

SENATE BILL REPORT

EHB 2558

As of February 16, 2012

Title: An act relating to theater licenses.

Brief Description: Establishing a theater license to sell beer, including strong beer, or wine, or both, at retail for consumption on theater premises.

Sponsors: Representative Moeller.

Brief History: Passed House: 2/09/12, 87-10.

Committee Activity: Labor, Commerce & Consumer Protection: 2/16/12.

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Staff: Edith Rice (786-7444)

Background: Washington liquor statutes authorize various types of licenses, including licenses for restaurants and taverns. Restaurant license fees range from \$221 for only beer or only wine, to \$2,000 for spirits, beer, and wine, where less than 50 percent of the premises is a dedicated dining room. There is no food requirement attached to a tavern license. The license fee for a tavern is \$200 for beer, \$200 for wine, or \$400 for both.

There is no specific theater license, although there is a nonprofit arts organization license. Nonprofit arts organizations can obtain a liquor license to sell liquor to patrons on the premises at sponsored events, which are approved by the Liquor Control Board (LCB). The fee for such a license is \$250 per year. A nonprofit arts organization is one which provides artistic or cultural exhibitions, or performances or art education programs for attendance by the general public. It must meet legal requirements for a not-for-profit corporation and must satisfy specific conditions set by the LCB.

The LCB is authorized to prescribe terms of the license issued, fees, conditions and qualifications.

In 2010 the LCB adopted rules regarding requirements and restrictions for both beer and wine restaurant license and spirits, beer, and wine restaurant licenses at cinemas with dinner theater venues. Requirements include a description of food service; lighting; where alcohol sales, service, and consumption may take place; and where minors are prohibited.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: A theater license is created to permit the sale of beer, including strong beer or wine, or both at retail for consumption in a single theater room on theater premises. Only one theater license is available per theater premises. The annual fee for the license is \$200 for the beer license, \$200 for the wine license, or \$400 for a combination beer and wine license. No food requirements are specified.

Theater is defined as a place where motion pictures or live musical, dance, artistic, dramatic, literary, or educational performances are shown.

If a theater premises is to ever be frequented by minors, a minor control plan must be submitted to the LCB at the time of application. The minor control plan must be approved by the LCB, and be prominently posted on the premises prior to minors being allowed.

A minor control plan is defined as a written, dated, and signed plan submitted to the LCB by an applicant or licensee for the entire theater premises, or a room or area within the premises, that shows where and when minors are permitted and the control measures used to prevent minors from obtaining alcohol, prohibit minors when drinking alcohol predominates, and minimize minors' exposure to a drinking environment.

The LCB is authorized to adopt rules regarding minor control plans and necessary control measures.

Appropriation: None.

Fiscal Note: Requested on February 10, 2012.
[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Older historic theatres may not qualify for a restaurant license which would allow them to serve beer and wine. The ability to serve alcohol helps keep these businesses competitive and profitable. We could limit minor exposure by serving alcohol after 7:00 p.m. Good security and a good minor control plan can make this safe and successful.

CON: This sets an example that drinking in a public setting is the norm. We are concerned about the cumulative effect of more facilities serving alcohol.

Persons Testifying: PRO: Representative Moeller, prime sponsor, Bill Leigh, Kiggins Theatre, Brien Layton, Seattle Theatre Group, Rand Thornsley Liberty Theatre.

CON: Seth Dawson, WA Assn. for Substance Abuse Prevention.