

SENATE BILL REPORT

ESHB 1203

As Reported By Senate Committee On:
Law & Justice, March 28, 1995

Title: An act relating to alcoholic beverages.

Brief Description: Prohibiting the purchase or consumption of liquor on licensed premises by persons under the influence of liquor.

Sponsors: House Committee on Law & Justice (originally sponsored by Representatives Chappell and Robertson).

Brief History:

Committee Activity: Law & Justice: 3/23/95, 3/28/95 [DPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, Roach and Schow.

Staff: Dick Armstrong (786-7460)

Background: It is unlawful for any person to sell liquor to a person "apparently under the influence of liquor."

A violation of this provision carries criminal penalties. A first offense is punishable by a fine of up to \$500 and by imprisonment for up to two months. A second offense is punishable by imprisonment for up to six months, and a third offense by imprisonment for up to one year.

If a corporation violates this provision, it is subject to a fine of up to \$5,000 for a first offense, and a fine of up to \$10,000 and loss of its corporate license for a second or subsequent offense.

In addition, persons or businesses that are licensed by the Liquor Control Board to sell liquor may have their licenses suspended or revoked for violating this law.

Although it is a crime for a person to sell liquor to a person who is apparently under the influence, it is not a crime for a person who is under the influence to buy liquor.

Summary of Amended Bill: It is a civil infraction for a person "apparently under the influence of liquor" to purchase liquor. A violation is punishable by a fine of not less than \$100 and not more than \$200.

Amended Bill Compared to Substitute Bill: The phrase "apparently under the influence" is not specifically defined. The House bill sets the fine at not more than \$250.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The liquor industry needs to have some tools to handle persons who drink too much. This bill is not a solution to all the drinking problems in the state, but it will help. The bill evens the playing field by placing penalties on the customer, since current law only penalizes the server.

Testimony Against: The bill would be better if there was no definition of "apparently under the influence." The statute governing penalties against servers has been working for over 60 years without defining such a phrase, and the board thinks that the statute does not need such a definition.

Testified: Bob Gault, Ron Krause, Washington State Licensed Beverages Association (pro); Carter Mitchell, Liquor Control Board (con).