

HOUSE BILL REPORT

SSB 6338

*As Reported By House Committee on:
Commerce & Labor*

Title: An act relating to alcohol servers on-premise.

Brief Description: Establishing provisions for alcohol servers.

Sponsor(s): By Senate Committee on Commerce & Labor (originally sponsored by Senators Matson, McMullen and Snyder).

Brief History:

Reported by House Committee on:
Commerce & Labor, February 28, 1992, DPA.

**HOUSE COMMITTEE ON
COMMERCE & LABOR**

Majority Report: *Do pass as amended.* Signed by 10 members: Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; Vance; and Wilson.

Staff: Jim Kelley (786-7166).

Background: Individuals who participate in the sale or service of alcoholic beverages at establishments licensed to sell liquor for on-site consumption are not required to be licensed. In addition, these individuals are not required by the state to participate in any type of formal training on the service of alcoholic beverages, the effects of alcohol on consumers, or the state laws pertaining to the service of alcohol. The Liquor Control Board does provide, on a limited basis, voluntary training of alcohol servers for those establishments requesting such training.

Summary of Amended Bill: Individuals who serve or sell liquor at establishments licensed to sell alcoholic beverages for on-premise consumption are required to obtain an alcohol server's class 12 permit from the Liquor Control Board. Individuals employed by domestic wineries holding class C licenses for sale of their own product only are exempt from the permitting requirement.

Individuals required to obtain an alcohol server's class 12 permit must submit an application for a permit within 60 days of initial employment.

A retail licensed establishment is prohibited from hiring an individual to sell or serve alcohol who does not have a valid alcohol server permit or who has had a permit revoked, suspended or denied. An individual who has had a class 12 permit denied, suspended or revoked is prohibited from accepting employment in the sale or service of alcoholic beverages at a retail licensed establishment.

After July 1, 1993, an existing class 12 permit may not be renewed and a new permit may not be issued until the permit holder or applicant has completed an approved alcohol server training program. After July 1, 1993, all new applicants for retail liquor licenses and the managers of such establishments, as well as all renewing retail licensees must complete a state-approved alcohol server education program and examination in order to be licensed.

The board is directed to regulate alcohol server education programs. The board may contract with liquor licensee associations, independent contractors, or private or public schools to conduct the training programs. The board is required to set fees that are sufficient to cover the cost of the program.

Amended Bill Compared to Substitute Bill: The striking amendment clarifies that the board may conduct training programs using its own staff. It also requires the board to charge fees that are sufficient to cover the cost of the program. The striking amendment removes criminal provisions from the substitute bill, leaving the punishment of violations to the Liquor Control Board through administrative sanctions and to existing criminal provisions in the liquor code. The striking amendment clarifies that a liquor licensee may be held responsible or liable for the actions of his or her agent, whether or not the agent is disciplined under this section. The amendment strikes the exemption from the original bill for domestic wineries, unless they sell wine of their own production only.

Fiscal Note: Requested February 2, 1992.

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

Testimony For: (Substitute bill): If this bill will result in more responsibility, any cost is justified. Liquor servers will be trained to tell if someone has had too much

to drink and how to deal with those people. This is a good safety issue.

Testimony Against: (Substitute bill): The exemption for wineries cannot be justified. An amendment may be necessary to ensure that liquor licensees are not relieved of liability.

Witnesses: Carter Mitchell, Liquor Control Board; Vito Chiechi, Washington State Licensed Beverage Association; Kit Hawkins and Gene Vosburg, Restaurant Association; Dick Ducharme, Washington Beer and Wine Wholesaler Association; and Jim Halstrom, Joseph E. Seagram and Sons, and self (all in favor, with some concerns).