
ENGROSSED SENATE BILL 5138

State of Washington

53rd Legislature

1993 Regular Session

By Senators M. Rasmussen, Roach, Erwin, Moyer, A. Smith, Wojahn, Haugen, Spanel, McCaslin, Nelson, Quigley, Winsley and Oke

Read first time 01/14/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to persons under the age of twenty-one who are
2 apparently under the influence of alcohol in a public place; amending
3 RCW 66.44.270; prescribing penalties; and declaring an emergency.

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

5 **Sec. 1.** RCW 66.44.270 and 1987 c 458 s 3 are each amended to read
6 as follows:

7 (1) It is unlawful for any person to sell, give, or otherwise
8 supply liquor to any person under the age of twenty-one years or permit
9 any person under that age to consume liquor on his or her premises or
10 on any premises under his or her control. For the purposes of this
11 subsection, "premises" includes real property, houses, buildings, and
12 other structures, and motor vehicles and watercraft.

13 (2)(a) It is unlawful for any person under the age of twenty-one
14 years to possess, consume, or otherwise acquire any liquor.

15 (b) It is unlawful for a person under the age of twenty-one years
16 to be in a public place, or to be in a motor vehicle in a public place,
17 while exhibiting the effects of having consumed liquor. For purposes
18 of this subsection, exhibiting the effects of having consumed liquor
19 means that a person has the odor of liquor on his or her breath and

1 either: (i) Is in possession of or close proximity to a container that
2 has or recently had liquor in it; or (ii) by speech, manner,
3 appearance, behavior, lack of coordination, or otherwise, exhibits that
4 he or she is under the influence of liquor. This subsection (2)(b)
5 does not apply if the person is in the presence of a parent or guardian
6 or has consumed or is consuming liquor under circumstances described in
7 subsection (4) or (5) of this section.

8 (3) (~~This section does~~) Subsections (1) and (2)(a) of this
9 section do not apply to liquor given or permitted to be given to a
10 person under the age of twenty-one years by a parent or guardian and
11 consumed in the presence of the parent or guardian. This subsection
12 shall not authorize consumption or possession of liquor by a person
13 under the age of twenty-one years on any premises licensed under
14 chapter 66.24 RCW.

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

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

22 (6) Conviction or forfeiture of bail for a violation of this
23 section by a person under the age of twenty-one years at the time of
24 such conviction or forfeiture shall not be a disqualification of that
25 person to acquire a license to sell or dispense any liquor after that
26 person has attained the age of twenty-one years.

27 NEW SECTION. Sec. 2. This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of the
29 state government and its existing public institutions, and shall take
30 effect immediately.

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