Initiative Measure No. 1072

FILED
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SECRETARY OF STATE
STATE OF WASHINGTON

AN ACT Relating to the sale of liquor to minors; amending RCW 66.44.270 and 66.44.290; creating a new section; providing a contingent expiration date; and providing for submission of this act to a vote of the people.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** The intent of this act is to help the taxpayer by reducing the amount of debt enforcing the consumption age of twenty-one years. All penalties also in effect would be changed for the age of nineteen, and holding all punishments prior to be upheld in the state of Washington. It is further the intent that this act apply to all persons aged nineteen as of the effective date of this section.

Sec. 2. RCW 66.44.270 and 1998 c 4 s 1 are each amended to read as follows:

(1) It is unlawful for any person to sell, give, or otherwise supply liquor to any person under ((~~the age of twenty one~~)) nineteen years of age 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)(a) It is unlawful for any person under the age of twenty-one 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 twenty-one 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 (2)(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 (4) or (5) of this section.

(3) Subsections (1) and (2)(a) of this section do not apply to liquor given or permitted to be given to a person under the age of twenty-one 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~~)) nineteen years on any premises licensed under chapter 66.24 RCW.

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

(5) This section does not apply to liquor given to a person under the age of ((~~twenty one~~)) nineteen 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.

(6) Conviction or forfeiture of bail for a violation of this section by a person under the age of ((~~twenty one~~)) nineteen 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 ((~~twenty one~~)) nineteen years.

Sec. 3. RCW 66.44.290 and 2003 c 53 s 301 are each amended to read as follows:

(1) Every person under the age of twenty-one years who purchases or attempts to purchase liquor shall be guilty of a violation of this title. This section does not apply to persons between the ages of eighteen and twenty-one years who are participating in a controlled purchase program authorized by the liquor control board under rules adopted by the board. Violations occurring under a private, controlled purchase program authorized by the liquor control board may not be used for criminal or administrative prosecution.

(2) An employer who conducts an in-house controlled purchase program authorized under this section shall provide his or her employees a written description of the employer's in-house controlled purchase program. The written description must include notice of actions an employer may take as a consequence of an employee's failure to comply with company policies regarding the sale of alcohol during an in-house controlled purchase.

(3) An in-house controlled purchase program authorized under this section shall be for the purposes of employee training and employer self-compliance checks. An employer may not terminate an employee solely for a first-time failure to comply with company policies regarding the sale of alcohol during an in-house controlled purchase program authorized under this section.

(4) Every person ((~~between~~)) the age((~~s~~)) of eighteen ((~~and twenty, inclusive~~)), who is convicted of a violation of this section, is guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community restitution shall require not fewer than twenty-five hours of community restitution.

NEW SECTION. **Sec. 4.** The secretary of state must submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state that occurs ten years after the effective date of this section, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation.

NEW SECTION. **Sec. 5.** If in the tenth year after initial enactment this act is not approved by a vote of the people under section 4 of this act, this act expires on the date that is ten years after the effective date of this section.