H-4011.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SECOND SUBSTITUTE HOUSE BILL 1039**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 65th Legislature 2018 Regular Session**

**By** House Commerce & Gaming (originally sponsored by Representatives Wylie, Condotta, Johnson, Haler, and Fey)

AN ACT Relating to allowing sales of growlers of wine; and amending RCW 66.28.360.

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

**Sec.**  RCW 66.28.360 and 2017 c 8 s 2 are each amended to read as follows:

(1) Except as otherwise provided in this section, licensees holding either a license that permits or a license with an endorsement that permits the sale of beer to a purchaser in a container supplied by the licensee or a sanitary container brought to the premises by the purchaser and filled at the tap at the time of sale may similarly sell cider ((~~and~~)), mead, and other wine, except fortified wine to a purchaser in such a container, subject to subsection (2) of this section. Nothing in this section relieves a licensee from complying with federal law.

(2) Any mead sold pursuant to this section must have an alcohol content equal to or less than fourteen percent alcohol by volume.

(3) This section does not apply to:

(a) Grocery stores licensed under RCW 66.24.360;

(b) Hotels licensed under RCW 66.24.590; or

(c) A club with overnight sleeping accommodations licensed under RCW 66.24.400 and chapter 70.62 RCW.

(4) The sanitary containers used for the sale of wine other than cider may not exceed a net volume of more than one thousand five hundred milliliters.

(5) The barrel, keg, or other bulk container of wine used for the filling of sanitary containers at the tap may not exceed a net volume of sixty United States gallons.

(6) A barrel, keg, or other bulk container of wine used in the filling of the sanitary containers filled at the tap at the time of sale must have a label affixed by the wine producer explicitly stating that its contents may be used for the filling of sanitary containers at the tap at the time of sale, or equivalent language expressly permitting such use. Barrels, kegs, or other bulk containers of wine that do not have the labeling required under this subsection may not be used for the purpose of filling sanitary containers at the tap at the time of sale. The requirements in this subsection do not apply to bulk containers of cider.

(7) The filling of sanitary containers may only be done by the licensee or an employee of the licensee, and any licensee or employee involved in such activity must have an alcohol server permit as required under RCW 66.20.310.

(8) Before filling the sanitary container, the licensee must visually inspect the container and may not fill any container that appears to be cracked, broken, otherwise damaged or unsafe, or that cannot be securely sealed after filling.

(9) The sanitary container may be filled with only one variety of wine from a single wine producer and may not be blended with another wine or otherwise adulterated in any way.

(10) The equipment used by the licensee related to the filling of sanitary containers must:

(a) Be maintained and sanitized in accordance with state and local health requirements;

(b) Be behind a counter or otherwise accessible only by the licensee, and/or be fitted with locking mechanisms that prevent use by anyone other than the licensee;

(c) Be owned and maintained by the licensee and cannot be provided to the licensee by a wine wholesaler and/or supplier.

(11) For purposes of this section, "cider" has the same meaning as in RCW 66.24.210(6) and "mead" has the same meaning as in RCW 66.24.215.

(12) The board may adopt rules necessary to implement this section.

**--- END ---**