

HOUSE BILL REPORT

HB 1203

As Reported By House Committee On:

Law & Justice

Title: An act relating to prohibiting impaired persons from purchasing liquor.

Brief Description: Prohibiting impaired persons from purchasing liquor.

Sponsors: Representatives Chappell and Robertson.

Brief History:

Committee Activity:

Law & Justice: 2/14/95, 2/15/95 [DPS].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Staff: Bill Perry (786-7123).

Background: It is unlawful for any person to sell liquor to a person "apparently under the influence of liquor."

A violation of this provision carries criminal penalties. A first offense is punishable by a fine of up to \$500 and by imprisonment for up to two months. A second offense is punishable by imprisonment for up to six months, and a third offense by imprisonment for up to one year.

If a corporation violates this provision, it is subject to a fine of up to \$5,000 for a first offense, and a fine of up to \$10,000 and loss of its corporate license for a second or subsequent offense.

In addition, persons or businesses that are licensed by the Liquor Control Board to sell liquor may have their licenses suspended or revoked for violating this law.

Although it is a crime for a person to sell liquor to a person who is apparently under the influence, it is not a crime for a person who is under the influence to buy liquor.

Summary of Substitute Bill: A person who is "under the influence of liquor" may not purchase liquor. A violation of this prohibition is a misdemeanor, subject to the same penalties that apply to a person who sells liquor to someone "apparently under the influence."

A defendant's intoxication may not be used as a defense in a prosecution under this section.

Substitute Bill Compared to Original Bill: The original bill would have made it a crime for a person who is "significantly impaired," as defined, to purchase liquor. It also would have made the offense punishable by a fine of \$500, but not by incarceration.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill will put customers and servers on an equal footing, and will help proprietors control problem drinkers.

Testimony Against: None.

Testified: Representative Chappell, prime sponsor (pro); Bob Gault, Washington State Licensed Beverage Association (pro); Art Lawrenson, Washington State Licensed Beverage Association (pro); and Gary Gilbert, Liquor Control Board (with concerns).