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# Referendum Measure No. 10

## BALLOT TITLE

"An Act prohibiting the sale and manufacture of intoxicating liquors, forbidding the importation, transportation, receipt and possession of such intoxicating liquors except for sacramental purposes, regulating the importation, transportation, receipt and sale of alcohol and the importation, transportation and receipt of intoxicating liquors to be used for sacramental purposes, repealing certain sections and amending certain sections of Initiative Measure No. 3 and adding certain sections to such measure."

AN ACT relating to intoxicating liquors and the importation, receipt, purchase, transportation, manufacture, possession, use, sale and disposition thereof, prescribing the powers and duties of certain officers in relation thereto, establishing rules of evidence in certain cases, amending sections 7, 8, 17, 23, 31, and 32, and repealing sections 15, 16, 18, 19, 20, 21, 22, and 29 of initiative measure No. 3, enacted by the people November 3, 1914, and further amending said act by adding thereto new sections to be known as sections 17a, 17b, 17c, 17d, 17e, 17f, 17g and 17h, and providing penalties for violations thereof.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section 7 of initiative measure No. 3, enacted by the people November 3, 1914, be amended to read as follows:

Section 7. Nothing in this act shall be construed to prohibit a registered druggist or pharmacist, ac-

tually engaged in the wholesale drug business in this state, from selling alcohol to a retail druggist, a hospital or manufacturer, licensed to purchase the same under the provisions of this act, or from selling alcohol for export and shipping the same to places outside the state, or to prohibit a registered druggist or pharmacist, actually engaged in the retail drug business in this state, from selling alcohol to any person holding a permit to purchase the same, issued under the provisions of this act, or to prohibit an ordained clergyman, priest or rabbi actually engaged in ministering to a religious congregation in this state, from administering intoxicating liquor for sacramental purposes only; but it shall be unlawful for a registered druggist or pharmacist engaged in the wholesale drug business only, to sell alcohol to any other person than a retail druggist, a hospital, or a manufacturer, licensed to purchase the same under the provisions of this act, and it shall be unlawful for any person other than a registered druggist or pharmacist to sell alcohol for any purpose whatsoever, and it shall be unlawful for any druggist or pharmacist, or any other person, to di-

lute or adulterate alcohol, or compound it with any other substance in such proportions that it shall be capable of being used as a beverage, and sell, barter, exchange, give away, furnish, or otherwise dispose of the same, or to permit any alcohol to be diluted or adulterated, or compounded with any other substance, and drunk on the premises where sold. It shall be the duty of every druggist or pharmacist, engaged in the retail drug business, selling any alcohol for any of the purposes above provided, or to any person holding a permit to purchase the same, to keep, in a well bound book provided by him for that purpose, a true and correct record of each sale made, and to enter in such record, at the time of every sale of alcohol made by him, or in or about his place of business, the date of sale, the name of the purchaser, his place of residence (stating the street name and house number, if such there be, and the city or town, and county of such residence), the quantity and price of the alcohol, the purpose for which it was sold, the date and number of the permit upon which it was sold, and the name of the county in which said permit was issued, and the initials of the person making the sale, and to require the purchaser to sign the record in the book. Such record of sales, shall be open to inspection by any prosecuting attorney, city attorney, justice of the peace, sheriff, constable, marshal, police officer, mayor or commissioner of any city or town, or member of a city or town council. It shall be unlawful for any druggist or pharmacist, or any other person, to destroy, mutilate or in any way alter any such record or an entry therein, or to permit or procure the same to be destroyed, mutilated or altered, or to refuse inspection thereof to any person entitled to such inspection, or to sell or to ship to any person holding a permit to purchase the same, any alcohol in excess of the quantity specified in such permit, or to sell any alcohol without obtaining the signature of the purchaser, in case delivery is made to the purchaser, or entering the name of the carrier to whom the alcohol was delivered for transportation, in the record of the sale, or

to deliver any package containing alcohol so sold, without securely affixing thereto in a conspicuous place on the outside thereof, an original permit for the purchase of the same, issued to the purchaser, by a county auditor of this state, within thirty days prior to the date of such sale, and, in case of delivery to the purchaser, without defacing and cancelling such original permit, so that it cannot be used again, and receiving, from the purchaser the duplicate permit, of like number, date and tenor as the original, dated on the date of the sale, and signed by the purchaser in the same handwriting as the signature of the applicant upon the original permit, and witnessed by the person making the sale, but in case delivery is to be made by a common carrier, or person engaged in the business of transporting goods, wares and merchandise, it shall be lawful for the druggist or pharmacist, selling alcohol upon a permit to purchase the same, after securely affixing the original permit to the package containing the alcohol, in a conspicuous place on the outside thereof, to deliver such package to such common carrier for transportation to the person named in the permit, without defacing or cancelling such permit, and in such case it shall be unlawful for such carrier to deliver such package, to any other person than a forwarding common carrier, or the person named in the original permit attached to such package; or for any such common carrier or forwarding carrier to deliver such package to the person named in the permit, without defacing and cancelling such original permit so that it cannot be used again, and receiving, from the person named in the permit, the duplicate permit of like number, date and tenor as the original, dated on the day of delivery, and signed by the person named in the permit in the same handwriting as the signature of the applicant, upon the original permit, and witnessed by the person making the delivery. It shall be unlawful for any druggist or pharmacist who has been or shall be convicted of any violation of the provisions of this act, to, within two years thereafter, sell alcohol for any purpose whatsoever, and upon a sec-

ond conviction of any such violation such druggist or pharmacist shall, in addition to the penalty provided by this act for such violation, forfeit his right to sell drugs or practice pharmacy, as the case may be, and it shall be the duty of the justice of the peace or judge of the superior court, before whom such second conviction is had, to so adjudge and to transmit a certified copy of such judgment to the board of pharmacy, and such board shall forthwith, upon the receipt of such copy, cancel the license of such druggist or pharmacist, and no other license shall be issued to such druggist or pharmacist within two years from the date of such cancellation. It shall be the duty of every druggist and pharmacist, and of every common carrier, to keep on file all duplicate permits for the purchase of alcohol, received upon the delivery thereof to the persons named in such permits, and such duplicate permits shall be open to inspection by any prosecuting attorney, city attorney, justice of the peace, sheriff, constable, marshal, police officer, mayor or commissioner of any city or town council, and it shall be unlawful for any druggist or pharmacist, or common carrier, or any other person, to destroy, mutilate, or in any way alter any such duplicate permit, or to permit or procure the same to be destroyed, mutilated or altered, or to refuse inspection thereof, to any person entitled to such inspection.

SEC. 2. That section of said initiative measure No. 3 be amended to read as follows:

Section 8. Nothing in this act shall be construed to prohibit a licensed physician from administering alcohol, but it shall be unlawful for any licensed physician to administer diluted or adulterated alcohol, or alcohol compounded with any other substance, in such proportions that it shall be capable of being used as a beverage, and, it shall be unlawful for any licensed physician to issue a prescription for alcohol to be diluted or adulterated, or compounded with any other substance in such proportions that it shall be capable of being used as a beverage, and it shall be unlawful for any druggist or pharmacist to knowingly fill any

prescription for any diluted or adulterated alcohol or alcohol compounded with any other substance, in such proportions that it shall be capable of being used as a beverage.

SEC. 3. That section 17 of said initiative measure No. 3 be amended to read as follows:

Section 17. Every registered druggist or pharmacist actually engaged in the wholesale drug business in this state and desiring to import alcohol for sale under the provisions of this act, and every registered druggist or pharmacist actually engaged in the retail drug business in this state and desiring to import or purchase alcohol for sale or for use in compounding and manufacturing drugs and medicines, under the provisions of this act, and every person actually engaged in maintaining and conducting a hospital, containing not less than twenty beds for patients, and desiring to import or purchase alcohol for use in such hospital for medicinal, surgical, massage, antiseptic or other hospital purposes only, under the provisions of this act, and every person actually engaged in the business of manufacturing products containing alcohol, other than intoxicating liquors, or products requiring the use of alcohol in their process of manufacture, and desiring to import or purchase alcohol for use in manufacturing such products, under the provisions of this act, shall file with the county auditor, of the county in which his place of business is situated, an application for a license so to do, and every person desiring to purchase alcohol from a retail druggist for mechanical, chemical, scientific, medicinal, or hygienic purposes, under the provisions of this act, shall make and file with the county auditor of the county in which he resides, an application in writing for a permit so to do. Every such application for a license to import or purchase alcohol shall be in writing in duplicate and be signed and verified under oath by the applicant, that the statements therein contained are true, and shall state: the name and place of residence of the applicant; the name under which he is engaged in business; the exact location of his place of business

(giving the street name and number, if any there be, and the city or town and county); the nature of the business in which the applicant is engaged, whether wholesale, retail, maintaining a hospital or manufacturing, and, in case of a hospital, the number of beds for patients therein, and in case of manufacturing, the products manufactured; that it is necessary from time to time to import or purchase alcohol; the quantities and frequency of such importations or purchases; that such alcohol is not to be used, sold or disposed of in violation of law, but is to be obtained for sale or use in compliance with the provisions of this act; that the applicant, or the officers, agents or servants in charge of the business of a corporation applicant, or the members of a copartnership applicant, have not, within two years prior to the date of the application, been convicted of any violation of the provisions of this act; and, in case the application is made on behalf of a corporation or a copartnership, shall state the names and places of residence of the managing officers of the corporation, or of the members of the copartnership, as the case may be, and the official position or other connection therewith of the person signing and verifying the application. Applications for licenses to import or purchase alcohol for wholesale, retail or manufacturing purposes or any of them may be combined, and licenses granted for one or more of such purposes: *Provided*, That a license to import or purchase alcohol for sale, shall not be granted to an applicant engaged in manufacturing only. Every such application for a permit to purchase alcohol from a retail druggist for mechanical, chemical, scientific, medicinal or hygienic purposes, shall be signed and verified under oath by the applicant, that the statements contained therein are true, and shall state the name and place of residence of the applicant, (giving the street name and house number, if any there be, and the city or town and county) the quantity of alcohol which he desires to purchase, the purpose for which he desires to purchase and use the same, and the facts showing his reasonably necessary use therefor.

SEC. 4. That said initiative measure No. 3 be amended by adding thereto a new section to be known as section 17a and to read as follows:

Section 17a. Every regularly ordained clergyman, priest or rabbi, actually engaged in ministering to a religious congregation and desiring to import intoxicating liquor for sacramental purposes only, shall file with the county auditor of the county in which his congregation has its place of worship, an application for a license so to do. Every such application shall be in writing, in duplicate, and be signed and be verified under oath, or upon affirmation, by the applicant, that the statements therein contained are true, and shall state: the name and place of residence of the applicant; the office which he holds; the place and date of his ordination; the name of the congregation to which he ministers and the exact location of its place of worship (giving the street name and number, if any there be, and the city or town and county); that it is necessary from time to time to import intoxicating liquor for sacramental purposes; the kind of liquor; the quantities and frequency of such importations; that such intoxicating liquor is not to be sold or disposed of in violation of law, but is to be imported and used for sacramental purposes only; and that the applicant has not, within two years prior to the date of the application, been convicted of any violations of the provisions of this act.

SEC. 5. That said initiative measure No. 3 be amended by adding thereto a new section to be known as section 17b and to read as follows:

Section 17b. Upon the filing of an application for a license to import or purchase alcohol, or to import intoxicating liquor for sacramental purposes, as provided in the preceding sections, and the payment of a fee of three dollars, it shall be the duty of the county auditor to give the application a serial number and set it for hearing at a time not less than ten or more than twenty days from the date of filing, to notify the applicant of the time and

placé of the hearing, and to transmit the duplicate application, with the serial number and time and place of hearing endorsed thereon, to the prosecuting attorney of the county, and it shall be the duty of the prosecuting attorney to investigate the facts stated in the application, and attend the hearing and inform the auditor of the result of such investigation. At the hearing the applicant shall appear and offer such proof in support of the application as the auditor may reasonably require, and the prosecuting attorney may offer such proof in opposition to granting the application as the auditor may deem material, which proof may be affidavit or other documentary evidence, and the auditor shall have power to administer oaths and examine witnesses under oath. If at the hearing it shall appear to the auditor that the applicant, or any officer, agent or servant in charge of the business of a corporation applicant, or member of a copartnership applicant, has been convicted of a violation of any of the provisions of this act within two years prior to the date of the application, or that the person signing the application has wilfully made any false statement therein, the application shall be denied. If it shall appear to the auditor that the statements contained in the application are true, and that the license is sought in good faith and for a lawful purpose, he shall issue a license in the name of the applicant and bearing the serial number of the application, granting to the licensee the right, for the period of one year from the date of the license, to have issued to him from time to time, and at such intervals only as are specified in the license, permits for the importation or purchase, and transportation of alcohol for the purpose or purposes to be specified in the license, or for the importation and transportation of intoxicating liquor, for sacramental purposes only, of such kind as may be specified in the license, as the case may be, in such quantities, to be specified in the license, as the auditor may determine are reasonably required by the licensee for the purposes specified. Every such license shall be signed by the auditor or his authorized deputy, be sealed with his official seal, and bear the

date of its issue, and be issued in duplicate and one of such duplicates shall be filed in the auditor's office with the application therefor, and such license shall remain in force for the period of one year from the date of issue, unless sooner revoked by order of court or by the county auditor, upon notice to the licensee and a finding made that the licensee has ceased to do business at the place specified in the application, or in case of a clergyman, priest or rabbi, has ceased to minister to the congregation specified, or that the licensee, or some officer, agent or servant in charge of the business of a corporation licensee, or some member of a copartnership licensee, has been convicted of a violation of this act. Any applicant feeling himself aggrieved by the refusal of a county auditor to grant a license, or by the restrictions, as to quantities or intervals of importation or purchase, contained in any license granted, or any licensee feeling himself aggrieved by any revocation of his license by the county auditor, or any prosecuting attorney believing that any license has been wrongfully issued, or that such license does not contain the proper restrictions as to the quantities or intervals of importations or purchase, or that the auditor has wrongfully refused to revoke a license, may, at any time within ten days from the date of the decision of the auditor, appeal therefrom to the superior court of the county, by filing with the auditor, and serving upon the applicant or licensee, or prosecuting attorney, as the case may be, a notice in writing setting forth the decision appealed from, and all such appeals shall be heard *de novo* and summarily determined as the court may in the exercise of a sound discretion decide. Upon the filing of an application for a permit to purchase alcohol from a retail druggist, and the payment of a fee of ten cents, the county auditor, if he shall be satisfied of the truth of the statements made in the application, and that the applicant is of good moral character, shall issue to the applicant an original and duplicate permit of like number and date as the application, which permit shall be for such quantity of alcohol as the auditor, in the exercise of a sound discretion, shall determine is reason-

ably necessary for the needs of the applicant, for the purposes stated in the application. If the county auditor shall have reason to believe that the applicant has made any false statement in the application, or that the application is not made in good faith, and for a legitimate purpose, he may require the applicant to be identified and vouched for by some reputable citizen of the county.

SEC. 6. That said initiative measure No. 3 be amended by adding thereto a new section to be known as 17c and to read as follows:

Section 17c. So long as any license, issued under the provisions of the preceding section, shall remain in force, the county auditor shall, from time to time and at such intervals only as are specified in the license, and upon the filing of a request therefor in writing signed and verified under oath by the licensee and stating the number of the license and the amount of alcohol, or other intoxicating liquor, as the case may be, remaining on hand of previous importations or purchases, and the payment of a fee of ten cents for each permit, issue to the licensee permits for the importation or purchase and transportation of alcohol, or the importation and transportation of intoxicating liquor for sacramental purposes only, as the case may be, in accordance with the terms of the license, and shall endorse the numbers of the permits issued on the request, with the date of issue, and file the same with the original application and the duplicate license. Blank forms of permits shall be printed on paper of such quality, color, size and shape, and with such style of type, as may be determined from time to time, and at least once in each calendar year, by the state bureau of inspection and supervision of public offices, is best calculated to prevent counterfeiting and forgery, and shall be uniform throughout the state except as to the name of the county where issued, and shall be printed by the state printer, in triplicate on sheets of paper with perforations, and designated "Office Copy," "Original" and "Duplicate," respectively, and bound in book form, in such quantities as may be ordered upon the requisition of the

respective county auditors, at the expense of the respective counties, and at the rates provided by law for state printing of like kind, character and quantity, and shall be in substantially the following form:

"Office Copy"

"Original"		"Duplicate"
"State of Washington	}	ss.
County of.....		
		License No.....
		Permit No.....

Authority is hereby granted...

.....doing business at No. ....,  
 ....., street, city (or town)  
 of....., County of  
 ....., State of Washington, to  
 import or purchase and have transported.....gallons of alcohol (or  
 "Authority is hereby granted Rev...  
 .....residing at No. ....,  
 street, city (or town) of.....  
 county of....., State of Wash-  
 ington, to import and have trans-  
 ported.....quarts (or gallons) of  
 .....(kind of liquor).....").  
 This permit shall be used for only  
 one shipment, shall be affixed in a  
 conspicuous place to the package  
 containing the shipment, shall be  
 cancelled upon delivery of the ship-  
 ment to the person above named,  
 and shall be void thirty days from  
 date.

Dated the....day of....., 19...  
 [Seal] .....  
 County Auditor.  
 By.....  
 Deputy.

At the bottom of the "Office Copy" there shall be printed "Received the original and duplicate of this permit this....day of....., 19.....  
 .....  
 Licensee.

At the bottom of the "original permit" there shall be printed in red ink, the following:

"WARNING: IT IS UNLAWFUL for any person or common carrier



any intoxicating liquor other than alcohol or any alcohol, without the package containing the same has affixed thereto, in a conspicuous place, the original permit for the transportation thereof properly defaced and cancelled, or without delivering the duplicate permit signed by the consignee named therein, or for any other person than the consignee named therein to sign and deliver such duplicate permit. It shall be the duty of every wholesale druggist and of every common carrier to keep on file all duplicate permits for the importation or purchase, and transportation, of alcohol or intoxicating liquor, received upon the delivery thereof to the consignee, and such duplicate permits shall be open to inspection by any prosecuting attorney, city attorney, justice of the peace, sheriff, constable, marshal, police officer, mayor or commissioner of any city or town, or member of a city or town council. It shall be unlawful for any wholesale druggist or pharmacist, or common carrier, or any other person, to destroy, mutilate or in any way alter any such duplicate permit, or to permit or procure the same to be destroyed, mutilated or altered, or to refuse inspection thereof to any person entitled to such inspection.

SEC. 8. That said initiative measure No. 3 be amended by adding thereto a new section to be known as section 17e and to read as follows:

Section 17e. It shall be unlawful for any county auditor, deputy county auditor or other person, to issue a permit for the importation or purchase, and transportation of alcohol, or intoxicating liquor for sacramental purposes, except upon and in accordance with the terms of a license duly issued authorizing the issuance of such permit except permits for the purchase of alcohol for mechanical, chemical, scientific, medicinal or hygienic purposes, from a retail druggist, as herein above provided.

SEC. 9. That said initiative measure No. 3 be amended by adding thereto a new section to be known as section 17f and to read as follows:

Section 17f. It shall be unlawful for any person to wilfully make

any false statement in any application filed with any county auditor for the purpose of obtaining a permit to import or purchase, and transport alcohol, or intoxicating liquor for sacramental purposes, or to sign any other than his true name upon any such application, or upon any duplicate permit for the importation or purchase, and transportation of alcohol, or intoxicating liquor for sacramental purposes, for the purpose of obtaining any shipment thereof from a common carrier, or any purchase of alcohol from a wholesale or retail druggist, and every person convicted of a violation of any of the provisions of this section shall be guilty of a felony.

SEC. 10. That said initiative measure No. 3 be amended by adding a new section thereto to be known as section 17g and to read as follows:

Section 17g. It shall be unlawful for any person to make any false statement to a physician for the purpose of obtaining alcohol.

SEC. 11. That said initiative measure No. 3 be amended by adding thereto a new section to be known as section 17h and to read as follows:

Section 17h. It shall be unlawful for any person other than a regularly ordained clergyman, priest or rabbi actually engaged in ministering to a religious congregation, to receive from any common carrier or person engaged in the business of transporting goods, wares and merchandise, any intoxicating liquor other than alcohol and it shall be unlawful for any person other than a regularly ordained clergyman, priest or rabbi actually engaged in ministering to a religious congregation, to have in his possession any intoxicating liquor other than alcohol.

Any person who opens up, conducts or maintains, either as principal or agent, any place for the unlawful sale of intoxicating liquor, be and hereby is defined to be a "jointist". Any person who carries about with him intoxicating liquor for the purpose of the unlawful sale of the same be and hereby is defined to be a "bootlegger". Any person convicted of being either a "jointist" or "bootlegger" as herein defined shall



be deemed guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years.

A violation of any of the provisions of this section shall constitute a separate, substantive offense irrespective of any other provisions of this act.

SEC. 12. That section 23 of said initiative measure No. 3 be amended to read as follows:

Section 23. In any prosecution for the violation of any provision of this act, it shall be competent to prove that any person, other than a regularly ordained clergyman, priest or rabbi actually engaged in ministering to a religious congregation, had in his possession any intoxicating liquor other than alcohol, and such possession and proof thereof shall be *prima facie* evidence that said liquor was so held and kept for the purposes of unlawful sale or disposition.

SEC. 13. That sections 15, 16, 18, 19, 20, 21, 22, and 29 of initiative measure No. 3 are hereby repealed.

SEC. 14. That section 31 of said initiative measure No. 3 be amended to read as follows:

Section 31. Every person convicted of a violation of any provision of this act, for which the punishment is not specifically prescribed, shall be punished by a fine of not less than ninety-nine nor more than two hundred fifty dollars, or by imprisonment in the county jail for not less than thirty nor more than ninety days, or by both such fine and imprisonment, and every justice of the peace before whom such conviction is had shall have jurisdiction to impose any punishment in this section prescribed.

SEC. 15. That section 32 of said initiative measure No. 3 be amended to read as follows:

Section 32. Every person convicted the second time of a violation

of any provision of this act, for which the punishment is not specifically prescribed, shall be punished by a fine of not less than two hundred nor more than five hundred dollars and by imprisonment in the county jail for not less than thirty days nor more than six months and every person convicted the third time of a violation of any provisions of this act shall, for such third and each subsequent conviction, be punished by imprisonment in the penitentiary for not less than one nor more than five years. Every prosecuting attorney, and every justice of the peace, having knowledge of any previous conviction or convictions of any person accused of violating this act, shall in preparing a complaint, information or indictment, for subsequent offenses, allege such previous conviction or convictions therein, and a certified transcript from the docket of any justice of the peace, or a copy of the record of any court of record, certified by the clerk thereof under the seal of the court, shall be sufficient evidence and proof of such previous conviction or convictions.

SEC. 16. Nothing in this act shall be construed to prohibit a registered druggist or pharmacist, at any time within ten days after this act shall take effect, from removing from or shipping out of the state any intoxicating liquors in his possession at the time this act takes effect, and no permit for such removal or shipment shall be required.

Passed the House, February 5, 1917.

GUY E. KELLY,  
*Speaker of the House.*

Passed the Senate, February 14, 1917.

LOUIS F. HART,  
*President of the Senate.*

Approved February 19, 1917.

ERNEST LISTER,  
*Governor.*

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STATE OF WASHINGTON—ss.

Filed in the office of Secretary of State, Feb. 19, 1917, at 1:59 P. M.

I. M. HOWELL,  
*Secretary of State.*