23 premises as authorized by this section and RCW 66.20.310, 66.24.320,
24 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.570,
25 ~~((and))~~ 66.24.610, and section 1 of this act;

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

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

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

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1 **Sec. 3.** RCW 66.20.310 and 2011 c 325 s 4 are each amended to read
2 as follows:

3 (1)(a) There (~~shall be~~) is an alcohol server permit, known as a
4 class 12 permit, for a manager or bartender selling or mixing alcohol,
5 spirits, wines, or beer for consumption at an on-premises licensed
6 facility.

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

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

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

16 (b) Every class 12 and class 13 permit issued (~~shall~~) must be
17 issued in the name of the applicant and no other person may use the
18 permit of another permit holder. The holder (~~shall~~) must present
19 the permit upon request to inspection by a representative of the board
20 or a peace officer. The class 12 or class 13 permit (~~shall be~~) is
21 valid for employment at any retail licensed premises described in (a)
22 of this subsection.

23 (c) Except as provided in (d) of this subsection, no licensee
24 holding a license as authorized by this section and RCW 66.20.300,
25 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450,
26 66.24.570, 66.24.600, (~~and~~) 66.24.610, and section 1 of this act may
27 employ or accept the services of any person without the person first
28 having a valid class 12 or class 13 permit.

29 (d) Within sixty days of initial employment, every person whose
30 duties include the compounding, sale, service, or handling of liquor
31 (~~shall~~) must have a class 12 or class 13 permit.

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

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

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

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

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

12 (5) The suspension or revocation of a permit under this section
13 does not relieve a licensee from responsibility for any act of the
14 employee or agent while employed upon the retail licensed premises.
15 The board may, as appropriate, revoke or suspend either the permit of
16 the employee who committed the violation or the license of the
17 licensee upon whose premises the violation occurred, or both the
18 permit and the license.

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

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

27 (7) Grocery stores licensed under RCW 66.24.360, the primary
28 commercial activity of which is the sale of grocery products and for
29 which the sale and service of beer and wine for on-premises
30 consumption with food is incidental to the primary business, and
31 employees of such establishments, are exempt from RCW 66.20.300
32 through 66.20.350, except for employees whose duties include serving
33 during tasting activities under RCW 66.24.363."

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EFFECT: Removes the provision creating a beer and wine theater license (retains the provision creating a spirits, beer, and wine theater license applicable to theaters that have no more than 120 seats per screen and that meet certain food service requirements, and retains the provision making the annual license fee \$2,000).

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