

2 SSB 6338 - H COMM AMD
3 By Committee on Commerce & Labor

4
5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. Sec. 1. The legislature of the state of
8 Washington finds that education of alcohol servers on issues such as
9 the physiological effects of alcohol on consumers, liability and legal
10 implications of serving alcohol, driving while intoxicated, and methods
11 of intervention with the problem customer are important in protecting
12 the health and safety of the public. The legislature further finds
13 that it is in the best interest of the citizens of the state of
14 Washington to have an alcohol server education program available."

15 "NEW SECTION. Sec. 2. As used in this chapter, the following
16 terms have the meanings indicated unless the context clearly requires
17 otherwise.

18 (1) "Alcohol" shall have the same meaning as "liquor" provided in
19 RCW 66.04.010(15).

20 (2) "Alcohol server" means any person serving or selling alcohol,
21 spirits, wines, or beer for consumption at an on-premises retail
22 licensed facility as a regular requirement of their employment, and
23 shall include those persons eighteen years of age or older permitted by
24 the liquor laws of this state to serve alcoholic beverages with meals.

25 (3) "Board" means the Washington state liquor control board.

26 (4) "Retail licensed premises" means any premises licensed to sell
27 alcohol by the glass or by the drink, or in original containers

1 primarily for consumption on the premises as authorized by RCW
2 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.400, 66.24.425,
3 66.24.490, and 66.24.495. A domestic winery holding a class C license
4 for the sale of wine of its own production only shall not be classified
5 as a retail licensed premises for the purposes of this chapter."

6 "NEW SECTION. Sec. 3. (1) There shall be an alcohol server
7 permit to be known as a class 12 permit, authorizing employment in
8 liquor service on every retail licensed premises described in this
9 section.

10 (2)(a) Every person employed, under contract or otherwise, by a
11 retail liquor licensee holding a license as authorized by RCW
12 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.400, 66.24.425,
13 66.24.490, or 66.24.495, who as part of their employment participates
14 in any manner in the sale or service of alcoholic beverages shall have
15 issued to them a class 12 permit from the Washington state liquor
16 control board. Persons employed by a domestic winery holding a class
17 C license for the sale of wine of its own production only shall be
18 exempted from the requirements of this section.

19 (b) Every class 12 permit issued shall be issued in the name of the
20 applicant and no other person shall use the permit of another permit
21 holder. The holder shall present the permit upon request to inspection
22 by any representative of the liquor control board or peace officer.
23 The class 12 permit shall be valid for employment at any retail
24 licensed premises described in (a) of this subsection.

25 (c) After July 1, 1993, no licensee described in (a) of this
26 subsection, except as provided in (d) of this subsection shall employ
27 or accept the services of any person without such person first having
28 a valid class 12 permit issued by the liquor control board.

1 (d) Within sixty days of initial employment, every person whose
2 duties include the compounding, sale, service, or handling of liquor
3 shall submit to the liquor control board, on a form provided by the
4 board, an application for an alcohol server's class 12 permit. One
5 copy of the application shall be retained by the employing licensee as
6 proof of compliance with this section until the application is approved
7 and returned by the board. Every person whose class 12 permit has not
8 been denied, revoked, or suspended may perform duties involving liquor
9 sales and service on the subject licensed premises of the employer.

10 (e) After July 1, 1993, an existing class 12 permit may not be
11 renewed and a new permit may not be issued until the existing permit
12 holder or the new permit applicant has provided to the board proof of
13 completion of an approved alcohol server training program established
14 under section 4 of this act.

15 (f) No person may perform duties that include the sale or service
16 of alcoholic beverages on a retail licensed premises without possessing
17 a valid alcohol server permit.

18 (3) Every permit issued under this section is valid for employment
19 at any retail licensed premises described in subsection (2)(a) of this
20 section for a period of five years unless earlier denied, suspended, or
21 revoked. A person whose permit has been denied, suspended, or revoked
22 shall immediately return the permit to the board.

23 (4) The board may deny an application or suspend or revoke an
24 existing permit if any of the following occur:

25 (a) The applicant or permittee has made any false statement or
26 material omission in the application or on any accompanying document;

27 (b) The applicant or permittee has been convicted of violating any
28 of the intoxicating liquor laws of this state, general and local, or
29 has been convicted at any time of a felony;

1 (c) The permittee has performed or permitted any act that
2 constitutes a violation of this title or of any rule of the liquor
3 control board.

4 (5) The suspension or revocation of a permit under this section
5 does not relieve a licensee from responsibility or liability for any
6 act of the employee or agent while employed upon the licensed premises.
7 The liquor control board may, as appropriate, revoke or suspend either
8 the permit of the employee who committed the violation or the license
9 of the licensee upon whose premises the violation occurred, or both the
10 permit and the license.

11 (6)(a) It is a violation of this title for any retail licensee or
12 agent of a retail licensee as described in subsection (2)(a) of this
13 section to employ in the sale or service of alcoholic beverages, any
14 person who does not have a valid alcohol server permit or whose permit
15 has been revoked, suspended, or denied.

16 (b) It is a violation of this title for a person whose alcohol
17 server permit has been denied, suspended, or revoked to accept
18 employment in the sale or service of alcoholic beverages."

19 "NEW SECTION. Sec. 4. (1) The liquor control board shall
20 regulate a required alcohol server education program that includes:

21 (a) The development of the standards, curriculum, and materials for
22 the education program;

23 (b) The examination and examination procedures;

24 (c) The certification procedures, enforcement policies, and
25 penalties for education program instructors and providers;

26 (d) The development of time requirements for completion by
27 licensees and others employed in the alcoholic beverage industry; and

28 (e) Nationally recognized programs, such as TAM (Techniques in
29 Alcohol Management) or TIPS (Training for Intervention Programs).

1 (2) The liquor control board shall provide the program through
2 liquor licensee associations, independent contractors, private persons,
3 private or public schools certified by the board, or any combination of
4 such programs or through the resources of the board itself.

5 (3) The standards and curriculum of liquor control board-approved
6 alcohol server education programs shall include but not be limited to
7 the following subjects:

8 (a) The physiological effects of alcohol to include the effects of
9 alcohol in combination with drugs;

10 (b) Liability and legal information;

11 (c) Driving while intoxicated;

12 (d) Intervention with the problem customer, including ways to stop
13 service, ways to deal with the belligerent customer, and alternative
14 means of transportation to get the customer safely home.

15 (4) After July 1, 1993, the liquor control board shall require all
16 applicants for, and managers of, retail liquor licenses and applicants
17 for alcohol server permits and all renewing retail licensees as
18 described in section 3(2)(a) of this act and permittees to complete an
19 approved alcohol server education program and examination in order to
20 qualify or requalify for a license or permit unless a probationary
21 extension is granted for hardship reasons.

22 (5) The liquor control board may allow completion of an approved
23 alcohol server education program, such as those described in subsection
24 (1)(e) of this section and examination on a voluntary basis prior to
25 July 1, 1993, to satisfy the qualification or requalification
26 requirements of this section.

27 (6) The liquor control board shall, by rule, establish fees for the
28 implementation of this chapter. The fees shall be sufficient to cover
29 the cost of the program."

1 "NEW SECTION. **Sec. 5.** The board shall adopt rules to implement
2 the provisions of this chapter including, but not limited to,
3 procedures and grounds for denying, suspending, or revoking permits."

4 "NEW SECTION. **Sec. 6.** All fees collected under this chapter
5 shall be deposited to the liquor revolving fund in accordance with RCW
6 66.08.170."

7 "NEW SECTION. **Sec. 7.** Sections 3 and 4 of this act are each
8 added to chapter 66.20 RCW."

9 "NEW SECTION. **Sec. 8.** Sections 1, 2, 5, and 6 of this act
10 shall constitute a new chapter in Title 66 RCW."

11 **SSB 6338** - H COMM AMD
12 By Committee on Commerce & Labor

13
14 On page 1, line 1 of the title, after "on-premise;" strike the
15 remainder of the title and insert "adding new sections to chapter 66.20
16 RCW; adding a new chapter to Title 66 RCW; and prescribing penalties."