

SB 5607 - S AMD 96

By Senators Ericksen, Harper, Honeyford, Sheldon

ADOPTED 03/05/2013

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 66.24 RCW
4 to read as follows:

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

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

21 (3) For the purposes of this section:

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

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

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

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

17 (b) The arrangements allowed under this subsection (5) are an
18 exception to arrangements prohibited under RCW 66.28.305. The board
19 must monitor the impacts of these arrangements. The board may conduct
20 audits of a licensee and the affiliated business to determine
21 compliance with this subsection (5). Audits may include, but are not
22 limited to: Product selection at the facility; purchase patterns of
23 the licensee; contracts with the beer, wine, or spirits manufacturer,
24 importer, or distributor; and the amount allocated or used for beer,
25 wine, or spirits advertising by the licensee, affiliated business,
26 manufacturer, importer, or distributor under the arrangements.

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

31 **Sec. 2.** RCW 66.20.300 and 2011 c 325 s 5 are each amended to read
32 as follows:

33 (~~Unless the context clearly requires otherwise,~~) The definitions
34 in this section apply throughout RCW 66.20.310 through 66.20.350 unless
35 the context clearly requires otherwise.

36 (1) "Alcohol" has the same meaning as "liquor" in RCW 66.04.010.

1 (2) "Alcohol server" means any person who as part of his or her
2 employment participates in the sale or service of alcoholic beverages
3 for on-premise consumption at a retail licensed premise as a regular
4 requirement of his or her employment, and includes those persons
5 eighteen years of age or older permitted by the liquor laws of this
6 state to serve alcoholic beverages with meals.

7 (3) "Board" means the Washington state liquor control board.

8 (4) "Training entity" means any liquor licensee associations,
9 independent contractors, private persons, and private or public
10 schools, that have been certified by the board.

11 (5) "Retail licensed premises" means any:

12 (a) Premises licensed to sell alcohol by the glass or by the drink,
13 or in original containers primarily for consumption on the premises as
14 authorized by this section and RCW 66.20.310, 66.24.320, 66.24.330,
15 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.570, ~~((and))~~
16 66.24.610, and section 1 of this act;

17 (b) Distillery licensed pursuant to RCW 66.24.140 that is
18 authorized to serve samples of its own production;

19 (c) Facility established by a domestic winery for serving and
20 selling wine pursuant to RCW 66.24.170(4); and

21 (d) Grocery store licensed under RCW 66.24.360, but only with
22 respect to employees whose duties include serving during tasting
23 activities under RCW 66.24.363.

24 **Sec. 3.** RCW 66.20.310 and 2011 c 325 s 4 are each amended to read
25 as follows:

26 (1)(a) There ~~((shall be))~~ is an alcohol server permit, known as a
27 class 12 permit, for a manager or bartender selling or mixing alcohol,
28 spirits, wines, or beer for consumption at an on-premises licensed
29 facility.

30 (b) There ~~((shall be))~~ is an alcohol server permit, known as a
31 class 13 permit, for a person who only serves alcohol, spirits, wines,
32 or beer for consumption at an on-premises licensed facility.

33 (c) As provided by rule by the board, a class 13 permit holder may
34 be allowed to act as a bartender without holding a class 12 permit.

35 (2)(a) Effective January 1, 1997, except as provided in (d) of this
36 subsection, every alcohol server employed, under contract or otherwise,

1 at a retail licensed premise (~~shall~~) must be issued a class 12 or
2 class 13 permit.

3 (b) Every class 12 and class 13 permit issued (~~shall~~) must be
4 issued in the name of the applicant and no other person may use the
5 permit of another permit holder. The holder (~~shall~~) must present the
6 permit upon request to inspection by a representative of the board or
7 a peace officer. The class 12 or class 13 permit (~~shall be~~) is valid
8 for employment at any retail licensed premises described in (a) of this
9 subsection.

10 (c) Except as provided in (d) of this subsection, no licensee
11 holding a license as authorized by this section and RCW 66.20.300,
12 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450,
13 66.24.570, 66.24.600, (~~and~~) 66.24.610, and section 1 of this act may
14 employ or accept the services of any person without the person first
15 having a valid class 12 or class 13 permit.

16 (d) Within sixty days of initial employment, every person whose
17 duties include the compounding, sale, service, or handling of liquor
18 (~~shall~~) must have a class 12 or class 13 permit.

19 (e) No person may perform duties that include the sale or service
20 of alcoholic beverages on a retail licensed premises without possessing
21 a valid alcohol server permit.

22 (3) A permit issued by a training entity under this section is
23 valid for employment at any retail licensed premises described in
24 subsection (2)(a) of this section for a period of five years unless
25 suspended by the board.

26 (4) The board may suspend or revoke an existing permit if any of
27 the following occur:

28 (a) The applicant or permittee has been convicted of violating any
29 of the state or local intoxicating liquor laws of this state or has
30 been convicted at any time of a felony; or

31 (b) The permittee has performed or permitted any act that
32 constitutes a violation of this title or of any rule of the board.

33 (5) The suspension or revocation of a permit under this section
34 does not relieve a licensee from responsibility for any act of the
35 employee or agent while employed upon the retail licensed premises.
36 The board may, as appropriate, revoke or suspend either the permit of
37 the employee who committed the violation or the license of the licensee

1 upon whose premises the violation occurred, or both the permit and the
2 license.

3 (6)(a) After January 1, 1997, it is a violation of this title for
4 any retail licensee or agent of a retail licensee as described in
5 subsection (2)(a) of this section to employ in the sale or service of
6 alcoholic beverages, any person who does not have a valid alcohol
7 server permit or whose permit has been revoked, suspended, or denied.

8 (b) It is a violation of this title for a person whose alcohol
9 server permit has been denied, suspended, or revoked to accept
10 employment in the sale or service of alcoholic beverages.

11 (7) Grocery stores licensed under RCW 66.24.360, the primary
12 commercial activity of which is the sale of grocery products and for
13 which the sale and service of beer and wine for on-premises consumption
14 with food is incidental to the primary business, and employees of such
15 establishments, are exempt from RCW 66.20.300 through 66.20.350, except
16 for employees whose duties include serving during tasting activities
17 under RCW 66.24.363."

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18 On page 1, line 1 of the title, after "licenses;" strike the
19 remainder of the title and insert "amending RCW 66.20.300 and
20 66.20.310; adding a new section to chapter 66.24 RCW; and prescribing
21 penalties."

EFFECT: In order to obtain a theater beer, wine, and spirits
license from the liquor control board, a theater must have no more than
120 seats per screen, provide tabletop accommodations for in-theater
dining, and comply with the same meal preparation and service
requirements as restaurant licensees.

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