

SENATE BILL REPORT

SB 5582

As Reported By Senate Committee On:
Law & Justice, March 4, 1997

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: Senators Roach, Goings, Schow, Stevens, Oke and Kline.

Brief History:

Committee Activity: Law & Justice: 2/20/97, 3/4/97 [DPS, DNPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5582 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Kline, Long, McCaslin, Stevens and Zarelli.

Minority Report: Do not pass substitute.

Signed by Senator Fairley.

Staff: Lidia Mori (786-7755)

Background: State law places numerous restrictions on the sale, purchase, and consumption of liquor. One statute, which has been in effect since 1933, prohibits the sale of liquor to any person apparently under the influence of liquor. Liquor Control Board enforcement officers find that this is one of the most frequently violated statutes in the Alcohol Beverage Control Act.

It is a misdemeanor to sell alcohol to an apparently intoxicated person. However, it is not a crime for the intoxicated person to purchase or consume liquor on any premises licensed by the Liquor Control Board.

Summary of Substitute Bill: No person who is apparently under the influence of liquor to the point that he or she is intoxicated may purchase or consume liquor on any premises licensed by the board. Violation of this prohibition is an infraction punishable by a fine of not more than \$500. A defendant's intoxication may not be used as a defense in an action under this law.

The term intoxicated— is defined to mean impairment of a person's mental or physical faculties as a result of alcoholic beverage use so as to diminish the person's ability to think and act in a manner which an ordinarily prudent and cautious person would act under like circumstances. Intoxicated also means the condition of a person if the person has been denied the purchase of liquor within the last 12 hours on the grounds the sale would violate

the law. Intoxicated is also defined as the condition of a person who is sufficiently intoxicated so as to present a danger to self or others or is in danger of losing consciousness from further ingestion of liquor.

Notice of the prohibition against the purchase or consumption of liquor by an intoxicated person must be posted conspicuously in every establishment that sells liquor.

The title of the bill is an act relating to liquor purchases by persons apparently under the influence of liquor.—

Substitute Bill Compared to Original Bill: No person who is under the influence of liquor to the point that he or she is intoxicated may purchase or consume liquor on any premises licensed by the board.

Violation of this prohibition is a misdemeanor in the original bill and is punishable by a maximum fine of \$500. A defendant's intoxication may not be used as a defense in a prosecution under this law.

The title of the original bill is an act relating to liquor sales to persons apparently under the influence of liquor.—

Appropriation: None.

Fiscal Note: Requested on February 18, 1997.

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

Testimony For: This bill will send a message to those who purchase liquor. This bill passed last year but was vetoed by the Governor due to concerns that a person who seemed to be intoxicated but was actually handicapped or geriatric might be mistaken to be intoxicated.

Testimony Against: This bill shifts responsibility from liquor licensees to the intoxicated person. The definitions in the bill are too complicated and will make it very difficult to win a case.

Testified: PRO: Lynn McKinnon, WA Public Employees Assn; Tess Millar, WA Public Employees Assn; Vernon Cruss, WA State Licensed Beverage Assn.; CON: Carter Mitchell, WA. State Liquor Control Board.