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SENATE BILL 6495

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State of Washington

53rd Legislature

1994 Regular Session

By Senator Prentice

Read first time 01/25/94. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to alcohol server training; amending RCW 66.04.010,  
2 66.24.210, 66.24.450, and 66.24.481; adding a new section to chapter  
3 66.44 RCW; creating a new section; and providing an effective date.

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

5 **Sec. 1.** RCW 66.04.010 and 1991 c 192 s 1 are each amended to read  
6 as follows:

7 In this title, unless the context otherwise requires:

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

17 (2) "Alcohol seller" means any person serving or selling alcohol,  
18 spirits, wines, or beer as a regular requirement of the person's  
19 employment.

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

3        ~~((+3))~~ (4) "Brewer" means any person engaged in the business of  
4 manufacturing beer and malt liquor.

5        ~~((+4))~~ (5) "Board" means the liquor control board, constituted  
6 under this title.

7        ~~((+5))~~ (6) "Club" means an organization of persons, incorporated  
8 or unincorporated, operated solely for fraternal, benevolent,  
9 educational, athletic or social purposes, and not for pecuniary gain.

10       ~~((+6))~~ (7) "Consume" includes the putting of liquor to any use,  
11 whether by drinking or otherwise.

12       ~~((+7))~~ (8) "Dentist" means a practitioner of dentistry duly and  
13 regularly licensed and engaged in the practice of his profession within  
14 the state pursuant to chapter 18.32 RCW.

15       ~~((+8))~~ (9) "Distiller" means a person engaged in the business of  
16 distilling spirits.

17       ~~((+9))~~ (10) "Druggist" means any person who holds a valid  
18 certificate and is a registered pharmacist and is duly and regularly  
19 engaged in carrying on the business of pharmaceutical chemistry  
20 pursuant to chapter 18.64 RCW.

21       ~~((+10))~~ (11) "Drug store" means a place whose principal business  
22 is, the sale of drugs, medicines and pharmaceutical preparations and  
23 maintains a regular prescription department and employs a registered  
24 pharmacist during all hours the drug store is open.

25       ~~((+11))~~ (12) "Employee" means any person employed by the board,  
26 including a vendor, as hereinafter in this section defined.

27       ~~((+12))~~ (13) "Fund" means 'liquor revolving fund.'

28       ~~((+13))~~ (14) "Hotel" means every building or other structure kept,  
29 used, maintained, advertised or held out to the public to be a place  
30 where food is served and sleeping accommodations are offered for pay to  
31 transient guests, in which twenty or more rooms are used for the  
32 sleeping accommodation of such transient guests and having one or more  
33 dining rooms where meals are served to such transient guests, such  
34 sleeping accommodations and dining rooms being conducted in the same  
35 building and buildings, in connection therewith, and such structure or  
36 structures being provided, in the judgment of the board, with adequate  
37 and sanitary kitchen and dining room equipment and capacity, for  
38 preparing, cooking and serving suitable food for its guests: PROVIDED  
39 FURTHER, That in cities and towns of less than five thousand

1 population, the board shall have authority to waive the provisions  
2 requiring twenty or more rooms.

3 ~~((14))~~ (15) "Imprisonment" means confinement in the county jail.

4 ~~((15))~~ (16) "Liquor" includes the four varieties of liquor herein  
5 defined (alcohol, spirits, wine and beer), and all fermented,  
6 spirituous, vinous, or malt liquor, or combinations thereof, and mixed  
7 liquor, a part of which is fermented, spirituous, vinous or malt  
8 liquor, or otherwise intoxicating; and every liquid or solid or  
9 semisolid or other substance, patented or not, containing alcohol,  
10 spirits, wine or beer, and all drinks or drinkable liquids and all  
11 preparations or mixtures capable of human consumption, and any liquid,  
12 semisolid, solid, or other substance, which contains more than one  
13 percent of alcohol by weight shall be conclusively deemed to be  
14 intoxicating. Liquor does not include confections or food products  
15 that contain one percent or less of alcohol by weight.

16 ~~((16))~~ (17) "Manufacturer" means a person engaged in the  
17 preparation of liquor for sale, in any form whatsoever.

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

27 ~~((18))~~ (19) "Package" means any container or receptacle used for  
28 holding liquor.

29 ~~((19))~~ (20) "Permit" means a permit for the purchase of liquor  
30 under this title.

31 ~~((20))~~ (21) "Person" means an individual, copartnership,  
32 association, or corporation.

33 ~~((21))~~ (22) "Physician" means a medical practitioner duly and  
34 regularly licensed and engaged in the practice of his profession within  
35 the state pursuant to chapter 18.71 RCW.

36 ~~((22))~~ (23) "Prescription" means a memorandum signed by a  
37 physician and given by him to a patient for the obtaining of liquor  
38 pursuant to this title for medicinal purposes.

1       (~~(23)~~) (24) "Public place" includes streets and alleys of  
2 incorporated cities and towns; state or county or township highways or  
3 roads; buildings and grounds used for school purposes; public dance  
4 halls and grounds adjacent thereto; those parts of establishments where  
5 beer may be sold under this title, soft drink establishments, public  
6 buildings, public meeting halls, lobbies, halls and dining rooms of  
7 hotels, restaurants, theatres, stores, garages and filling stations  
8 which are open to and are generally used by the public and to which the  
9 public is permitted to have unrestricted access; railroad trains,  
10 stages, and other public conveyances of all kinds and character, and  
11 the depots and waiting rooms used in conjunction therewith which are  
12 open to unrestricted use and access by the public; publicly owned  
13 bathing beaches, parks, and/or playgrounds; and all other places of  
14 like or similar nature to which the general public has unrestricted  
15 right of access, and which are generally used by the public.

16       (~~(24)~~) (25) "Regulations" means regulations made by the board  
17 under the powers conferred by this title.

18       (~~(25)~~) (26) "Restaurant" means any establishment provided with  
19 special space and accommodations where, in consideration of payment,  
20 food, without lodgings, is habitually furnished to the public, not  
21 including drug stores and soda fountains.

22       (~~(26)~~) (27) "Sale" and "sell" include exchange, barter, and  
23 traffic; and also include the selling or supplying or distributing, by  
24 any means whatsoever, of liquor, or of any liquid known or described as  
25 beer or by any name whatever commonly used to describe malt or brewed  
26 liquor or of wine, by any person to any person; and also include a sale  
27 or selling within the state to a foreign consignee or his agent in the  
28 state. "Sale" and "sell" shall not include the giving, at no charge,  
29 of a reasonable amount of liquor by a person not licensed by the board  
30 to a person not licensed by the board, for personal use only. "Sale"  
31 and "sell" also does not include a raffle authorized under RCW  
32 9.46.0315: PROVIDED, That the nonprofit organization conducting the  
33 raffle has obtained the appropriate permit from the board.

34       (~~(27)~~) (28) "Soda fountain" means a place especially equipped  
35 with apparatus for the purpose of dispensing soft drinks, whether mixed  
36 or otherwise.

37       (~~(28)~~) (29) "Spirits" means any beverage which contains alcohol  
38 obtained by distillation, including wines exceeding twenty-four percent  
39 of alcohol by volume.

1       (~~(29)~~) (30) "Store" means a state liquor store established under  
2 this title.

3       (~~(30)~~) (31) "Tavern" means any establishment with special space  
4 and accommodation for sale by the glass and for consumption on the  
5 premises, of beer, as herein defined.

6       (~~(31)~~) (32) "Vendor" means a person employed by the board as a  
7 store manager under this title.

8       (~~(32)~~) (33) "Winery" means a business conducted by any person for  
9 the manufacture of wine for sale, other than a domestic winery.

10       (~~(33)~~) (34) "Domestic winery" means a place where wines are  
11 manufactured or produced within the state of Washington.

12       (~~(34)~~) (35) "Wine" means any alcoholic beverage obtained by  
13 fermentation of fruits (grapes, berries, apples, et cetera) or other  
14 agricultural product containing sugar, to which any saccharine  
15 substances may have been added before, during or after fermentation,  
16 and containing not more than twenty-four percent of alcohol by volume,  
17 including sweet wines fortified with wine spirits, such as port,  
18 sherry, muscatel and angelica, not exceeding twenty-four percent of  
19 alcohol by volume and not less than one-half of one percent of alcohol  
20 by volume. For purposes of this title, any beverage containing no more  
21 than fourteen percent of alcohol by volume when bottled or packaged by  
22 the manufacturer shall be referred to as "table wine," and any beverage  
23 containing alcohol in an amount more than fourteen percent by volume  
24 when bottled or packaged by the manufacturer shall be referred to as  
25 "fortified wine." However, "fortified wine" shall not include: (a)  
26 Wines that are both sealed or capped by cork closure and aged two years  
27 or more; and (b) wines that contain more than fourteen percent alcohol  
28 by volume solely as a result of the natural fermentation process and  
29 that have not been produced with the addition of wine spirits, brandy,  
30 or alcohol.

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

33       (~~(35)~~) (36) "Beer wholesaler" means a person who buys beer from  
34 a brewer or brewery located either within or beyond the boundaries of  
35 the state for the purpose of selling the same pursuant to this title,  
36 or who represents such brewer or brewery as agent.

37       (~~(36)~~) (37) "Wine wholesaler" means a person who buys wine from  
38 a vintner or winery located either within or beyond the boundaries of

1 the state for the purpose of selling the same not in violation of this  
2 title, or who represents such vintner or winery as agent.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 66.44 RCW  
4 to read as follows:

5 (1) The board shall administer a mandatory alcohol server training  
6 program. This program applies to all holders of an annual liquor  
7 license and board liquor stores and agencies.

8 An approved mandatory alcohol server training program required  
9 under this section shall cover the following areas: (a) The effects of  
10 alcohol on the body; (b) interaction effects of alcohol with other  
11 drugs, both prescription and illicit; (c) problem drinking and  
12 alcoholism; (d) Washington state alcohol service laws; (e) drinking and  
13 driving laws in Washington as well as legal liability issues; (f)  
14 effective server intervention techniques including how to intervene  
15 with a customer who is drinking too much or shows signs of  
16 intoxication; and (g) alcohol marketing practices for responsible  
17 alcohol service.

18 (2) With the approval of the board, licensees or other individuals  
19 or organizations may develop and implement an alcohol server training  
20 program that meets the requirements of subsection (1) of this section.  
21 However, those providing the mandatory alcohol server training required  
22 by this section may not charge an additional fee to individuals who are  
23 required to take the training. Licensees or other individuals or  
24 organizations are not prohibited from developing and implementing  
25 additional, more advanced programs on alcohol server training that may  
26 be offered to employees on a voluntary, fee-for-service basis.

27 (3) The board shall offer the option of providing live classroom  
28 training, a videotaped training session, or a combination of these two.  
29 The board shall produce and distribute the videotape. The board shall  
30 make copies of the videotape available for a nominal fee to cover the  
31 cost of reproduction and shipment, with the fees collected being  
32 deposited in the liquor revolving fund for distribution to the board as  
33 needed to administer this program and the added fee is not subject to  
34 the license fee distributions in RCW 66.08.180. The board shall assure  
35 that approved alcohol server training programs are made available to  
36 and understood by all individuals required to receive the training.

37 (4) The annual cost of a retail liquor license, or a manufacturer's  
38 license that has retail privileges, is increased by twenty-five dollars

1 in order to provide funding for the mandatory server training program  
2 and the added fee is not subject to the license fee distributions in  
3 RCW 66.08.180.

4 (5) After July 1, 1996, no licensee shall employ or accept the  
5 services of any person whose duties include the sale or service of  
6 liquor without such a person first having taken the training. However,  
7 the board may allow licensees to employ a person who is required but  
8 has not yet received the required alcohol server training if the  
9 employee receives the required training within fourteen days of  
10 beginning employment with the licensee. The board shall issue a  
11 certification to anyone completing the training within sixty days from  
12 the date of completion. An individual may sell or serve liquor during  
13 the time in which the board takes to process the certification.

14 (6) No person whose duties include the sale or service of liquor  
15 shall perform the duties without first having completed the training.

16 (7) Upon completion of the training, the person shall sign a form  
17 provided by the board acknowledging course completion. A copy of the  
18 acknowledgement serves as temporary board certification during the  
19 sixty-day processing period. The certification or temporary  
20 acknowledgement must be available immediately upon request by any  
21 representative of the board or peace officer.

22 (8) A certification issued under this section is valid for a period  
23 of five years.

24 (9) The board shall review and update the curricula to maintain  
25 accuracy with existing statutes and rules adopted to administer the  
26 liquor laws of the state.

27 **Sec. 3.** RCW 66.24.210 and 1993 c 160 s 2 are each amended to read  
28 as follows:

29 (1) There is hereby imposed upon all wines sold to wine wholesalers  
30 and the Washington state liquor control board, within the state a tax  
31 at the rate of twenty and one-fourth cents per liter: PROVIDED,  
32 HOWEVER, That wine sold or shipped in bulk from one winery to another  
33 winery shall not be subject to such tax. The tax provided for in this  
34 section may, if so prescribed by the board, be collected by means of  
35 stamps to be furnished by the board, or by direct payments based on  
36 wine purchased by wine wholesalers. Every person purchasing wine under  
37 the provisions of this section shall on or before the twentieth day of  
38 each month report to the board all purchases during the preceding

1 calendar month in such manner and upon such forms as may be prescribed  
2 by the board, and with such report shall pay the tax due from the  
3 purchases covered by such report unless the same has previously been  
4 paid. Any such purchaser of wine whose applicable tax payment is not  
5 postmarked by the twentieth day following the month of purchase will be  
6 assessed a penalty at the rate of two percent a month or fraction  
7 thereof. If this tax be collected by means of stamps, every such  
8 person shall procure from the board revenue stamps representing the tax  
9 in such form as the board shall prescribe and shall affix the same to  
10 the package or container in such manner and in such denomination as  
11 required by the board and shall cancel the same prior to the delivery  
12 of the package or container containing the wine to the purchaser. If  
13 the tax is not collected by means of stamps, the board may require that  
14 every such person shall execute to and file with the board a bond to be  
15 approved by the board, in such amount as the board may fix, securing  
16 the payment of the tax. If any such person fails to pay the tax when  
17 due, the board may forthwith suspend or cancel the license until all  
18 taxes are paid.

19 (2) An additional tax is imposed equal to the rate specified in RCW  
20 82.02.030 multiplied by the tax payable under subsection (1) of this  
21 section. All revenues collected during any month from this additional  
22 tax shall be transferred to the state general fund by the twenty-fifth  
23 day of the following month.

24 (3) An additional tax is imposed on wines subject to tax under  
25 subsection (1) of this section, at the rate of one-fourth of one cent  
26 per liter for wine sold after June 30, 1987. Such additional tax shall  
27 cease to be imposed on July 1, 2001. All revenues collected under this  
28 subsection (3) shall be disbursed quarterly to the Washington wine  
29 commission for use in carrying out the purposes of chapter 15.88 RCW.

30 (4) Until July 1, 1995, an additional tax is imposed on all wine  
31 subject to tax under subsection (1) of this section. The additional  
32 tax is equal to twenty-three and forty-four one-hundredths cents per  
33 liter on fortified wine as defined in RCW 66.04.010(~~((+34))~~) when  
34 bottled or packaged by the manufacturer and one cent per liter on all  
35 other wine. All revenues collected during any month from this  
36 additional tax shall be deposited in the drug enforcement and education  
37 account under RCW 69.50.520 by the twenty-fifth day of the following  
38 month.

1       **Sec. 4.** RCW 66.24.450 and 1981 1st ex.s. c 5 s 18 are each amended  
2 to read as follows:

3       No club shall be entitled to a class H license:

4       (1) Unless such club has been in continuous operation for at least  
5 one year immediately prior to the date of its application for such  
6 license;

7       (2) Unless the club premises be constructed and equipped,  
8 conducted, managed, and operated to the satisfaction of the board and  
9 in accordance with this title and the regulations made thereunder;

10       (3) Unless the board shall have determined pursuant to any  
11 regulations made by it with respect to clubs, that such club is a bona  
12 fide club; it being the intent of this section that license shall not  
13 be granted to a club which is, or has been, primarily formed or  
14 activated to obtain a license to sell liquor, but solely to a bona fide  
15 club, where the sale of liquor is incidental to the main purposes of  
16 the club, as defined in RCW 66.04.010(~~(+5)~~)).

17       **Sec. 5.** RCW 66.24.481 and 1969 ex.s. c 250 s 2 are each amended to  
18 read as follows:

19       No public place or club, or agent, servant or employee thereof,  
20 shall keep or allow to be kept, either by itself, its agent, servant or  
21 employee, or any other person, any liquor in any place maintained or  
22 conducted by such public place or club, nor shall it permit the  
23 drinking of any liquor in any such place, unless the sale of liquor in  
24 said place is authorized by virtue of a valid and subsisting license  
25 issued by the Washington state liquor control board, or the consumption  
26 of liquor in said place is authorized by a special banquet permit  
27 issued by said board. Every person who violates any provision of this  
28 section shall be guilty of a gross misdemeanor.

29       "Public place," for purposes of this section only, shall mean in  
30 addition to the definition set forth in RCW 66.04.010(~~(+24)~~)), any  
31 place to which admission is charged or in which any pecuniary gain is  
32 realized by the owner or operator of such place in selling or vending  
33 food or soft drinks.

34       NEW SECTION. **Sec. 6.** The liquor control board may implement rules  
35 and take such steps as are necessary to ensure that this act is  
36 implemented on its effective date.

1      NEW SECTION.    **Sec. 7.**    This act shall take effect July 1, 1994.

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