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HOUSE BILL 2043

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State of Washington

68th Legislature

2024 Regular Session

By Representatives Corry, Caldier, and Reeves

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1 AN ACT Relating to removing the requirement that a theater may  
2 have no more than 120 seats per screen to qualify for a spirits,  
3 beer, and wine theater license; and amending RCW 66.24.655.

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

5 **Sec. 1.** RCW 66.24.655 and 2021 c 6 s 17 are each amended to read  
6 as follows:

7 (1) ~~((a))~~ There is a theater license to sell spirits, beer,  
8 including strong beer, or wine, or all, at retail, for consumption on  
9 theater premises. A spirits, beer, and wine theater license may be  
10 issued only to theaters that ~~((have no more than one hundred twenty  
11 seats per screen and that))~~ are maintained in a substantial manner as  
12 a place for preparing, cooking, and serving complete meals and  
13 providing tabletop accommodations for in-theater dining. Requirements  
14 for complete meals are the same as those adopted by the board in  
15 rules pursuant to chapter 34.05 RCW for a spirits, beer, and wine  
16 restaurant license authorized by RCW 66.24.400. The annual fee for a  
17 spirits, beer, and wine theater license is ~~((two thousand dollars))~~  
18 \$2,000.

19 ~~((b) The annual fee in (a) of this subsection is waived during  
20 the 12-month period beginning with the second calendar month after  
21 February 28, 2021, for:~~

1 ~~(i) Licenses that expire during the 12-month waiver period under~~  
2 ~~this subsection (1)(b); and~~

3 ~~(ii) Licenses issued to persons previously licensed under this~~  
4 ~~section at any time during the 12-month period prior to the 12-month~~  
5 ~~waiver period under this subsection (1)(b).~~

6 ~~(c) The waiver in (b) of this subsection does not apply to any~~  
7 ~~licensee that:~~

8 ~~(i) Had their license suspended by the board for health and~~  
9 ~~safety violations of state COVID-19 guidelines; or~~

10 ~~(ii) Received an order of immediate restraint or citation from~~  
11 ~~the department of labor and industries for allowing an employee to~~  
12 ~~perform work where business activity was prohibited in violation of~~  
13 ~~an emergency proclamation of the governor under RCW 43.06.220.~~

14 ~~(d) Upon request of the department of revenue, the board and the~~  
15 ~~department of labor and industries must both provide a list of~~  
16 ~~persons that they have determined to be ineligible for a fee waiver~~  
17 ~~under (b) of this subsection for the reasons described in (c) of this~~  
18 ~~subsection. Unless otherwise agreed, any list must be received by the~~  
19 ~~department of revenue no later than 15 calendar days after the~~  
20 ~~request is made.))~~

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

26 (3) For the purposes of this section:

27 (a) "Alcohol control plan" means a written, dated, and signed  
28 plan submitted to the board by an applicant or licensee for the  
29 entire theater premises, or rooms or areas therein, that shows where  
30 and when alcohol is permitted, where and when minors are permitted,  
31 and the control measures used to ensure that minors are not able to  
32 obtain alcohol or be exposed to environments where drinking alcohol  
33 predominates.

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

36 (4) The board must adopt rules regarding alcohol control plans  
37 and necessary control measures to ensure that minors are not able to  
38 obtain alcohol or be exposed to areas where drinking alcohol  
39 predominates. All alcohol control plans must include a requirement

1 that any person involved in the serving of spirits, beer, and/or wine  
2 must have completed a mandatory alcohol server training program.

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

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

24 (6) The maximum penalties prescribed by the board in WAC  
25 314-29-020 relating to fines and suspensions are double for  
26 violations involving minors or the failure to follow the alcohol  
27 control plan with respect to theaters licensed under this section.

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