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HOUSE BILL 2123

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives O'Brien and Zellinsky.

Read first time February 27, 1991. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to raffle prizes; and amending RCW 9.46.0315 and  
2 66.04.010.

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

4            **Sec. 1.** RCW 9.46.0315 and 1987 c 4 s 27 are each amended to read  
5 as follows:

6            Bona fide charitable or bona fide nonprofit organizations organized  
7 primarily for purposes other than the conduct of raffles, are hereby  
8 authorized to conduct raffles without obtaining a license to do so from  
9 the commission when such raffles are held in accordance with all other  
10 requirements of this chapter, other applicable laws, and rules of the  
11 commission; when gross revenues from all such raffles held by the  
12 organization during the calendar year do not exceed five thousand  
13 dollars; and when tickets to such raffles are sold only to, and winners  
14 are determined only from among, the regular members of the organization  
15 conducting the raffle. The organization may provide unopened

1 containers of beverages containing alcohol as raffle prizes: PROVIDED,  
2 That the term members for this purpose shall mean only those persons  
3 who have become members prior to the commencement of the raffle and  
4 whose qualification for membership was not dependent upon, or in any  
5 way related to, the purchase of a ticket, or tickets, for such raffles.

6 **Sec. 2.** RCW 66.04.010 and 1987 c 386 s 3 are each amended to read  
7 as follows:

8 In this title, unless the context otherwise requires:

9 (1) "Alcohol" is that substance known as ethyl alcohol, hydrated  
10 oxide of ethyl, or spirit of wine, which is commonly produced by the  
11 fermentation or distillation of grain, starch, molasses, or sugar, or  
12 other substances including all dilutions and mixtures of this  
13 substance. The term "alcohol" does not include alcohol in the  
14 possession of a manufacturer or distiller of alcohol fuel, as described  
15 in RCW 66.12.130, which is intended to be denatured and used as a fuel  
16 for use in motor vehicles, farm implements, and machines or implements  
17 of husbandry.

18 (2) "Beer" means any malt beverage or malt liquor as these terms  
19 are defined in this chapter.

20 (3) "Brewer" means any person engaged in the business of  
21 manufacturing beer and malt liquor.

22 (4) "Board" means the liquor control board, constituted under this  
23 title.

24 (5) "Club" means an organization of persons, incorporated or  
25 unincorporated, operated solely for fraternal, benevolent, educational,  
26 athletic or social purposes, and not for pecuniary gain.

27 (6) "Consume" includes the putting of liquor to any use, whether by  
28 drinking or otherwise.

1 (7) "Dentist" means a practitioner of dentistry duly and regularly  
2 licensed and engaged in the practice of his profession within the state  
3 pursuant to chapter 18.32 RCW.

4 (8) "Distiller" means a person engaged in the business of  
5 distilling spirits.

6 (9) "Druggist" means any person who holds a valid certificate and  
7 is a registered pharmacist and is duly and regularly engaged in  
8 carrying on the business of pharmaceutical chemistry pursuant to  
9 chapter 18.64 RCW.

10 (10) "Drug store" means a place whose principal business is, the  
11 sale of drugs, medicines and pharmaceutical preparations and maintains  
12 a regular prescription department and employs a registered pharmacist  
13 during all hours the drug store is open.

14 (11) "Employee" means any person employed by the board, including  
15 a vendor, as hereinafter in this section defined.

16 (12) "Fund" means 'liquor revolving fund.'

17 (13) "Hotel" means every building or other structure kept, used,  
18 maintained, advertised or held out to the public to be a place where  
19 food is served and sleeping accommodations are offered for pay to  
20 transient guests, in which twenty or more rooms are used for the  
21 sleeping accommodation of such transient guests and having one or more  
22 dining rooms where meals are served to such transient guests, such  
23 sleeping accommodations and dining rooms being conducted in the same  
24 building and buildings, in connection therewith, and such structure or  
25 structures being provided, in the judgment of the board, with adequate  
26 and sanitary kitchen and dining room equipment and capacity, for  
27 preparing, cooking and serving suitable food for its guests: PROVIDED  
28 FURTHER, That in cities and towns of less than five thousand  
29 population, the board shall have authority to waive the provisions  
30 requiring twenty or more rooms.

1 (14) "Imprisonment" means confinement in the county jail.

2 (15) "Liquor" includes the four varieties of liquor herein defined  
3 (alcohol, spirits, wine and beer), and all fermented, spirituous,  
4 vinous, or malt liquor, or combinations thereof, and mixed liquor, a  
5 part of which is fermented, spirituous, vinous or malt liquor, or  
6 otherwise intoxicating; and every liquid or solid or semisolid or other  
7 substance, patented or not, containing alcohol, spirits, wine or beer,  
8 and all drinks or drinkable liquids and all preparations or mixtures  
9 capable of human consumption, and any liquid, semisolid, solid, or  
10 other substance, which contains more than one percent of alcohol by  
11 weight shall be conclusively deemed to be intoxicating. Liquor does  
12 not include confections or food products that contain one percent or  
13 less of alcohol by weight.

14 (16) "Manufacturer" means a person engaged in the preparation of  
15 liquor for sale, in any form whatsoever.

16 (17) "Malt beverage" or "malt liquor" means any beverage such as  
17 beer, ale, lager beer, stout, and porter obtained by the alcoholic  
18 fermentation of an infusion or decoction of pure hops, or pure extract  
19 of hops and pure barley malt or other wholesome grain or cereal in pure  
20 water containing not more than eight percent of alcohol by weight, and  
21 not less than one-half of one percent of alcohol by volume. For the  
22 purposes of this title, any such beverage containing more than eight  
23 percent of alcohol by weight shall be referred to as "strong beer."

24 (18) "Package" means any container or receptacle used for holding  
25 liquor.

26 (19) "Permit" means a permit for the purchase of liquor under this  
27 title.

28 (20) "Person" means an individual, copartnership, association, or  
29 corporation.

1           (21) "Physician" means a medical practitioner duly and regularly  
2 licensed and engaged in the practice of his profession within the state  
3 pursuant to chapter 18.71 RCW.

4           (22) "Prescription" means a memorandum signed by a physician and  
5 given by him to a patient for the obtaining of liquor pursuant to this  
6 title for medicinal purposes.

7           (23) "Public place" includes streets and alleys of incorporated  
8 cities and towns; state or county or township highways or roads;  
9 buildings and grounds used for school purposes; public dance halls and  
10 grounds adjacent thereto; those parts of establishments where beer may  
11 be sold under this title, soft drink establishments, public buildings,  
12 public meeting halls, lobbies, halls and dining rooms of hotels,  
13 restaurants, theatres, stores, garages and filling stations which are  
14 open to and are generally used by the public and to which the public is  
15 permitted to have unrestricted access; railroad trains, stages, and  
16 other public conveyances of all kinds and character, and the depots and  
17 waiting rooms used in conjunction therewith which are open to  
18 unrestricted use and access by the public; publicly owned bathing  
19 beaches, parks, and/or playgrounds; and all other places of like or  
20 similar nature to which the general public has unrestricted right of  
21 access, and which are generally used by the public.

22           (24) "Regulations" means regulations made by the board under the  
23 powers conferred by this title.

24           (25) "Restaurant" means any establishment provided with special  
25 space and accommodations where, in consideration of payment, food,  
26 without lodgings, is habitually furnished to the public, not including  
27 drug stores and soda fountains.

28           (26) "Sale" and "sell" include exchange, barter, and traffic; and  
29 also include the selling or supplying or distributing, by any means  
30 whatsoever, of liquor, or of any liquid known or described as beer or

1 by any name whatever commonly used to describe malt or brewed liquor or  
2 of wine, by any person to any person; and also include a sale or  
3 selling within the state to a foreign consignee or his agent in the  
4 state. "Sale" and "sell" does not include a raffle authorized under  
5 RCW 9.46.0315.

6 (27) "Soda fountain" means a place especially equipped with  
7 apparatus for the purpose of dispensing soft drinks, whether mixed or  
8 otherwise.

9 (28) "Spirits" means any beverage which contains alcohol obtained  
10 by distillation, including wines exceeding twenty-four percent of  
11 alcohol by volume.

12 (29) "Store" means a state liquor store established under this  
13 title.

14 (30) "Tavern" means any establishment with special space and  
15 accommodation for sale by the glass and for consumption on the  
16 premises, of beer, as herein defined.

17 (31) "Vendor" means a person employed by the board as a store  
18 manager under this title.

19 (32) "Winery" means a business conducted by any person for the  
20 manufacture of wine for sale, other than a domestic winery.

21 (33) "Domestic winery" means a place where wines are manufactured  
22 or produced within the state of Washington.

23 (34) "Wine" means any alcoholic beverage obtained by fermentation  
24 of fruits (grapes, berries, apples, et cetera) or other agricultural  
25 product containing sugar, to which any saccharine substances may have  
26 been added before, during or after fermentation, and containing not  
27 more than twenty-four percent of alcohol by volume, including sweet  
28 wines fortified with wine spirits, such as port, sherry, muscatel and  
29 angelica, not exceeding twenty-four percent of alcohol by volume and  
30 not less than one-half of one percent of alcohol by volume. For

1 purposes of this title, any beverage containing less than fourteen  
2 percent of alcohol by volume when bottled or packaged by the  
3 manufacturer shall be referred to as "table wine," and any beverage  
4 containing alcohol in an amount equal to or more than fourteen percent  
5 by volume when bottled or packaged by the manufacturer shall be  
6 referred to as "fortified wine." However, "fortified wine" shall not  
7 include: (a) Wines that are both sealed or capped by cork closure and  
8 aged two years or more; and (b) wines that contain fourteen percent or  
9 more alcohol by volume solely as a result of the natural fermentation  
10 process and that have not been produced with the addition of wine  
11 spirits, brandy, or alcohol.

12 This subsection shall not be interpreted to require that any wine  
13 be labeled with the designation "table wine" or "fortified wine."

14 (35) "Beer wholesaler" means a person who buys beer from a brewer  
15 or brewery located either within or beyond the boundaries of the state  
16 for the purpose of selling the same pursuant to this title, or who  
17 represents such brewer or brewery as agent.

18 (36) "Wine wholesaler" means a person who buys wine from a vintner  
19 or winery located either within or beyond the boundaries of the state  
20 for the purpose of selling the same not in violation of this title, or  
21 who represents such vintner or winery as agent.