

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1404**

63rd Legislature  
2013 Regular Session

Passed by the House March 5, 2013  
Yeas 72 Nays 24

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**Speaker of the House of Representatives**

Passed by the Senate April 15, 2013  
Yeas 44 Nays 3

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1404** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 1404

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Passed Legislature - 2013 Regular Session

State of Washington                      63rd Legislature                      2013 Regular Session

By Representatives Lias, Walsh, Goodman, Roberts, and Jinkins

Read first time 01/25/13. Referred to Committee on Public Safety.

1            AN ACT Relating to prevention of alcohol poisoning deaths; amending  
2            RCW 66.44.270; and creating a new section.

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

4            NEW SECTION.    **Sec. 1.**    The legislature intends to save lives by  
5            increasing timely medical attention to alcohol poisoning victims  
6            through the establishment of limited immunity from prosecution for  
7            people under the age of twenty-one years who seek medical assistance in  
8            alcohol poisoning situations. Dozens of alcohol poisonings occur each  
9            year in Washington state. Many of these incidents occur because people  
10           delay or forego seeking medical assistance for fear of arrest or police  
11           involvement, which researchers continually identify as a significant  
12           barrier to the ideal response of calling 911.

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

15           (1) It is unlawful for any person to sell, give, or otherwise  
16           supply liquor to any person under the age of twenty-one years or permit  
17           any person under that age to consume liquor on his or her premises or  
18           on any premises under his or her control. For the purposes of this

1 subsection, "premises" includes real property, houses, buildings, and  
2 other structures, and motor vehicles and watercraft. A violation of  
3 this subsection is a gross misdemeanor punishable as provided for in  
4 chapter 9A.20 RCW.

5 (2)(a) It is unlawful for any person under the age of twenty-one  
6 years to possess, consume, or otherwise acquire any liquor. A  
7 violation of this subsection is a gross misdemeanor punishable as  
8 provided for in chapter 9A.20 RCW.

9 (b) It is unlawful for a person under the age of twenty-one years  
10 to be in a public place, or to be in a motor vehicle in a public place,  
11 while exhibiting the effects of having consumed liquor. For purposes  
12 of this subsection, exhibiting the effects of having consumed liquor  
13 means that a person has the odor of liquor on his or her breath and  
14 either: (i) Is in possession of or close proximity to a container that  
15 has or recently had liquor in it; or (ii) by speech, manner,  
16 appearance, behavior, lack of coordination, or otherwise, exhibits that  
17 he or she is under the influence of liquor. This subsection (2)(b)  
18 does not apply if the person is in the presence of a parent or guardian  
19 or has consumed or is consuming liquor under circumstances described in  
20 subsection (4) ~~((or))~~, (5), or (6) of this section.

21 (3) Subsections (1) and (2)(a) of this section do not apply to  
22 liquor given or permitted to be given to a person under the age of  
23 twenty-one years by a parent or guardian and consumed in the presence  
24 of the parent or guardian. This subsection shall not authorize  
25 consumption or possession of liquor by a person under the age of  
26 twenty-one years on any premises licensed under chapter 66.24 RCW.

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

30 (5) This section does not apply to liquor given to a person under  
31 the age of twenty-one years when such liquor is being used in  
32 connection with religious services and the amount consumed is the  
33 minimal amount necessary for the religious service.

34 (6)(a) A person under the age of twenty-one years acting in good  
35 faith who seeks medical assistance for someone experiencing alcohol  
36 poisoning shall not be charged or prosecuted under subsection (2)(a) of  
37 this section, if the evidence for the charge was obtained as a result  
38 of the person seeking medical assistance.

1       (b) A person under the age of twenty-one years who experiences  
2 alcohol poisoning and is in need of medical assistance shall not be  
3 charged or prosecuted under subsection (2)(a) of this section, if the  
4 evidence for the charge was obtained as a result of the poisoning and  
5 need for medical assistance.

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

8       (7) Conviction or forfeiture of bail for a violation of this  
9 section by a person under the age of twenty-one years at the time of  
10 such conviction or forfeiture shall not be a disqualification of that  
11 person to acquire a license to sell or dispense any liquor after that  
12 person has attained the age of twenty-one years.

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