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SENATE BILL 6719

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State of Washington

61st Legislature

2010 Regular Session

By Senators Murray, King, and Kohl-Welles

Read first time 01/22/10. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to special occasion licenses; and amending RCW  
2 66.28.310.

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

4 **Sec. 1.** RCW 66.28.310 and 2009 c 506 s 7 are each amended to read  
5 as follows:

6 (1)(a) Nothing in RCW 66.28.305 prohibits an industry member from  
7 providing retailers branded promotional items which are of nominal  
8 value, singly or in the aggregate. Such items include but are not  
9 limited to: Trays, lighters, blotters, postcards, pencils, coasters,  
10 menu cards, meal checks, napkins, clocks, mugs, glasses, bottles or can  
11 openers, corkscrews, matches, printed recipes, shirts, hats, visors,  
12 and other similar items. Branded promotional items:

13 (i) Must be used exclusively by the retailer or its employees in a  
14 manner consistent with its license;

15 (ii) Must bear imprinted advertising matter of the industry member  
16 only;

17 (iii) May be provided by industry members only to retailers and  
18 their employees and may not be provided by or through retailers or  
19 their employees to retail customers; and

1 (iv) May not be targeted to or appeal principally to youth.

2 (b) An industry member is not obligated to provide any such branded  
3 promotional items, and a retailer may not require an industry member to  
4 provide such branded promotional items as a condition for selling any  
5 alcohol to the retailer.

6 (c) Any industry member or retailer or any other person asserting  
7 that the provision of branded promotional items as allowed in (a) of  
8 this subsection has resulted or is more likely than not to result in  
9 undue influence or an adverse impact on public health and safety, or is  
10 otherwise inconsistent with the criteria in (a) of this subsection may  
11 file a complaint with the board. Upon receipt of a complaint the board  
12 may conduct such investigation as it deems appropriate in the  
13 circumstances. If the investigation reveals the provision of branded  
14 promotional items has resulted in or is more likely than not to result  
15 in undue influence or has resulted or is more likely than not to result  
16 in an adverse impact on public health and safety or is otherwise  
17 inconsistent with (a) of this subsection the board may issue an  
18 administrative violation notice to the industry member, to the  
19 retailer, or both. The recipient of the administrative violation  
20 notice may request a hearing under chapter 34.05 RCW.

21 (2) Nothing in RCW 66.28.305 prohibits:

22 (a) An industry member from providing to a special occasion  
23 licensee and a special occasion licensee from receiving services for:

24 ~~((a))~~ (i) Installation of draft beer dispensing equipment or  
25 advertising; or

26 ~~((b))~~ (ii) Advertising, pouring, or dispensing of beer or wine at  
27 a beer or wine tasting exhibition or judging event; or

28 (b) Special occasion licensees from paying for products immediately  
29 following the end of the special occasion event; or

30 (c) Wineries or breweries that are participating in a special  
31 occasion event from providing table fees to the special occasion  
32 licensee.

33 (3) Nothing in RCW 66.28.305 prohibits industry members from  
34 performing, and retailers from accepting the service of building,  
35 rotating, and restocking displays and stockroom inventories; rotating  
36 and rearranging can and bottle displays of their own products;  
37 providing point of sale material and brand signs; pricing case goods of

1 their own brands; and performing such similar business services  
2 consistent with board rules, or personal services as described in  
3 subsection (5) of this section.

4 (4) Nothing in RCW 66.28.305 prohibits:

5 (a) Industry members from listing on their internet web sites  
6 information related to retailers who sell or promote their products,  
7 including direct links to the retailers' internet web sites; and

8 (b) Retailers from listing on their internet web sites information  
9 related to industry members whose products those retailers sell or  
10 promote, including direct links to the industry members' web sites; or

11 (c) Industry members and retailers from producing, jointly or  
12 together with regional, state, or local industry associations,  
13 brochures and materials promoting tourism in Washington state which  
14 contain information regarding retail licensees, industry members, and  
15 their products.

16 (5) Nothing in RCW 66.28.305 prohibits the performance of personal  
17 services offered from time to time by a domestic winery or certificate  
18 of approval holder to retailers when the personal services are (a)  
19 conducted at a licensed premises, and (b) intended to inform, educate,  
20 or enhance customers' knowledge or experience of the manufacturer's  
21 products. The performance of personal services may include  
22 participation and pouring, bottle signing events, and other similar  
23 informational or educational activities at the premises of a retailer  
24 holding a spirits, beer, and wine restaurant license, a wine and/or  
25 beer restaurant license, a specialty wine shop license, a special  
26 occasion license, or a private club license. A domestic winery or  
27 certificate of approval holder is not obligated to perform any such  
28 personal services, and a retail licensee may not require a domestic  
29 winery or certificate of approval holder to conduct any personal  
30 service as a condition for selling any alcohol to the retail licensee.  
31 Except as provided in RCW 66.28.150, the cost of sampling may not be  
32 borne, directly or indirectly, by any domestic winery or certificate of  
33 approval holder or any distributor. Nothing in this section prohibits  
34 wineries, certificate of approval holders, and retail licensees from  
35 identifying the producers on private labels authorized under RCW  
36 66.24.400, 66.24.425, and 66.24.450.

37 (6) Nothing in RCW 66.28.305 prohibits an industry member from  
38 entering into an arrangement with any holder of a sports entertainment

1 facility license or an affiliated business for brand advertising at the  
2 licensed facility or promoting events held at the sports entertainment  
3 facility as authorized under RCW 66.24.570.

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