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HOUSE BILL 1904

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State of Washington

66th Legislature

2019 Regular Session

By Representative Young

1 AN ACT Relating to theater seating requirements in theaters with  
2 liquor licenses; and amending RCW 66.24.655.

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

4 **Sec. 1.** RCW 66.24.655 and 2013 c 237 s 1 are each amended to  
5 read as follows:

6 (1) There is a theater license to sell spirits, beer, including  
7 strong beer, or wine, or all, at retail, for consumption on theater  
8 premises. Except as otherwise provided in this subsection, a spirits,  
9 beer, and wine theater license may be issued ((only)) to theaters  
10 that have no more than one hundred twenty seats per screen and that  
11 are maintained in a substantial manner as a place for preparing,  
12 cooking, and serving complete meals and providing tabletop  
13 accommodations for in-theater dining. A theater that otherwise meets  
14 the requirements of this section, and that serves liquor to customers  
15 in each screen at the theater, may also have one additional screen,  
16 but with no more than three hundred seats, at which liquor may be  
17 served under the terms of the license. Requirements for complete  
18 meals are the same as those adopted by the board in rules pursuant to  
19 chapter 34.05 RCW for a spirits, beer, and wine restaurant license  
20 authorized by RCW 66.24.400. The annual fee for a spirits, beer, and  
21 wine theater license is two thousand dollars.

1 (2) If the theater premises is to be frequented by minors, an  
2 alcohol control plan must be submitted to the board at the time of  
3 application. The alcohol control plan must be approved by the board  
4 and be prominently posted on the premises, prior to minors being  
5 allowed.

6 (3) For the purposes of this section:

7 (a) "Alcohol control plan" means a written, dated, and signed  
8 plan submitted to the board by an applicant or licensee for the  
9 entire theater premises, or rooms or areas therein, that shows where  
10 and when alcohol is permitted, where and when minors are permitted,  
11 and the control measures used to ensure that minors are not able to  
12 obtain alcohol or be exposed to environments where drinking alcohol  
13 predominates.

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

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

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

32 (b) The arrangements allowed under this subsection (5) are an  
33 exception to arrangements prohibited under RCW 66.28.305. The board  
34 must monitor the impacts of these arrangements. The board may conduct  
35 audits of a licensee and the affiliated business to determine  
36 compliance with this subsection (5). Audits may include, but are not  
37 limited to: Product selection at the facility; purchase patterns of  
38 the licensee; contracts with the spirits, beer, or wine manufacturer,  
39 importer, or distributor; and the amount allocated or used for  
40 spirits, beer, or wine advertising by the licensee, affiliated

1 business, manufacturer, importer, or distributor under the  
2 arrangements.

3 (6) The maximum penalties prescribed by the board in WAC  
4 314-29-020 relating to fines and suspensions are double for  
5 violations involving minors or the failure to follow the alcohol  
6 control plan with respect to theaters licensed under this section.

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