
Government Accountability & Oversight Committee

HB 1001

Brief Description: Creating a beer and wine theater license.

Sponsors: Representatives Moeller, Pedersen, Hunt, Clibborn, Green, Van De Wege, Fitzgibbon, Lytton, Appleton, Maxwell, Tharinger, Ormsby, Riccelli, Pollet and Jinkins.

Brief Summary of Bill

- Creates a theater license to sell beer and wine at retail for consumption on theater premises.
- Requires that an alcohol control plan be submitted to, and approved by, the Liquor Control Board, and be prominently posted on theater premises before minors are allowed on such premises where liquor is offered for sale.
- Requires the Liquor Control Board to adopt rules regarding alcohol control plans and necessary control measures.

Hearing Date: 1/17/13

Staff: Thamas Osborn (786-7129).

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. Food requirements are attached to these licenses. 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. Pursuant to this, 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).

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.

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, among other things, to prescribe:

- the terms and conditions to be contained in permits and licenses and the qualifications for receiving a permit or license;
- the fees payable for any permits and licenses issued under Title 66 for which no fees are prescribed, as well as the fees for anything done or permitted to be done under the regulations adopted by the LCB; and
- the conditions, accommodations, and qualifications requisite for the obtaining of licenses to sell beer, wine, and spirits, and regulating the sale of beer, wine, and spirits pursuant to those licenses.

Pursuant to this authority, in 2010 the LCB adopted rules regarding requirements and restrictions for both beer and wine restaurant licenses and spirits, beer, and wine restaurant licenses at cinemas with dinner theater venues. Under these rules:

- The general food service requirements for such restaurants must be met. "Minimum food service" required of a beer and wine restaurant license means items such as sandwiches, salad, soup, pizza, hamburgers, and fry orders. An appetizer does not qualify as minimum food service. A spirits, beer, and wine restaurant licensee must serve at least eight complete meals. "Complete meal" means an entree and at least one side dish. "Entree" means the main course of a meal. Some examples of entrees are fish, steak, chicken, pork, pasta, pizza, hamburgers, seafood salad, cobb salad, chef's salad, sandwiches, and breakfast items (as long as they include a side dish). Entrees do not include snack items, or menu items which consist solely of precooked frozen food that is reheated, or consist solely of carry-out items obtained from another business.
- Lighting requirements must be met. On all portions of the premises where alcohol is served or consumed, licensees must maintain sufficient lighting so that identification may be checked and patrons may be observed for the enforcement of liquor laws and rules.
- Alcohol sales and service may not be provided from the concession area in the cinema lobby.
- Alcohol may be consumed only in the theater rooms approved by the LCB.
- Minor patrons and employees are prohibited at all times in the individual theater rooms that allow alcohol service and consumption.
- A floor plan must be provided to the LCB indicating which theater rooms will be operated as dinner theaters. Those theater rooms not operated as dinner theaters with alcohol sales and service may be open to minors and minor employees.

Summary of Bill:

The act creates a theater license to sell beer, including strong beer, or wine, or both, at retail for consumption on theater premises. The annual fee for such license is four hundred dollars. 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 theater premises are to be frequented by minors, an alcohol control plan must be submitted to the LCB at the time of application. The alcohol control plan must be approved by the LCB, and be prominently posted on the premises prior to minors being allowed entry.

"Alcohol 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 therein. The alcohol control plan must include: (1) a statement explaining where and when minors and alcohol are permitted; and (2) the control measures to be used to prevent minors from obtaining alcohol or being exposed to environments where drinking alcohol predominates.

The LCB is required to adopt rules regarding alcohol control plans and necessary control measures.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.