
SUBSTITUTE HOUSE BILL 1001

State of Washington

63rd Legislature

2013 Regular Session

By House Government Accountability & Oversight (originally sponsored by Representatives Moeller, Pedersen, Hunt, Clibborn, Green, Van De Wege, Fitzgibbon, Lytton, Appleton, Maxwell, Tharinger, Ormsby, Riccelli, Pollet, and Jinkins)

READ FIRST TIME 02/01/13.

1 AN ACT Relating to beer and wine theater licenses; amending RCW
2 66.20.300 and 66.20.310; adding a new section to chapter 66.24 RCW; and
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 66.24 RCW
6 to read as follows:

7 (1) There is a theater license to sell beer, including strong beer,
8 or wine, or both, at retail, for consumption on theater premises. The
9 annual fee is four hundred dollars for a beer and wine theater license.

10 (2) If the theater premises is to be frequented by minors, an
11 alcohol control plan must be submitted to the board at the time of
12 application. The alcohol control plan must be approved by the board,
13 and be prominently posted on the premises, prior to minors being
14 allowed.

15 (3) For the purposes of this section:

16 (a) "Alcohol control plan" means a written, dated, and signed plan
17 submitted to the board by an applicant or licensee for the entire
18 theater premises, or rooms or areas therein, that shows where and when
19 alcohol is permitted, where and when minors are permitted, and the

1 control measures used to ensure that minors are not able to obtain
2 alcohol or be exposed to environments where drinking alcohol
3 predominates.

4 (b) "Theater" means a place of business where motion pictures or
5 other primarily nonparticipatory entertainment are shown.

6 (4) The board must adopt rules regarding alcohol control plans and
7 necessary control measures to ensure that minors are not able to obtain
8 alcohol or be exposed to areas where drinking alcohol predominates.
9 All alcohol control plans must include a requirement that any person
10 involved in the serving of beer and/or wine must have completed a
11 mandatory alcohol server training program.

12 (5)(a) A licensee that is an entity that is exempt from taxation
13 under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue
14 code of 1986, as amended as of January 1, 2013, may enter into
15 arrangements with a beer or wine manufacturer, importer, or distributor
16 for brand advertising at the theater or promotion of events held at the
17 theater. The financial arrangements providing for the brand
18 advertising or promotion of events may not be used as an inducement to
19 purchase the products of the manufacturer, importer, or distributor
20 entering into the arrangement and such arrangements may not result in
21 the exclusion of brands or products of other companies.

22 (b) The arrangements allowed under this subsection (5) are an
23 exception to arrangements prohibited under RCW 66.28.305. The board
24 must monitor the impacts of these arrangements. The board may conduct
25 audits of a licensee and the affiliated business to determine
26 compliance with this subsection (5). Audits may include, but are not
27 limited to: Product selection at the facility; purchase patterns of
28 the licensee; contracts with the beer or wine manufacturer, importer,
29 or distributor; and the amount allocated or used for wine or beer
30 advertising by the licensee, affiliated business, manufacturer,
31 importer, or distributor under the arrangements.

32 (6) The maximum penalties prescribed by the board in WAC 314-29-020
33 relating to fines and suspensions are double for violations involving
34 minors or the failure to follow the alcohol control plan with respect
35 to theaters licensed under this section.

36 **Sec. 2.** RCW 66.20.300 and 2011 c 325 s 5 are each amended to read
37 as follows:

1 (~~Unless the context clearly requires otherwise,~~) The definitions
2 in this section apply throughout RCW 66.20.310 through 66.20.350 unless
3 the context clearly requires otherwise.

4 (1) "Alcohol" has the same meaning as "liquor" in RCW 66.04.010.

5 (2) "Alcohol server" means any person who as part of his or her
6 employment participates in the sale or service of alcoholic beverages
7 for on-premise consumption at a retail licensed premise as a regular
8 requirement of his or her employment, and includes those persons
9 eighteen years of age or older permitted by the liquor laws of this
10 state to serve alcoholic beverages with meals.

11 (3) "Board" means the Washington state liquor control board.

12 (4) "Training entity" means any liquor licensee associations,
13 independent contractors, private persons, and private or public
14 schools, that have been certified by the board.

15 (5) "Retail licensed premises" means any:

16 (a) Premises licensed to sell alcohol by the glass or by the drink,
17 or in original containers primarily for consumption on the premises as
18 authorized by this section and RCW 66.20.310, 66.24.320, 66.24.330,
19 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.570, ~~((and))~~
20 66.24.610, and section 1 of this act;

21 (b) Distillery licensed pursuant to RCW 66.24.140 that is
22 authorized to serve samples of its own production;

23 (c) Facility established by a domestic winery for serving and
24 selling wine pursuant to RCW 66.24.170(4); and

25 (d) Grocery store licensed under RCW 66.24.360, but only with
26 respect to employees whose duties include serving during tasting
27 activities under RCW 66.24.363.

28 **Sec. 3.** RCW 66.20.310 and 2011 c 325 s 4 are each amended to read
29 as follows:

30 (1)(a) There ~~((shall be))~~ is an alcohol server permit, known as a
31 class 12 permit, for a manager or bartender selling or mixing alcohol,
32 spirits, wines, or beer for consumption at an on-premises licensed
33 facility.

34 (b) There ~~((shall be))~~ is an alcohol server permit, known as a
35 class 13 permit, for a person who only serves alcohol, spirits, wines,
36 or beer for consumption at an on-premises licensed facility.

1 (c) As provided by rule by the board, a class 13 permit holder may
2 be allowed to act as a bartender without holding a class 12 permit.

3 (2)(a) Effective January 1, 1997, except as provided in (d) of this
4 subsection, every alcohol server employed, under contract or otherwise,
5 at a retail licensed premise (~~shall~~) must be issued a class 12 or
6 class 13 permit.

7 (b) Every class 12 and class 13 permit issued (~~shall~~) must be
8 issued in the name of the applicant and no other person may use the
9 permit of another permit holder. The holder (~~shall~~) must present the
10 permit upon request to inspection by a representative of the board or
11 a peace officer. The class 12 or class 13 permit (~~shall be~~) is valid
12 for employment at any retail licensed premises described in (a) of this
13 subsection.

14 (c) Except as provided in (d) of this subsection, no licensee
15 holding a license as authorized by this section and RCW 66.20.300,
16 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450,
17 66.24.570, 66.24.600, (~~and~~) 66.24.610, and section 1 of this act may
18 employ or accept the services of any person without the person first
19 having a valid class 12 or class 13 permit.

20 (d) Within sixty days of initial employment, every person whose
21 duties include the compounding, sale, service, or handling of liquor
22 (~~shall~~) must have a class 12 or class 13 permit.

23 (e) No person may perform duties that include the sale or service
24 of alcoholic beverages on a retail licensed premises without possessing
25 a valid alcohol server permit.

26 (3) A permit issued by a training entity under this section is
27 valid for employment at any retail licensed premises described in
28 subsection (2)(a) of this section for a period of five years unless
29 suspended by the board.

30 (4) The board may suspend or revoke an existing permit if any of
31 the following occur:

32 (a) The applicant or permittee has been convicted of violating any
33 of the state or local intoxicating liquor laws of this state or has
34 been convicted at any time of a felony; or

35 (b) The permittee has performed or permitted any act that
36 constitutes a violation of this title or of any rule of the board.

37 (5) The suspension or revocation of a permit under this section
38 does not relieve a licensee from responsibility for any act of the

1 employee or agent while employed upon the retail licensed premises.
2 The board may, as appropriate, revoke or suspend either the permit of
3 the employee who committed the violation or the license of the licensee
4 upon whose premises the violation occurred, or both the permit and the
5 license.

6 (6)(a) After January 1, 1997, it is a violation of this title for
7 any retail licensee or agent of a retail licensee as described in
8 subsection (2)(a) of this section to employ in the sale or service of
9 alcoholic beverages, any person who does not have a valid alcohol
10 server permit or whose permit has been revoked, suspended, or denied.

11 (b) It is a violation of this title for a person whose alcohol
12 server permit has been denied, suspended, or revoked to accept
13 employment in the sale or service of alcoholic beverages.

14 (7) Grocery stores licensed under RCW 66.24.360, the primary
15 commercial activity of which is the sale of grocery products and for
16 which the sale and service of beer and wine for on-premises consumption
17 with food is incidental to the primary business, and employees of such
18 establishments, are exempt from RCW 66.20.300 through 66.20.350, except
19 for employees whose duties include serving during tasting activities
20 under RCW 66.24.363.

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