
SENATE BILL 6320

State of Washington

66th Legislature

2020 Regular Session

By Senators O'Ban, Zeiger, Honeyford, Mullet, Wagoner, Wilson, C., and Wilson, L.

Read first time 01/15/20. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

1 AN ACT Relating to the ability of a minor to operate a lemonade
2 business on an occasional basis; amending RCW 70.05.060; adding a new
3 section to chapter 82.04 RCW; adding a new section to chapter 82.08
4 RCW; adding a new section to chapter 82.12 RCW; and creating new
5 sections.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that the current
8 regulatory environment creates uncertainty and potential barriers to
9 traditional avenues of minor entrepreneurship, specifically operating
10 lemonade stands. Minors who are not seeking to compete with fully
11 established businesses, participate in festival-like events as
12 vendors, or establish full-time employment should not be subjected to
13 the same levels of regulation and taxation. The legislature finds
14 that it is in the state's interest to encourage entrepreneurial
15 activity among the minors of the state. Entrepreneurship among minors
16 has been a means for children to learn basic business and economic
17 principles and earn and save money. Diversion of state and local
18 resources for the permitting and enforcement of regulations
19 controlling such entrepreneurship is not in the best interest of the
20 people of the state of Washington.

1 **Sec. 2.** RCW 70.05.060 and 1991 c 3 s 308 are each amended to
2 read as follows:

3 (1) Each local board of health shall have supervision over all
4 matters pertaining to the preservation of the life and health of the
5 people within its jurisdiction and shall:

6 ~~((1))~~ (a) Enforce through the local health officer or the
7 administrative officer appointed under RCW 70.05.040, if any, the
8 public health statutes of the state and rules promulgated by the
9 state board of health and the secretary of health;

10 ~~((2))~~ (b) Supervise the maintenance of all health and sanitary
11 measures for the protection of the public health within its
12 jurisdiction;

13 ~~((3))~~ (c) Enact such local rules and regulations as are
14 necessary in order to preserve, promote and improve the public health
15 and provide for the enforcement thereof;

16 ~~((4))~~ (d) Provide for the control and prevention of any
17 dangerous, contagious or infectious disease within the jurisdiction
18 of the local health department;

19 ~~((5))~~ (e) Provide for the prevention, control and abatement of
20 nuisances detrimental to the public health;

21 ~~((6))~~ (f) Make such reports to the state board of health
22 through the local health officer or the administrative officer as the
23 state board of health may require; and

24 ~~((7))~~ (g) Establish fee schedules for issuing or renewing
25 licenses or permits or for such other services as are authorized by
26 the law and the rules of the state board of health: PROVIDED, That
27 such fees for services shall not exceed the actual cost of providing
28 any such services.

29 (2)(a) Except as provided in (b) of this subsection, the local
30 board of health may not promulgate or enforce restrictions on any
31 person fifteen years of age or younger operating an occasional
32 lemonade or other nonalcoholic beverage business.

33 (b) This subsection does not apply to a business operated at a
34 special event as defined in RCW 82.32.033.

35 (c) For the purposes of this subsection, "occasional" means
36 infrequent or irregular.

37 NEW SECTION. **Sec. 3.** A new section is added to chapter 82.04
38 RCW to read as follows:

1 This chapter does not apply to any person fifteen years of age or
2 younger with respect to amounts received from occasional sales of
3 lemonade or other nonalcoholic beverages. For purposes of this
4 section, "occasional" means soliciting sales in thirty or fewer days
5 in a calendar year. The exemption in this section does not apply to
6 sales made at a special event as defined in RCW 82.32.033.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 82.08
8 RCW to read as follows:

9 The tax levied by RCW 82.08.020 does not apply to sales of
10 lemonade or other nonalcoholic beverages by any person exempt from
11 tax under section 3 of this act.

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 82.12
13 RCW to read as follows:

14 The provisions of this chapter do not apply with respect to the
15 sales of lemonade or other nonalcoholic beverages by any person
16 exempt from tax under section 3 of this act.

17 NEW SECTION. **Sec. 6.** The provisions of RCW 82.32.805 and
18 82.32.808 do not apply to this act.

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