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SENATE BILL 6082

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State of Washington

64th Legislature

2015 Regular Session

By Senator Roach

Read first time 03/18/15. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to banning powdered alcohol; amending RCW  
2 66.04.010; adding a new section to chapter 66.44 RCW; creating a new  
3 section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that powdered  
6 alcohol poses a risk to the public health and safety of children and  
7 youth. The legislature intends to minimize this risk by banning the  
8 use, purchase, sale, and possession of powdered alcohol, except for  
9 bona fide research purposes.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 66.44  
11 RCW to read as follows:

12 (1) It is unlawful for a person to use, offer for use, purchase,  
13 offer to purchase, sell, offer to sell, or possess powdered alcohol.

14 (2) Any person who violates this section is guilty of a  
15 misdemeanor.

16 (3) This section does not apply to the use of powdered alcohol  
17 for bona fide research purposes by a:

18 (a) Health care provider that operates primarily for the purposes  
19 of conducting scientific research;

1 (b) State institution of higher education, as defined in RCW  
2 28B.10.016;

3 (c) Private college or university; or

4 (d) Pharmaceutical or biotechnology company.

5 **Sec. 3.** RCW 66.04.010 and 2012 c 117 s 264 are each amended to  
6 read as follows:

7 In this title, unless the context otherwise requires:

8 (1) "Alcohol" is that substance known as ethyl alcohol, hydrated  
9 oxide of ethyl, or spirit of wine, which is commonly produced by the  
10 fermentation or distillation of grain, starch, molasses, or sugar, or  
11 other substances including all dilutions and mixtures of this  
12 substance. The term "alcohol" does not include alcohol in the  
13 possession of a manufacturer or distiller of alcohol fuel, as  
14 described in RCW 66.12.130, which is intended to be denatured and  
15 used as a fuel for use in motor vehicles, farm implements, and  
16 machines or implements of husbandry.

17 (2) "Authorized representative" means a person who:

18 (a) Is required to have a federal basic permit issued pursuant to  
19 the federal alcohol administration act, 27 U.S.C. Sec. 204;

20 (b) Has its business located in the United States outside of the  
21 state of Washington;

22 (c) Acquires ownership of beer or wine for transportation into  
23 and resale in the state of Washington; and which beer or wine is  
24 produced by a brewery or winery in the United States outside of the  
25 state of Washington; and

26 (d) Is appointed by the brewery or winery referenced in (c) of  
27 this subsection as its authorized representative for marketing and  
28 selling its products within the United States in accordance with a  
29 written agreement between the authorized representative and such  
30 brewery or winery pursuant to this title.

31 (3) "Beer" means any malt beverage, flavored malt beverage, or  
32 malt liquor as these terms are defined in this chapter.

33 (4) "Beer distributor" means a person who buys beer from a  
34 domestic brewery, microbrewery, beer certificate of approval holder,  
35 or beer importers, or who acquires foreign produced beer from a  
36 source outside of the United States, for the purpose of selling the  
37 same pursuant to this title, or who represents such brewer or brewery  
38 as agent.

1 (5) "Beer importer" means a person or business within Washington  
2 who purchases beer from a beer certificate of approval holder or who  
3 acquires foreign produced beer from a source outside of the United  
4 States for the purpose of selling the same pursuant to this title.

5 (6) "Board" means the liquor control board, constituted under  
6 this title.

7 (7) "Brewer" or "brewery" means any person engaged in the  
8 business of manufacturing beer and malt liquor. Brewer includes a  
9 brand owner of malt beverages who holds a brewer's notice with the  
10 federal bureau of alcohol, tobacco, and firearms at a location  
11 outside the state and whose malt beverage is contract-produced by a  
12 licensed in-state brewery, and who may exercise within the state,  
13 under a domestic brewery license, only the privileges of storing,  
14 selling to licensed beer distributors, and exporting beer from the  
15 state.

16 (8) "Club" means an organization of persons, incorporated or  
17 unincorporated, operated solely for fraternal, benevolent,  
18 educational, athletic, or social purposes, and not for pecuniary  
19 gain.

20 (9) "Confection" means a preparation of sugar, honey, or other  
21 natural or artificial sweeteners in combination with chocolate,  
22 fruits, nuts, dairy products, or flavorings, in the form of bars,  
23 drops, or pieces.

24 (10) "Consume" includes the putting of liquor to any use, whether  
25 by drinking or otherwise.

26 (11) "Contract liquor store" means a business that sells liquor  
27 on behalf of the board through a contract with a contract liquor  
28 store manager.

29 (12) "Craft distillery" means a distillery that pays the reduced  
30 licensing fee under RCW 66.24.140.

31 (13) "Dentist" means a practitioner of dentistry duly and  
32 regularly licensed and engaged in the practice of his or her  
33 profession within the state pursuant to chapter 18.32 RCW.

34 (14) "Distiller" means a person engaged in the business of  
35 distilling spirits.

36 (15) "Domestic brewery" means a place where beer and malt liquor  
37 are manufactured or produced by a brewer within the state.

38 (16) "Domestic winery" means a place where wines are manufactured  
39 or produced within the state of Washington.

1       (17) "Drug store" means a place whose principal business is, the  
2 sale of drugs, medicines, and pharmaceutical preparations and  
3 maintains a regular prescription department and employs a registered  
4 pharmacist during all hours the drug store is open.

5       (18) "Druggist" means any person who holds a valid certificate  
6 and is a registered pharmacist and is duly and regularly engaged in  
7 carrying on the business of pharmaceutical chemistry pursuant to  
8 chapter 18.64 RCW.

9       (~~(18) "Drug store" means a place whose principal business is,~~  
10 ~~the sale of drugs, medicines, and pharmaceutical preparations and~~  
11 ~~maintains a regular prescription department and employs a registered~~  
12 ~~pharmacist during all hours the drug store is open.))~~

13       (19) "Employee" means any person employed by the board.

14       (20) "Flavored malt beverage" means:

15       (a) A malt beverage containing six percent or less alcohol by  
16 volume to which flavoring or other added nonbeverage ingredients are  
17 added that contain distilled spirits of not more than forty-nine  
18 percent of the beverage's overall alcohol content; or

19       (b) A malt beverage containing more than six percent alcohol by  
20 volume to which flavoring or other added nonbeverage ingredients are  
21 added that contain distilled spirits of not more than one and  
22 one-half percent of the beverage's overall alcohol content.

23       (21) "Fund" means 'liquor revolving fund.'

24       (22) "Hotel" means buildings, structures, and grounds, having  
25 facilities for preparing, cooking, and serving food, that are kept,  
26 used, maintained, advertised, or held out to the public to be a place  
27 where food is served and sleeping accommodations are offered for pay  
28 to transient guests, in which twenty or more rooms are used for the  
29 sleeping accommodation of such transient guests. The buildings,  
30 structures, and grounds must be located on adjacent property either  
31 owned or leased by the same person or persons.

32       (23) "Importer" means a person who buys distilled spirits from a  
33 distillery outside the state of Washington and imports such  
34 spirituous liquor into the state for sale to the board or for export.

35       (24) "Imprisonment" means confinement in the county jail.

36       (25) "Liquor" includes the four varieties of liquor herein  
37 defined (alcohol, spirits, wine, and beer), and all fermented,  
38 spirituous, vinous, or malt liquor, or combinations thereof, and  
39 mixed liquor, a part of which is fermented, spirituous, vinous or  
40 malt liquor, or otherwise intoxicating; and every liquid or solid or

1 semisolid or other substance, patented or not, containing alcohol,  
2 spirits, wine, or beer, and all drinks or drinkable liquids and all  
3 preparations or mixtures capable of human consumption, and any  
4 liquid, semisolid, solid, or other substance, which contains more  
5 than one percent of alcohol by weight shall be conclusively deemed to  
6 be intoxicating. Liquor does not include confections or food products  
7 that contain one percent or less of alcohol by weight.

8 (26) "Malt beverage" or "malt liquor" means any beverage such as  
9 beer, ale, lager beer, stout, and porter obtained by the alcoholic  
10 fermentation of an infusion or decoction of pure hops, or pure  
11 extract of hops and pure barley malt or other wholesome grain or  
12 cereal in pure water containing not more than eight percent of  
13 alcohol by weight, and not less than one-half of one percent of  
14 alcohol by volume. For the purposes of this title, any such beverage  
15 containing more than eight percent of alcohol by weight shall be  
16 referred to as "strong beer."

17 (27) "Manufacturer" means a person engaged in the preparation of  
18 liquor for sale, in any form whatsoever.

19 (28) "Nightclub" means an establishment that provides  
20 entertainment and has as its primary source of revenue (a) the sale  
21 of alcohol for consumption on the premises, (b) cover charges, or (c)  
22 both.

23 (29) "Package" means any container or receptacle used for holding  
24 liquor.

25 (30) "Passenger vessel" means any boat, ship, vessel, barge, or  
26 other floating craft of any kind carrying passengers for  
27 compensation.

28 (31) "Permit" means a permit for the purchase of liquor under  
29 this title.

30 (32) "Person" means an individual, copartnership, association, or  
31 corporation.

32 (33) "Physician" means a medical practitioner duly and regularly  
33 licensed and engaged in the practice of his or her profession within  
34 the state pursuant to chapter 18.71 RCW.

35 (34) "Powdered alcohol" means any powder or crystalline substance  
36 containing alcohol that is produced for direct use or reconstitution.

37 (35) "Prescription" means a memorandum signed by a physician and  
38 given by him or her to a patient for the obtaining of liquor pursuant  
39 to this title for medicinal purposes.

1        ~~((35))~~ (36) "Public place" includes streets and alleys of  
2 incorporated cities and towns; state or county or township highways  
3 or roads; buildings and grounds used for school purposes; public  
4 dance halls and grounds adjacent thereto; those parts of  
5 establishments where beer may be sold under this title, soft drink  
6 establishments, public buildings, public meeting halls, lobbies,  
7 halls and dining rooms of hotels, restaurants, theatres, stores,  
8 garages and filling stations which are open to and are generally used  
9 by the public and to which the public is permitted to have  
10 unrestricted access; railroad trains, stages, and other public  
11 conveyances of all kinds and character, and the depots and waiting  
12 rooms used in conjunction therewith which are open to unrestricted  
13 use and access by the public; publicly owned bathing beaches, parks,  
14 and/or playgrounds; and all other places of like or similar nature to  
15 which the general public has unrestricted right of access, and which  
16 are generally used by the public.

17        ~~((36))~~ (37) "Regulations" means regulations made by the board  
18 under the powers conferred by this title.

19        ~~((37))~~ (38) "Restaurant" means any establishment provided with  
20 special space and accommodations where, in consideration of payment,  
21 food, without lodgings, is habitually furnished to the public, not  
22 including drug stores and soda fountains.

23        ~~((38))~~ (39) "Sale" and "sell" include exchange, barter, and  
24 traffic; and also include the selling or supplying or distributing,  
25 by any means whatsoever, of liquor, or of any liquid known or  
26 described as beer or by any name whatever commonly used to describe  
27 malt or brewed liquor or of wine, by any person to any person; and  
28 also include a sale or selling within the state to a foreign  
29 consignee or his or her agent in the state. "Sale" and "sell" shall  
30 not include the giving, at no charge, of a reasonable amount of  
31 liquor by a person not licensed by the board to a person not licensed  
32 by the board, for personal use only. "Sale" and "sell" also does not  
33 include a raffle authorized under RCW 9.46.0315: PROVIDED, That the  
34 nonprofit organization conducting the raffle has obtained the  
35 appropriate permit from the board.

36        ~~((39))~~ (40) "Service bar" means a fixed or portable table,  
37 counter, cart, or similar work station primarily used to prepare,  
38 mix, serve, and sell alcohol that is picked up by employees or  
39 customers. Customers may not be seated or allowed to consume food or  
40 alcohol at a service bar.

1       (~~(40)~~) (41) "Soda fountain" means a place especially equipped  
2 with apparatus for the purpose of dispensing soft drinks, whether  
3 mixed or otherwise.

4       (~~(41)~~) (42) "Spirits" means any beverage which contains alcohol  
5 obtained by distillation, except flavored malt beverages, but  
6 including wines exceeding twenty-four percent of alcohol by volume.

7       (~~(42)~~) (43) "Store" means a state liquor store established  
8 under this title.

9       (~~(43)~~) (44) "Tavern" means any establishment with special space  
10 and accommodation for sale by the glass and for consumption on the  
11 premises, of beer, as herein defined.

12       (~~(44)~~) (45) "VIP airport lounge" means an establishment within  
13 an international airport located beyond security checkpoints that  
14 provides a special space to sit, relax, read, work, and enjoy  
15 beverages where access is controlled by the VIP airport lounge  
16 operator and is generally limited to the following classifications of  
17 persons:

18       (a) Airline passengers of any age whose admission is based on a  
19 first-class, executive, or business class ticket;

20       (b) Airline passengers of any age who are qualified members or  
21 allowed guests of certain frequent flyer or other loyalty incentive  
22 programs maintained by airlines that have agreements describing the  
23 conditions for access to the VIP airport lounge;

24       (c) Airline passengers of any age who are qualified members or  
25 allowed guests of certain enhanced amenities programs maintained by  
26 companies that have agreements describing the conditions for access  
27 to the VIP airport lounge;

28       (d) Airport and airline employees, government officials, foreign  
29 dignitaries, and other attendees of functions held by the airport  
30 authority or airlines related to the promotion of business objectives  
31 such as increasing international air traffic and enhancing foreign  
32 trade where access to the VIP airport lounge will be controlled by  
33 the VIP airport lounge operator; and

34       (e) Airline passengers of any age or airline employees whose  
35 admission is based on a pass issued or permission given by the  
36 airline for access to the VIP airport lounge.

37       (~~(45)~~) (46) "VIP airport lounge operator" means an airline,  
38 port district, or other entity operating a VIP airport lounge that:  
39 Is accountable for compliance with the alcohol beverage control act  
40 under this title; holds the license under chapter 66.24 RCW issued to

1 the VIP airport lounge; and provides a point of contact for  
2 addressing any licensing and enforcement by the board.

3 ~~((46))~~ (47)(a) "Wine" means any alcoholic beverage obtained by  
4 fermentation of fruits (grapes, berries, apples, et cetera) or other  
5 agricultural product containing sugar, to which any saccharine  
6 substances may have been added before, during or after fermentation,  
7 and containing not more than twenty-four percent of alcohol by  
8 volume, including sweet wines fortified with wine spirits, such as  
9 port, sherry, muscatel, and angelica, not exceeding twenty-four  
10 percent of alcohol by volume and not less than one-half of one  
11 percent of alcohol by volume. For purposes of this title, any  
12 beverage containing no more than fourteen percent of alcohol by  
13 volume when bottled or packaged by the manufacturer shall be referred  
14 to as "table wine," and any beverage containing alcohol in an amount  
15 more than fourteen percent by volume when bottled or packaged by the  
16 manufacturer shall be referred to as "fortified wine." However,  
17 "fortified wine" shall not include: (i) Wines that are both sealed or  
18 capped by cork closure and aged two years or more; and (ii) wines  
19 that contain more than fourteen percent alcohol by volume solely as a  
20 result of the natural fermentation process and that have not been  
21 produced with the addition of wine spirits, brandy, or alcohol.

22 (b) This subsection shall not be interpreted to require that any  
23 wine be labeled with the designation "table wine" or "fortified  
24 wine."

25 ~~((47))~~ (48) "Wine distributor" means a person who buys wine  
26 from a domestic winery, wine certificate of approval holder, or wine  
27 importer, or who acquires foreign produced wine from a source outside  
28 of the United States, for the purpose of selling the same not in  
29 violation of this title, or who represents such vintner or winery as  
30 agent.

31 ~~((48))~~ (49) "Wine importer" means a person or business within  
32 Washington who purchases wine from a wine certificate of approval  
33 holder or who acquires foreign produced wine from a source outside of  
34 the United States for the purpose of selling the same pursuant to  
35 this title.

36 ~~((49))~~ (50) "Winery" means a business conducted by any person  
37 for the manufacture of wine for sale, other than a domestic winery.

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