

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1404

Chapter 112, Laws of 2013

63rd Legislature
2013 Regular Session

ALCOHOL POISONING--IMMUNITY FROM PROSECUTION

EFFECTIVE DATE: 07/28/13

Passed by the House March 5, 2013
Yeas 72 Nays 24

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 15, 2013
Yeas 44 Nays 3

BRAD OWEN

President of the Senate

Approved May 1, 2013, 2:15 p.m.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1404** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 1, 2013

**Secretary of State
State of Washington**

HOUSE BILL 1404

Passed Legislature - 2013 Regular Session

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Lias, Walsh, Goodman, Roberts, and Jinkins

Read first time 01/25/13. Referred to Committee on Public Safety.

1 AN ACT Relating to prevention of alcohol poisoning deaths; amending
2 RCW 66.44.270; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature intends to save lives by
5 increasing timely medical attention to alcohol poisoning victims
6 through the establishment of limited immunity from prosecution for
7 people under the age of twenty-one years who seek medical assistance in
8 alcohol poisoning situations. Dozens of alcohol poisonings occur each
9 year in Washington state. Many of these incidents occur because people
10 delay or forego seeking medical assistance for fear of arrest or police
11 involvement, which researchers continually identify as a significant
12 barrier to the ideal response of calling 911.

13 **Sec. 2.** RCW 66.44.270 and 1998 c 4 s 1 are each amended to read as
14 follows:

15 (1) It is unlawful for any person to sell, give, or otherwise
16 supply liquor to any person under the age of twenty-one years or permit
17 any person under that age to consume liquor on his or her premises or
18 on any premises under his or her control. For the purposes of this

1 subsection, "premises" includes real property, houses, buildings, and
2 other structures, and motor vehicles and watercraft. A violation of
3 this subsection is a gross misdemeanor punishable as provided for in
4 chapter 9A.20 RCW.

5 (2)(a) It is unlawful for any person under the age of twenty-one
6 years to possess, consume, or otherwise acquire any liquor. A
7 violation of this subsection is a gross misdemeanor punishable as
8 provided for in chapter 9A.20 RCW.

9 (b) It is unlawful for a person under the age of twenty-one years
10 to be in a public place, or to be in a motor vehicle in a public place,
11 while exhibiting the effects of having consumed liquor. For purposes
12 of this subsection, exhibiting the effects of having consumed liquor
13 means that a person has the odor of liquor on his or her breath and
14 either: (i) Is in possession of or close proximity to a container that
15 has or recently had liquor in it; or (ii) by speech, manner,
16 appearance, behavior, lack of coordination, or otherwise, exhibits that
17 he or she is under the influence of liquor. This subsection (2)(b)
18 does not apply if the person is in the presence of a parent or guardian
19 or has consumed or is consuming liquor under circumstances described in
20 subsection (4) ~~((4))~~, (5), or (6) of this section.

21 (3) Subsections (1) and (2)(a) of this section do not apply to
22 liquor given or permitted to be given to a person under the age of
23 twenty-one years by a parent or guardian and consumed in the presence
24 of the parent or guardian. This subsection shall not authorize
25 consumption or possession of liquor by a person under the age of
26 twenty-one years on any premises licensed under chapter 66.24 RCW.

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

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

34 (6)(a) A person under the age of twenty-one years acting in good
35 faith who seeks medical assistance for someone experiencing alcohol
36 poisoning shall not be charged or prosecuted under subsection (2)(a) of
37 this section, if the evidence for the charge was obtained as a result
38 of the person seeking medical assistance.

1 (b) A person under the age of twenty-one years who experiences
2 alcohol poisoning and is in need of medical assistance shall not be
3 charged or prosecuted under subsection (2)(a) of this section, if the
4 evidence for the charge was obtained as a result of the poisoning and
5 need for medical assistance.

6 (c) The protection in this subsection shall not be grounds for
7 suppression of evidence in other criminal charges.

8 (7) Conviction or forfeiture of bail for a violation of this
9 section by a person under the age of twenty-one years at the time of
10 such conviction or forfeiture shall not be a disqualification of that
11 person to acquire a license to sell or dispense any liquor after that
12 person has attained the age of twenty-one years.

Passed by the House March 5, 2013.

Passed by the Senate April 15, 2013.

Approved by the Governor May 1, 2013.

Filed in Office of Secretary of State May 1, 2013.