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**SENATE BILL 5394**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senators Braun, Rolfes, Brown, Dhingra, Frockt, King, Kuderer, Lovelett, Nguyen, Nobles, Randall, Wagoner, Warnick, Wilson, C., and Wilson, L.

AN ACT Relating to the sale of liquor by licensed restaurants for off-premises consumption; adding a new section to chapter 66.24 RCW; and declaring an emergency.

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

NEW SECTION. **Sec.**  A new section is added to chapter 66.24 RCW to read as follows:

(1)(a) Spirits, beer, and wine restaurant license holders may sell closed, manufacturer-sealed, bottles or cans of beer, wine, and spirits, when sold in combination with the sale of to-go food or by delivery. This provision only applies to sales of alcohol that includes the purchase of food. Liquor sales without food purchases are not allowed under this section.

(b) Spirits, beer, and wine restaurant licensees, beer and wine restaurant licensees, and tavern licensees may sell beer and wine for curbside service under the following conditions:

(i) Beer must be in growlers, kegs, or factory-sealed bottles and cans; and

(ii) Wine must be in factory-sealed bottles.

(c) Spirits, beer, and wine restaurant licensees, beer and wine restaurant licensees, and tavern licensees may sell beer and wine for delivery under the following conditions:

(i) Delivery of beer may include nonfactory-sealed cider crowlers, jugs or other similar, nonfactory-sealed containers, or in factory-sealed bottles, cans, or kegs holding four or more gallons.

(ii) Delivery of malt liquor in kegs or other containers capable of holding four gallons or more liquid is allowed, provided the kegs or containers are factory sealed and that the keg sales requirements are followed.

(iii) Wine must be in factory-sealed bottles.

(d) Spirits, beer, and wine restaurant licensees may sell spirits for curbside service or delivery in factory-sealed bottles.

(2) Spirits, beer, and wine restaurant licensees may sell premixed alcoholic drinks, commonly referred to as cocktails, for consumption off the licensed premises. In order to sell premixed cocktails to-go, the licensee must:

(a) Ensure that a bona fide complete meal, as defined by the board, is ordered with the premixed cocktail order and is prepared on the restaurant's premises;

(b) Package the premixed cocktail in a container with a secure lid or cap and in a manner designed to prevent consumption without removal of the lid or cap;

(c) Deliver premixed spirits in the trunk of the vehicle or beyond the immediate reach of the driver;

(d) Guarantee that delivery is made by a person twenty-one years of age or over that is an employee of the business and holds a class 12 server permit;

(e) Guarantee that the person accepting the order or delivery is twenty-one years of age or over; and

(f)(i) Prominently post the following warning in a manner that puts consumers on notice of limitations regarding open container laws: "Warning: Premixed alcoholic beverages that are packaged by this establishment may not be consumed in a motor vehicle or transported in a motor vehicle except in the vehicle's trunk; or, if there is no trunk, in some other area of the vehicle not normally occupied by the driver or passengers, this does not include a utility compartment or glove compartment, but may include underneath a seat outside of the driver's reach."

(ii) For the purposes of this subsection, "post" means to prominently display on the premises, post online, or present in whatever manner is necessary to ensure that the consumer purchasing, or delivery person transporting, premixed alcoholic beverages is given notice of this warning.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**--- END ---**