
SUBSTITUTE SENATE BILL 5161

State of Washington

65th Legislature

2017 Regular Session

By Senate Commerce, Labor & Sports (originally sponsored by Senators Keiser, Wilson, and Takko)

READ FIRST TIME 01/26/17.

1 AN ACT Relating to theater licenses; and amending RCW 66.24.655
2 and 66.24.650.

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

4 **Sec. 1.** RCW 66.24.655 and 2013 c 237 s 1 are each amended to
5 read as follows:

6 (1) There is a theater license to sell spirits, beer, including
7 strong beer, or wine, or all, at retail, for consumption on theater
8 premises. A spirits, beer, and wine theater license may be issued
9 ((only)) to theaters ((that have no more than one hundred twenty
10 seats per screen and)) that are maintained in a substantial manner as
11 a place for preparing, cooking, and serving complete meals ((and
12 providing tabletop accommodations for in-theater dining)).
13 Requirements for complete meals are the same as those adopted by the
14 board in rules pursuant to chapter 34.05 RCW for a spirits, beer, and
15 wine restaurant license authorized by RCW 66.24.400. The annual fee
16 for a spirits, beer, and wine theater license is two thousand
17 dollars.

18 (2) If the theater premises is to be frequented by minors, an
19 alcohol control plan must be submitted to the board at the time of
20 application. The alcohol control plan must be approved by the board

1 and be prominently posted on the premises, prior to minors being
2 allowed.

3 (3) For the purposes of this section:

4 (a) "Alcohol control plan" means a written, dated, and signed
5 plan submitted to the board by an applicant or licensee for the
6 entire theater premises, or rooms or areas therein, that shows where
7 and when alcohol is permitted, where and when minors are permitted,
8 and the control measures used to ensure that minors are not able to
9 obtain alcohol or be exposed to environments where drinking alcohol
10 predominates.

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

13 (4) The board must adopt rules regarding alcohol control plans
14 and necessary control measures to ensure that minors are not able to
15 obtain alcohol or be exposed to areas where drinking alcohol
16 predominates. All alcohol control plans must include a requirement
17 that any person involved in the serving of spirits, beer, and/or wine
18 must have completed a mandatory alcohol server training program.

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

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

1 (6) The maximum penalties prescribed by the board in WAC
2 314-29-020 relating to fines and suspensions are double for
3 violations involving minors or the failure to follow the alcohol
4 control plan with respect to theaters licensed under this section.

5 **Sec. 2.** RCW 66.24.650 and 2013 c 219 s 1 are each amended to
6 read as follows:

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

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

16 (3) For the purposes of this section:

17 (a) "Alcohol control plan" means a written, dated, and signed
18 plan submitted to the board by an applicant or licensee for the
19 entire theater premises, or rooms or areas therein, that shows where
20 and when alcohol is permitted, where and when minors are permitted,
21 and the control measures used to ensure that minors are not able to
22 obtain alcohol or be exposed to environments where drinking alcohol
23 predominates.

24 (b) "Theater" means a place of business where motion pictures or
25 other primarily nonparticipatory entertainment are shown(~~(, and~~
26 ~~includes only theaters with up to four screens))~~).

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

33 (5)(a) A licensee that is an entity that is exempt from taxation
34 under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue
35 code of 1986, as amended as of January 1, 2013, may enter into
36 arrangements with a beer or wine manufacturer, importer, or
37 distributor for brand advertising at the theater or promotion of
38 events held at the theater. The financial arrangements providing for
39 the brand advertising or promotion of events may not be used as an

1 inducement to purchase the products of the manufacturer, importer, or
2 distributor entering into the arrangement and such arrangements may
3 not result in the exclusion of brands or products of other companies.

4 (b) The arrangements allowed under this subsection (5) are an
5 exception to arrangements prohibited under RCW 66.28.305. The board
6 must monitor the impacts of these arrangements. The board may conduct
7 audits of a licensee and the affiliated business to determine
8 compliance with this subsection (5). Audits may include, but are not
9 limited to: Product selection at the facility; purchase patterns of
10 the licensee; contracts with the beer or wine manufacturer, importer,
11 or distributor; and the amount allocated or used for wine or beer
12 advertising by the licensee, affiliated business, manufacturer,
13 importer, or distributor under the arrangements.

14 (6) The maximum penalties prescribed by the board in WAC
15 314-29-020 relating to fines and suspensions are double for
16 violations involving minors or the failure to follow the alcohol
17 control plan with respect to theaters licensed under this section.

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