

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5292

Chapter 193, Laws of 2015

64th Legislature
2015 Regular Session

ALCOHOL--POWDERED--PROHIBITION

EFFECTIVE DATE: 5/7/2015

Passed by the Senate April 16, 2015
Yeas 45 Nays 0

BRAD OWEN

President of the Senate

Passed by the House April 13, 2015
Yeas 91 Nays 6

FRANK CHOPP

Speaker of the House of Representatives

Approved May 7, 2015 2:59 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5292** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

May 7, 2015

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5292

AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

State of Washington 64th Legislature 2015 Regular Session

By Senate Law & Justice (originally sponsored by Senators Roach, Billig, Hasegawa, and Benton)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to protecting children and youth from powdered
2 alcohol; amending RCW 66.04.010; adding a new section to chapter
3 66.44 RCW; creating a new section; prescribing penalties; and
4 declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that powdered
7 alcohol poses a risk to the public health and safety of children and
8 youth. The legislature intends to minimize this risk by banning the
9 use, purchase, sale, and possession of powdered alcohol, except for
10 bona fide research purposes.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 66.44
12 RCW to read as follows:

13 (1) It is unlawful for a person to use, offer for use, purchase,
14 offer to purchase, sell, offer to sell, or possess powdered alcohol.

15 (2) Any person who violates this section is guilty of a
16 misdemeanor.

17 (3) This section does not apply to the use of powdered alcohol
18 for bona fide research purposes by a:

19 (a) Health care provider that operates primarily for the purposes
20 of conducting scientific research;

1 (b) State institution of higher education, as defined in RCW
2 28B.10.016;

3 (c) Private college or university; or

4 (d) Pharmaceutical or biotechnology company.

5 **Sec. 3.** RCW 66.04.010 and 2012 c 117 s 264 are each amended to
6 read as follows:

7 In this title, unless the context otherwise requires:

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

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

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

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

22 (c) Acquires ownership of beer or wine for transportation into
23 and resale in the state of Washington; and which beer or wine is
24 produced by a brewery or winery in the United States outside of the
25 state of Washington; and

26 (d) Is appointed by the brewery or winery referenced in (c) of
27 this subsection as its authorized representative for marketing and
28 selling its products within the United States in accordance with a
29 written agreement between the authorized representative and such
30 brewery or winery pursuant to this title.

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

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

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

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

7 (7) "Brewer" or "brewery" means any person engaged in the
8 business of manufacturing beer and malt liquor. Brewer includes a
9 brand owner of malt beverages who holds a brewer's notice with the
10 federal bureau of alcohol, tobacco, and firearms at a location
11 outside the state and whose malt beverage is contract-produced by a
12 licensed in-state brewery, and who may exercise within the state,
13 under a domestic brewery license, only the privileges of storing,
14 selling to licensed beer distributors, and exporting beer from the
15 state.

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

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

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

26 (11) "Contract liquor store" means a business that sells liquor
27 on behalf of the board through a contract with a contract liquor
28 store manager.

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

31 (13) "Dentist" means a practitioner of dentistry duly and
32 regularly licensed and engaged in the practice of his or her
33 profession within the state pursuant to chapter 18.32 RCW.

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

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

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

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

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

9 (~~(18) "Drug store" means a place whose principal business is,~~
10 ~~the sale of drugs, medicines, and pharmaceutical preparations and~~
11 ~~maintains a regular prescription department and employs a registered~~
12 ~~pharmacist during all hours the drug store is open.))~~

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

14 (20) "Flavored malt beverage" means:

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

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

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

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

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

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

36 (25) "Liquor" includes the four varieties of liquor herein
37 defined (alcohol, spirits, wine, and beer), and all fermented,
38 spirituous, vinous, or malt liquor, or combinations thereof, and
39 mixed liquor, a part of which is fermented, spirituous, vinous or
40 malt liquor, or otherwise intoxicating; and every liquid or solid or

1 semisolid or other substance, patented or not, containing alcohol,
2 spirits, wine, or beer, and all drinks or drinkable liquids and all
3 preparations or mixtures capable of human consumption, and any
4 liquid, semisolid, solid, or other substance, which contains more
5 than one percent of alcohol by weight shall be conclusively deemed to
6 be intoxicating. Liquor does not include confections or food products
7 that contain one percent or less of alcohol by weight.

8 (26) "Malt beverage" or "malt liquor" means any beverage such as
9 beer, ale, lager beer, stout, and porter obtained by the alcoholic
10 fermentation of an infusion or decoction of pure hops, or pure
11 extract of hops and pure barley malt or other wholesome grain or
12 cereal in pure water containing not more than eight percent of
13 alcohol by weight, and not less than one-half of one percent of
14 alcohol by volume. For the purposes of this title, any such beverage
15 containing more than eight percent of alcohol by weight shall be
16 referred to as "strong beer."

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

19 (28) "Nightclub" means an establishment that provides
20 entertainment and has as its primary source of revenue (a) the sale
21 of alcohol for consumption on the premises, (b) cover charges, or (c)
22 both.

23 (29) "Package" means any container or receptacle used for holding
24 liquor.

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

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

30 (32) "Person" means an individual, copartnership, association, or
31 corporation.

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

35 (34) "Powdered alcohol" means any powder or crystalline substance
36 containing alcohol that is produced for direct use or reconstitution.

37 (35) "Prescription" means a memorandum signed by a physician and
38 given by him or her to a patient for the obtaining of liquor pursuant
39 to this title for medicinal purposes.

1 ~~((35))~~ (36) "Public place" includes streets and alleys of
2 incorporated cities and towns; state or county or township highways
3 or roads; buildings and grounds used for school purposes; public
4 dance halls and grounds adjacent thereto; those parts of
5 establishments where beer may be sold under this title, soft drink
6 establishments, public buildings, public meeting halls, lobbies,
7 halls and dining rooms of hotels, restaurants, theatres, stores,
8 garages and filling stations which are open to and are generally used
9 by the public and to which the public is permitted to have
10 unrestricted access; railroad trains, stages, and other public
11 conveyances of all kinds and character, and the depots and waiting
12 rooms used in conjunction therewith which are open to unrestricted
13 use and access by the public; publicly owned bathing beaches, parks,
14 and/or playgrounds; and all other places of like or similar nature to
15 which the general public has unrestricted right of access, and which
16 are generally used by the public.

17 ~~((36))~~ (37) "Regulations" means regulations made by the board
18 under the powers conferred by this title.

19 ~~((37))~~ (38) "Restaurant" means any establishment provided with
20 special space and accommodations where, in consideration of payment,
21 food, without lodgings, is habitually furnished to the public, not
22 including drug stores and soda fountains.

23 ~~((38))~~ (39) "Sale" and "sell" include exchange, barter, and
24 traffic; and also include the selling or supplying or distributing,
25 by any means whatsoever, of liquor, or of any liquid known or
26 described as beer or by any name whatever commonly used to describe
27 malt or brewed liquor or of wine, by any person to any person; and
28 also include a sale or selling within the state to a foreign
29 consignee or his or her agent in the state. "Sale" and "sell" shall
30 not include the giving, at no charge, of a reasonable amount of
31 liquor by a person not licensed by the board to a person not licensed
32 by the board, for personal use only. "Sale" and "sell" also does not
33 include a raffle authorized under RCW 9.46.0315: PROVIDED, That the
34 nonprofit organization conducting the raffle has obtained the
35 appropriate permit from the board.

36 ~~((39))~~ (40) "Service bar" means a fixed or portable table,
37 counter, cart, or similar work station primarily used to prepare,
38 mix, serve, and sell alcohol that is picked up by employees or
39 customers. Customers may not be seated or allowed to consume food or
40 alcohol at a service bar.

1 (~~(40)~~) (41) "Soda fountain" means a place especially equipped
2 with apparatus for the purpose of dispensing soft drinks, whether
3 mixed or otherwise.

4 (~~(41)~~) (42) "Spirits" means any beverage which contains alcohol
5 obtained by distillation, except flavored malt beverages, but
6 including wines exceeding twenty-four percent of alcohol by volume.

7 (~~(42)~~) (43) "Store" means a state liquor store established
8 under this title.

9 (~~(43)~~) (44) "Tavern" means any establishment with special space
10 and accommodation for sale by the glass and for consumption on the
11 premises, of beer, as herein defined.

12 (~~(44)~~) (45) "VIP airport lounge" means an establishment within
13 an international airport located beyond security checkpoints that
14 provides a special space to sit, relax, read, work, and enjoy
15 beverages where access is controlled by the VIP airport lounge
16 operator and is generally limited to the following classifications of
17 persons:

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

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

24 (c) Airline passengers of any age who are qualified members or
25 allowed guests of certain enhanced amenities programs maintained by
26 companies that have agreements describing the conditions for access
27 to the VIP airport lounge;

28 (d) Airport and airline employees, government officials, foreign
29 dignitaries, and other attendees of functions held by the airport
30 authority or airlines related to the promotion of business objectives
31 such as increasing international air traffic and enhancing foreign
32 trade where access to the VIP airport lounge will be controlled by
33 the VIP airport lounge operator; and

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

37 (~~(45)~~) (46) "VIP airport lounge operator" means an airline,
38 port district, or other entity operating a VIP airport lounge that:
39 Is accountable for compliance with the alcohol beverage control act
40 under this title; holds the license under chapter 66.24 RCW issued to

1 the VIP airport lounge; and provides a point of contact for
2 addressing any licensing and enforcement by the board.

3 ~~((46))~~ (47)(a) "Wine" means any alcoholic beverage obtained by
4 fermentation of fruits (grapes, berries, apples, et cetera) or other
5 agricultural product containing sugar, to which any saccharine
6 substances may have been added before, during or after fermentation,
7 and containing not more than twenty-four percent of alcohol by
8 volume, including sweet wines fortified with wine spirits, such as
9 port, sherry, muscatel, and angelica, not exceeding twenty-four
10 percent of alcohol by volume and not less than one-half of one
11 percent of alcohol by volume. For purposes of this title, any
12 beverage containing no more than fourteen percent of alcohol by
13 volume when bottled or packaged by the manufacturer shall be referred
14 to as "table wine," and any beverage containing alcohol in an amount
15 more than fourteen percent by volume when bottled or packaged by the
16 manufacturer shall be referred to as "fortified wine." However,
17 "fortified wine" shall not include: (i) Wines that are both sealed or
18 capped by cork closure and aged two years or more; and (ii) wines
19 that contain more than fourteen percent alcohol by volume solely as a
20 result of the natural fermentation process and that have not been
21 produced with the addition of wine spirits, brandy, or alcohol.

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

25 ~~((47))~~ (48) "Wine distributor" means a person who buys wine
26 from a domestic winery, wine certificate of approval holder, or wine
27 importer, or who acquires foreign produced wine from a source outside
28 of the United States, for the purpose of selling the same not in
29 violation of this title, or who represents such vintner or winery as
30 agent.

31 ~~((48))~~ (49) "Wine importer" means a person or business within
32 Washington who purchases wine from a wine certificate of approval
33 holder or who acquires foreign produced wine from a source outside of
34 the United States for the purpose of selling the same pursuant to
35 this title.

36 ~~((49))~~ (50) "Winery" means a business conducted by any person
37 for the manufacture of wine for sale, other than a domestic winery.

38 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
39 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes
2 effect immediately.

Passed by the Senate April 16, 2015.

Passed by the House April 13, 2015.

Approved by the Governor May 7, 2015.

Filed in Office of Secretary of State May 7, 2015.