

SENATE BILL REPORT

SB 6201

As Reported by Senate Committee On:
Labor & Commerce, January 23, 2024

Title: An act relating to establishing civil penalties for the unlawful sale or supply of alcohol to minors.

Brief Description: Establishing civil penalties for the unlawful sale or supply of alcohol to minors.

Sponsors: Senators King, Keiser, Conway, Kuderer, Nobles, Randall and Shewmake; by request of Liquor and Cannabis Board.

Brief History:

Committee Activity: Labor & Commerce: 1/22/24, 1/23/24 [DP].

Brief Summary of Bill

- Authorizes the Liquor and Cannabis Board (LCB) to impose civil penalties on individuals for selling, gifting, or supplying liquor to anyone under the age of 21 from a business licensed by the LCB, and by a person employed by the business.
- Establishes monetary penalty amounts for violations of the law prohibiting the sale of alcohol to minors.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña, Vice Chair; King, Ranking Member; Braun, Hansen, MacEwen, Schoesler and Stanford.

Staff: Madeline Ralstin (786-7356)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: Washington State law prohibits any person from giving, selling, or supplying alcohol to any person under the age of 21 and prohibits persons under the age of 21 from consuming alcohol on their premise or on any premises under their control. A violation of this statute is a gross misdemeanor that may result in a fine no more than \$5,000, or imprisonment in jail for no more than 364 days, or both.

Under Liquor and Cannabis Board (LCB) rule, there are penalties for licensees for the sale or service of alcohol to a person under 21 years of age. The penalties for violations are:

- a five-day suspension or a \$500 penalty for the first violation;
- a seven-day suspension for the second violation in a two-year period;
- a 30-day suspension for a third violation in a two-year period; and
- cancellation of the license for the fourth violation in a two-year period.

After the first violation, violations do not have a monetary option. LCB may offer a monetary option instead of suspension days based on mitigating circumstances.

Summary of Bill: Requirements of Penalties. LCB may impose civil penalties on individuals for selling, gifting, or supplying liquor to anyone under the age of 21 from a business licensed by LCB or a person performing acts of employment on behalf of the business.

LCB may not impose a civil penalty in addition to a criminal citation. Criminal enforcement can be administered instead of a civil penalty for continued violations or violations involving intentional sales to persons under 21. When a person holds an alcohol server permit, LCB may administer enforcement from existing alcohol permit provisions in Washington State law.

Penalties. LCB may impose the following monetary penalties for one or more violations:

- \$200 for the first violation;
- \$400 for a second violation that occurs within three years; and
- \$500 for a third or subsequent violation within three years.

LCB may develop a class for retail clerks that can be taken instead of a monetary penalty for the clerk's first violation. LCB is authorized to seek injunctive relief to enforce provisions and may initiate legal action to collect the penalties imposed if they have not been paid within 30 days after imposition. All proceedings under this section must be conducted in accordance with the Administrative Procedure Act.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Servers and bartenders have administrative penalty options while store clerks do not. Instead, store clerks can receive a citation for a gross misdemeanor. Even with store clerks potentially facing a gross misdemeanor charge, the consequences faced by store clerks vary greatly depending upon the sellers location. This bill creates an administrative citation option for store clerks that sell alcohol to minors and eliminates the criminal record element that is established for illegally selling alcohol to minors.

Persons Testifying: PRO: Senator Curtis King, Prime Sponsor; Katie Beeson, Washington Food Industry Association; Scott Waller, Washington Association for Substance misuse and Violence Prevention (WASAVP).

Persons Signed In To Testify But Not Testifying: No one.