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HOUSE BILL 1459

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State of Washington

63rd Legislature

2013 Regular Session

By Representatives Halper, Springer, Walsh, Wylie, Seaquist, Wilcox, Johnson, Condotta, Fagan, Maxwell, and Pollet

Read first time 01/28/13. Referred to Committee on Government Accountability & Oversight.

1 AN ACT Relating to authorizing students under the age of twenty-one  
2 to taste wine in viticulture and enology programs; amending RCW  
3 66.44.270; and adding a new section to chapter 66.12 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 66.12 RCW  
6 to read as follows:

7 (1) Students under twenty-one years of age but over the age of  
8 eighteen, who are enrolled in a viticulture or enology degree program  
9 at an accredited college, university, community college, area  
10 vocational technical institute, or private vocational school may taste  
11 but not ingest wine for instructional purposes during classes that are  
12 part of the curriculum of the accredited college or university.

13 (2) Such students may taste wine only:

14 (a) During times of a regularly scheduled course; and

15 (b) While under the direct supervision of an instructor, who is at  
16 least twenty-one years old and employed by the accredited college,  
17 university, community college, area vocational technical institute, or  
18 private vocational school offering the viticulture or enology degree  
19 program; and

1 (c) In accordance with the provisions of RCW 66.28.160.

2 **Sec. 2.** RCW 66.44.270 and 1998 c 4 s 1 are each amended to read as  
3 follows:

4 (1) It is unlawful for any person to sell, give, or otherwise  
5 supply liquor to any person under the age of twenty-one years or permit  
6 any person under that age to consume liquor on his or her premises or  
7 on any premises under his or her control. For the purposes of this  
8 subsection, "premises" includes real property, houses, buildings, and  
9 other structures, and motor vehicles and watercraft. A violation of  
10 this subsection is a gross misdemeanor punishable as provided for in  
11 chapter 9A.20 RCW.

12 (2)(a) It is unlawful for any person under the age of twenty-one  
13 years to possess, consume, or otherwise acquire any liquor. A  
14 violation of this subsection is a gross misdemeanor punishable as  
15 provided for in chapter 9A.20 RCW.

16 (b) It is unlawful for a person under the age of twenty-one years  
17 to be in a public place, or to be in a motor vehicle in a public place,  
18 while exhibiting the effects of having consumed liquor. For purposes  
19 of this subsection, exhibiting the effects of having consumed liquor  
20 means that a person has the odor of liquor on his or her breath and  
21 either: (i) Is in possession of or close proximity to a container that  
22 has or recently had liquor in it; or (ii) by speech, manner,  
23 appearance, behavior, lack of coordination, or otherwise, exhibits that  
24 he or she is under the influence of liquor. This subsection (2)(b)  
25 does not apply if the person is in the presence of a parent or guardian  
26 or has consumed or is consuming liquor under circumstances described in  
27 subsection (4) or (5) of this section.

28 (3) Subsections (1) and (2)(a) of this section do not apply to  
29 liquor given or permitted to be given to a person under the age of  
30 twenty-one years by a parent or guardian and consumed in the presence  
31 of the parent or guardian. This subsection (~~shall~~) does not  
32 authorize consumption or possession of liquor by a person under the age  
33 of twenty-one years on any premises licensed under chapter 66.24 RCW.

34 (4) This section does not apply to liquor given for medicinal  
35 purposes to a person under the age of twenty-one years by a parent,  
36 guardian, physician, or dentist.

1 (5) This section does not apply to liquor given to a person under  
2 the age of twenty-one years when such liquor is being used in  
3 connection with religious services and the amount consumed is the  
4 minimal amount necessary for the religious service.

5 (6) This section does not apply to wine given to a person under the  
6 age of twenty-one years but over the age of eighteen years when such  
7 wine is being tasted for instructional purposes during a class and in  
8 accordance with the provisions of this act.

9 (7) Conviction or forfeiture of bail for a violation of this  
10 section by a person under the age of twenty-one years at the time of  
11 such conviction or forfeiture (~~shall not be a disqualification of~~)  
12 does not disqualify that person to acquire a license to sell or  
13 dispense any liquor after that person has attained the age of twenty-  
14 one years.

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