

# HOUSE BILL REPORT

## SSB 5751

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### As Reported By House Committee On:

Law & Justice

**Title:** An act relating to alcoholic beverages.

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

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Newhouse, Smith, Deccio, Owen and Winsley).

### Brief History:

#### Committee Activity:

Law & Justice: 3/31/95 [DPA].

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass as amended. Signed by 16 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Smith; Thibaudeau and Veloria.

**Staff:** Bill Perry (786-7123).

**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 made a civil infraction for a person apparently under the influence of liquor to purchase or consume liquor on a licensed premises.

A violation of the infraction is punishable by a fine of not less than \$100 nor more than \$200.

**Amended Bill Compared to Substitute Bill:** The amended bill removes a definition of "apparently under the influence."

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** None.

**Testimony Against:** None.

**Testified:** None.