RCW 66.44.270 Furnishing liquor to minors—Possession, use—Penalties—Exhibition of effects—Exceptions. (1) It is unlawful for any person to sell, give, or otherwise supply liquor to any person under the age of 21 years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control. For the purposes of this subsection, "premises" includes real property, houses, buildings, and other structures, and motor vehicles and watercraft. A violation of this subsection is a gross misdemeanor punishable as provided for in chapter 9A.20 RCW.

(2) The board may impose civil penalties as set forth in this section on individuals for the sale, gift, or otherwise supply of liquor to any person under the age of 21 occurring from a business licensed by the board under this chapter, and by a person performing acts of employment on behalf of the business. The board may impose a civil penalty in lieu of issuing a criminal citation under subsection (1) of this section.

(a) Any civil penalty imposed by the board may not be in addition to criminal enforcement, and the board may not issue a criminal citation in any matter in which it issues a civil penalty.

(b) Nothing in this section prevents criminal enforcement in lieu of a civil penalty for continued violations, or violations involving intentional sales of, or knowingly furnishing, alcohol to a person under the age of 21 years.

(c) Nothing in this section prevents enforcement using provisions of RCW 66.20.300 through 66.20.350 when a person holds an alcohol server permit.

(d) The monetary penalty that the board may impose based upon one or more violations under this section may not exceed the following:

(i) $200 for the first violation;

(ii) $400 for a second violation occurring within three years; and

(iii) $500 for a third, or subsequent, violation occurring within three years.

(e) The board may develop and offer a class for retail clerks and use this class in lieu of a monetary penalty for the clerk's first violation.

(f) The board may seek injunctive relief to enforce the provisions of this chapter. The board may initiate legal action to collect civil penalties imposed under this chapter if they have not been paid within 30 days after imposition. In any action filed by the board under this chapter, the court may, in addition to any other relief, award the board reasonable attorneys' fees and costs.

(g) All proceedings under this section must be conducted in accordance with chapter 34.05 RCW.

(3)(a) It is unlawful for any person under the age of 21 years to possess, consume, or otherwise acquire any liquor. A violation of this subsection is a gross misdemeanor punishable as provided for in chapter 9A.20 RCW.

(b) It is unlawful for a person under the age of 21 years to be in a public place, or to be in a motor vehicle in a public place, while exhibiting the effects of having consumed liquor. For purposes of this subsection, exhibiting the effects of having consumed liquor means that a person has the odor of liquor on his or her breath and either: (i) Is in possession of or close proximity to a container that has or recently had liquor in it; or (ii) by speech, manner, appearance, behavior, lack of coordination, or otherwise, exhibits

that he or she is under the influence of liquor. This subsection (3)(b) does not apply if the person is in the presence of a parent or guardian or has consumed or is consuming liquor under circumstances described in subsection (5), (6), or (8) of this section.

(4) Subsections (1) and (3)(a) of this section do not apply to liquor given or permitted to be given to a person under the age of 21 years by a parent or guardian and consumed in the presence of the parent or guardian. This subsection shall not authorize consumption or possession of liquor by a person under the age of twenty-one years on any premises licensed under chapter 66.24 RCW.

(5) This section does not apply to liquor given for medicinal purposes to a person under the age of 21 years by a parent, guardian, physician, or dentist.

(6) This section does not apply to liquor given to a person under the age of 21 years when such liquor is being used in connection with religious services and the amount consumed is the minimal amount necessary for the religious service.

(7) This section does not apply to liquor provided to students under 21 years of age in accordance with a special permit issued under *RCW 66.20.010(12).

(8)(a) A person under the age of 21 years acting in good faith who seeks medical assistance for someone experiencing alcohol poisoning shall not be charged or prosecuted under subsection (3)(a) of this section, if the evidence for the charge was obtained as a result of the person seeking medical assistance.

(b) A person under the age of 21 years who experiences alcohol poisoning and is in need of medical assistance shall not be charged or prosecuted under subsection (3)(a) of this section, if the evidence for the charge was obtained as a result of the poisoning and need for medical assistance.

(c) The protection in this subsection shall not be grounds for suppression of evidence in other criminal charges.

(9) Conviction or forfeiture of bail for a violation of this section by a person under the age of 21 years at the time of such conviction or forfeiture shall not be a disqualification of that person to acquire a license to sell or dispense any liquor after that person has attained the age of 21 years. [2024 c 71 s 2; 2015 c 59 s 2; 2013 c 112 s 2; 1998 c 4 s 1; 1993 c 513 s 1; 1987 c 458 s 3; 1955 c 70 s 2. Prior: 1935 c 174 s 6(1); 1933 ex.s. c 62 s 37(1); RRS s 7306-37(1); prior: Code 1881 s 939; 1877 p 205 s 5.]

***Reviser's note:** RCW 66.20.010 was amended by 2025 c 167 s 1, changing subsection (12) to subsection (11).

Findings—2024 c 71: "The legislature finds that preventing sales of alcohol to minors is a vital public health effort. However, the penalties associated with underage sale vary depending upon the seller's occupation or location. While servers and bartenders have administrative penalty options that are a component of the mandatory alcohol server training, store clerks do not and instead receive a citation for a gross misdemeanor.

The likelihood that these charges are filed varies by county, leaving some with no penalty at all, and others with a criminal record that may hamper their ability to find another job.

The legislature finds that retaining the criminal penalty is warranted in cases of intentional or repeat sales to minors. However, the legislature also finds that adding the option for administrative

penalties would harmonize the penalties for store clerks with restaurant servers, and for store clerks found to have sold tobacco products to minors. The legislature therefore finds that enabling the ability for the liquor and cannabis board to issue administrative penalties and creating an escalating schedule of monetary fines, would reduce geographic disparities as well as reducing the number of people with criminal records. The legislature further finds that this would not harm public health or expand youth access." [2024 c 71 s 1.]

Intent—2013 c 112: "The legislature intends to save lives by increasing timely medical attention to alcohol poisoning victims through the establishment of limited immunity from prosecution for people under the age of twenty-one years who seek medical assistance in alcohol poisoning situations. Dozens of alcohol poisonings occur each year in Washington state. Many of these incidents occur because people delay or forego seeking medical assistance for fear of arrest or police involvement, which researchers continually identify as a significant barrier to the ideal response of calling 911." [2013 c 112 s 1.]

Severability—1987 c 458: See note following RCW 48.21.160.

Minors, access to tobacco, role of liquor and cannabis board: Chapter 70.155 RCW.