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SENATE BILL 5161

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State of Washington

65th Legislature

2017 Regular Session

By Senators Keiser, Wilson, and Takko

Read first time 01/16/17. Referred to Committee on Commerce, Labor & Sports.

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

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

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

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

17 (2) If the theater premises is to be frequented by minors, an  
18 alcohol control plan must be submitted to the board at the time of  
19 application. The alcohol control plan must be approved by the board  
20 and be prominently posted on the premises, prior to minors being  
21 allowed.

1 (3) For the purposes of this section:

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

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

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

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

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

38 (6) The maximum penalties prescribed by the board in WAC  
39 314-29-020 relating to fines and suspensions are double for

1 violations involving minors or the failure to follow the alcohol  
2 control plan with respect to theaters licensed under this section.

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