

HOUSE BILL ANALYSIS

HB 1740

Title: An act relating to liquor sales to persons apparently under the influence of liquor.

Brief Description: Prohibiting the purchase of liquor by intoxicated persons.

Sponsors: Representatives Sheahan, Boldt, Thompson and Clements.

HOUSE COMMITTEE ON LAW & JUSTICE

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

Summary of Bill: It is unlawful for an intoxicated— person to purchase or consume liquor on any licensed premises.

Intoxicated— means:

- o Impairment of mental or physical faculties that diminishes the ability to think and act in the manner of an ordinarily prudent cautious person who is in full possession of his or her faculties and who is using reasonable care; or
- o Having been refused as intoxicated— within the previous 12 hours; or
- o Sufficiently intoxicated to be a danger to self or others; or

- o In danger of losing consciousness from further ingestion of liquor.

Purchase or consumption of liquor on licensed premises by an intoxicated person is a misdemeanor punishable by a fine of up to \$500.

A defendant charged with this offense may not use his or her own intoxication as a defense.

Every establishment that sells liquor must conspicuously post notice of these provisions.

Fiscal Note: Not requested.

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

Office of Program Research