
HOUSE BILL 2471

State of Washington

53rd Legislature

1994 Regular Session

By Representative Karahalios

Read first time 01/14/94. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to regulating the promotion of liquor, tobacco, and
2 firearms near public schools; amending RCW 66.04.010 and 66.08.060;
3 adding new sections to chapter 66.44 RCW; creating a new section;
4 prescribing penalties; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the control of
7 advertising signs in areas within one thousand feet of public schools
8 is necessary to protect the health and safety of children in this
9 state. Tobacco, liquor, and firearms are legal but strictly regulated
10 products that are extremely hazardous when used by children. The sale
11 of tobacco, liquor, and handguns to minors is prohibited by law.
12 Therefore, advertising tobacco, liquor, and firearms in areas where
13 children congregate, such as the area surrounding public schools, is
14 both inappropriate and dangerous. The purpose of this act is to help
15 ensure the health and safety of the children of Washington state by
16 restricting the advertising of certain dangerous products to the
17 greatest extent practicable.

1 **Sec. 2.** RCW 66.04.010 and 1991 c 192 s 1 are each amended to read
2 as follows:

3 In this title, unless the context otherwise requires:

4 (1) "Advertising" means making representations, other than by
5 labeling, for the purpose of inducing, or that are likely to induce,
6 directly or indirectly, the purchase of a product.

7 (2) "Alcohol" is that substance known as ethyl alcohol, hydrated
8 oxide of ethyl, or spirit of wine, which is commonly produced by the
9 fermentation or distillation of grain, starch, molasses, or sugar, or
10 other substances including all dilutions and mixtures of this
11 substance. The term "alcohol" does not include alcohol in the
12 possession of a manufacturer or distiller of alcohol fuel, as described
13 in RCW 66.12.130, which is intended to be denatured and used as a fuel
14 for use in motor vehicles, farm implements, and machines or implements
15 of husbandry.

16 (~~(2)~~) (3) "Beer" means any malt beverage or malt liquor as these
17 terms are defined in this chapter.

18 (~~(3)~~) (4) "Brewer" means any person engaged in the business of
19 manufacturing beer and malt liquor.

20 (~~(4)~~) (5) "Board" means the liquor control board, constituted
21 under this title.

22 (~~(5)~~) (6) "Club" means an organization of persons, incorporated
23 or unincorporated, operated solely for fraternal, benevolent,
24 educational, athletic or social purposes, and not for pecuniary gain.

25 (~~(6)~~) (7) "Consume" includes the putting of liquor to any use,
26 whether by drinking or otherwise.

27 (~~(7)~~) (8) "Dentist" means a practitioner of dentistry duly and
28 regularly licensed and engaged in the practice of his profession within
29 the state pursuant to chapter 18.32 RCW.

30 (~~(8)~~) (9) "Distiller" means a person engaged in the business of
31 distilling spirits.

32 (~~(9)~~) (10) "Druggist" means any person who holds a valid
33 certificate and is a registered pharmacist and is duly and regularly
34 engaged in carrying on the business of pharmaceutical chemistry
35 pursuant to chapter 18.64 RCW.

36 (~~(10)~~) (11) "Drug store" means a place whose principal business
37 is, the sale of drugs, medicines and pharmaceutical preparations and
38 maintains a regular prescription department and employs a registered
39 pharmacist during all hours the drug store is open.

1 (~~(11)~~) (12) "Employee" means any person employed by the board,
2 including a vendor, as hereinafter in this section defined.

3 (~~(12)~~) (13) "Erect" means to construct, build, raise, assemble,
4 place, affix, attach, create, paint, draw, or in any other way bring
5 into being or establish.

6 (14) "Fund" means 'liquor revolving fund.'

7 (~~(13)~~) (15) "Hotel" means every building or other structure kept,
8 used, maintained, advertised or held out to the public to be a place
9 where food is served and sleeping accommodations are offered for pay to
10 transient guests, in which twenty or more rooms are used for the
11 sleeping accommodation of such transient guests and having one or more
12 dining rooms where meals are served to such transient guests, such
13 sleeping accommodations and dining rooms being conducted in the same
14 building and buildings, in connection therewith, and such structure or
15 structures being provided, in the judgment of the board, with adequate
16 and sanitary kitchen and dining room equipment and capacity, for
17 preparing, cooking and serving suitable food for its guests: PROVIDED
18 FURTHER, That in cities and towns of less than five thousand
19 population, the board shall have authority to waive the provisions
20 requiring twenty or more rooms.

21 (~~(14)~~) (16) "Imprisonment" means confinement in the county jail.

22 (~~(15)~~) (17) "Liquor" includes the four varieties of liquor herein
23 defined (alcohol, spirits, wine and beer), and all fermented,
24 spirituous, vinous, or malt liquor, or combinations thereof, and mixed
25 liquor, a part of which is fermented, spirituous, vinous or malt
26 liquor, or otherwise intoxicating; and every liquid or solid or
27 semisolid or other substance, patented or not, containing alcohol,
28 spirits, wine or beer, and all drinks or drinkable liquids and all
29 preparations or mixtures capable of human consumption, and any liquid,
30 semisolid, solid, or other substance, which contains more than one
31 percent of alcohol by weight shall be conclusively deemed to be
32 intoxicating. Liquor does not include confections or food products
33 that contain one percent or less of alcohol by weight.

34 (~~(16)~~) (18) "Maintain" means to allow to exist.

35 (19) "Manufacturer" means a person engaged in the preparation of
36 liquor for sale, in any form whatsoever.

37 (~~(17)~~) (20) "Malt beverage" or "malt liquor" means any beverage
38 such as beer, ale, lager beer, stout, and porter obtained by the
39 alcoholic fermentation of an infusion or decoction of pure hops, or

1 pure extract of hops and pure barley malt or other wholesome grain or
2 cereal in pure water containing not more than eight percent of alcohol
3 by weight, and not less than one-half of one percent of alcohol by
4 volume. For the purposes of this title, any such beverage containing
5 more than eight percent of alcohol by weight shall be referred to as
6 "strong beer."

7 ~~((18))~~ (21) "Package" means any container or receptacle used for
8 holding liquor.

9 ~~((19))~~ (22) "Permit" means a permit for the purchase of liquor
10 under this title.

11 ~~((20))~~ (23) "Person" means an individual, copartnership,
12 association, or corporation.

13 ~~((21))~~ (24) "Physician" means a medical practitioner duly and
14 regularly licensed and engaged in the practice of his profession within
15 the state pursuant to chapter 18.71 RCW.

16 ~~((22))~~ (25) "Prescription" means a memorandum signed by a
17 physician and given by him to a patient for the obtaining of liquor
18 pursuant to this title for medicinal purposes.

19 ~~((23))~~ (26) "Public place" includes streets and alleys of
20 incorporated cities and towns; state or county or township highways or
21 roads; buildings and grounds used for school purposes; public dance
22 halls and grounds adjacent thereto; those parts of establishments where
23 beer may be sold under this title, soft drink establishments, public
24 buildings, public meeting halls, lobbies, halls and dining rooms of
25 hotels, restaurants, theatres, stores, garages and filling stations
26 which are open to and are generally used by the public and to which the
27 public is permitted to have unrestricted access; railroad trains,
28 stages, and other public conveyances of all kinds and character, and
29 the depots and waiting rooms used in conjunction therewith which are
30 open to unrestricted use and access by the public; publicly owned
31 bathing beaches, parks, and/or playgrounds; and all other places of
32 like or similar nature to which the general public has unrestricted
33 right of access, and which are generally used by the public.

34 ~~((24))~~ (27) "Regulations" means regulations made by the board
35 under the powers conferred by this title.

36 ~~((25))~~ (28) "Restaurant" means any establishment provided with
37 special space and accommodations where, in consideration of payment,
38 food, without lodgings, is habitually furnished to the public, not
39 including drug stores and soda fountains.

1 (~~(26)~~) (29) "Sale" and "sell" include exchange, barter, and
2 traffic; and also include the selling or supplying or distributing, by
3 any means whatsoever, of liquor, or of any liquid known or described as
4 beer or by any name whatever commonly used to describe malt or brewed
5 liquor or of wine, by any person to any person; and also include a sale
6 or selling within the state to a foreign consignee or his agent in the
7 state. "Sale" and "sell" shall not include the giving, at no charge,
8 of a reasonable amount of liquor by a person not licensed by the board
9 to a person not licensed by the board, for personal use only. "Sale"
10 and "sell" also does not include a raffle authorized under RCW
11 9.46.0315: PROVIDED, That the nonprofit organization conducting the
12 raffle has obtained the appropriate permit from the board.

13 (~~(27)~~) (30) "Sign" means any outdoor display, device, figure,
14 painting, drawing, message, placard, poster, billboard, electronic
15 device, or other thing that is designed, intended, or used to advertise
16 or inform, whether the medium is mobile or immobile and whether the
17 medium is permanent or temporary.

18 (31) "Soda fountain" means a place especially equipped with
19 apparatus for the purpose of dispensing soft drinks, whether mixed or
20 otherwise.

21 (~~(28)~~) (32) "Spirits" means any beverage which contains alcohol
22 obtained by distillation, including wines exceeding twenty-four percent
23 of alcohol by volume.

24 (~~(29)~~) (33) "Store" means a state liquor store established under
25 this title.

26 (~~(30)~~) (34) "Tavern" means any establishment with special space
27 and accommodation for sale by the glass and for consumption on the
28 premises, of beer, as herein defined.

29 (~~(31)~~) (35) "Vendor" means a person employed by the board as a
30 store manager under this title.

31 (~~(32)~~) (36) "Winery" means a business conducted by any person for
32 the manufacture of wine for sale, other than a domestic winery.

33 (~~(33)~~) (37) "Domestic winery" means a place where wines are
34 manufactured or produced within the state of Washington.

35 (~~(34)~~) (38) "Wine" means any alcoholic beverage obtained by
36 fermentation of fruits (grapes, berries, apples, et cetera) or other
37 agricultural product containing sugar, to which any saccharine
38 substances may have been added before, during or after fermentation,
39 and containing not more than twenty-four percent of alcohol by volume,

1 including sweet wines fortified with wine spirits, such as port,
2 sherry, muscatel and angelica, not exceeding twenty-four percent of
3 alcohol by volume and not less than one-half of one percent of alcohol
4 by volume. For purposes of this title, any beverage containing no more
5 than fourteen percent of alcohol by volume when bottled or packaged by
6 the manufacturer shall be referred to as "table wine," and any beverage
7 containing alcohol in an amount more than fourteen percent by volume
8 when bottled or packaged by the manufacturer shall be referred to as
9 "fortified wine." However, "fortified wine" shall not include: (a)
10 Wines that are both sealed or capped by cork closure and aged two years
11 or more; and (b) wines that contain more than fourteen percent alcohol
12 by volume solely as a result of the natural fermentation process and
13 that have not been produced with the addition of wine spirits, brandy,
14 or alcohol.

15 This subsection shall not be interpreted to require that any wine
16 be labeled with the designation "table wine" or "fortified wine."

17 ~~((35))~~ (39) "Beer wholesaler" means a person who buys beer from
18 a brewer or brewery located either within or beyond the boundaries of
19 the state for the purpose of selling the same pursuant to this title,
20 or who represents such brewer or brewery as agent.

21 ~~((36))~~ (40) "Wine wholesaler" means a person who buys wine from
22 a vintner or winery located either within or beyond the boundaries of
23 the state for the purpose of selling the same not in violation of this
24 title, or who represents such vintner or winery as agent.

25 **Sec. 3.** RCW 66.08.060 and 1933 ex.s. c 62 s 43 are each amended to
26 read as follows:

27 The board shall not advertise liquor in any form or through any
28 medium whatsoever. The board shall have power to adopt any and all
29 reasonable regulations as to the kind, character and location of
30 advertising of liquor, subject to restrictions imposed upon liquor
31 advertising under this title.

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 66.44 RCW
33 to read as follows:

34 (1) Any sign advertising tobacco products, liquor, or firearms
35 within one thousand feet of a public school, as defined in RCW
36 28A.150.010, and visible from a public place is a public nuisance. The
37 board shall notify the owner of the property on which such a sign is

1 located, by certified mail at his or her last known address, that the
2 sign constitutes a public nuisance and must be made to comply with this
3 section or be removed.

4 (2) It is a violation of this chapter if the owner fails to change
5 a sign to comply with this section or remove a sign within fifteen days
6 after being notified by the board that the sign is a public nuisance.
7 The board may levy an initial administrative fine of five hundred
8 dollars on the owner of the property on which a sign declared to be a
9 public nuisance is located. The board may levy an additional fine of
10 one hundred dollars per day on the owner of the property on which the
11 sign that has been declared to be a public nuisance is located, after
12 the owner has been notified by the board. In addition to the
13 administrative penalties, an order may be entered compelling removal of
14 the sign.

15 (3) If the owner of the property upon which the sign is located is
16 not found or refuses receipt of the notice, the board shall post on the
17 sign and property upon which it is located a notice that the sign
18 constitutes a public nuisance and must be removed. If the sign is not
19 removed within fifteen days after such posting, the board shall abate
20 the nuisance and destroy the sign, and for that purpose may enter upon
21 private property without incurring liability for doing so.

22 NEW SECTION. **Sec. 5.** A new section is added to chapter 66.44 RCW
23 to read as follows:

24 All administrative fines collected under section 4 of this act
25 shall be deposited in the liquor revolving fund, created in RCW
26 66.08.170, to defray the costs of enforcing the provisions of section
27 4 of this act.

28 NEW SECTION. **Sec. 6.** This act shall take effect July 1, 1994.

29 NEW SECTION. **Sec. 7.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

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