

Chapter 314-05 WAC

SPECIAL OCCASION LICENSES

WAC

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WAC 314-05-020 What is a special occasion license?

(1) Per RCW 66.24.380, a special occasion license allows a nonprofit organization to sell, at a specified date, time, and place:

(a) Spirits, beer, and wine by the individual serving for on-premises consumption; and

(b) Spirits, beer and wine in original, unopened containers for off-premises consumption.

(2) Special occasion licensees are limited to twelve days per calendar year (see RCW 66.24.380(1) for an exception for agricultural fairs).

(3) The fee for this license is \$60 per day, per event. Multiple alcohol service locations at an event are an additional sixty dollars per location.

(4) Per RCW 66.24.375, all proceeds from the sale of alcohol at a special occasion event must go directly back into the nonprofit organization, except for reasonable operating costs for actual services performed at compensation levels comparable to like services within the state.

(5) A charitable nonprofit organization or a local winery industry association is not disqualified from obtaining a special occasion license even if its board members are also officers, directors, owners, or employees of either a licensed domestic winery or a winery certificate of approval holder. The charitable nonprofit organization must be registered under section 501 (c)(3) of the Internal Revenue Code, and the local wine industry association must be registered under section 501 (c)(6) of the Internal Revenue Code.

[Statutory Authority: RCW 66.08.030 and 66.08.050. WSR 12-17-006, § 314-05-020, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.030. WSR 09-02-013, § 314-05-020, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 66.08.030, 66.24.375, 66.24.380, 66.28.010. WSR 04-22-078, § 314-05-020, filed 11/2/04, effective 12/3/04.]

WAC 314-05-025 Application process for a special occasion license.

(1) Special occasion applications normally take forty-five days to process. The liquor and cannabis board may not be able to process your application in time for your event if you do not apply at least forty-five days before the event.

(2) Per RCW 66.24.010(8), when the liquor and cannabis board receives a special occasion application, it must send a notice to the local authority. The local authority has twenty days to respond with any input, and they may request an extension for good cause.

(3) The liquor and cannabis board may run a criminal history check on the organization's officers and/or managers.

(4) The liquor and cannabis board requires documentation to verify the organization is a bona fide nonprofit, who

the true party(ies) of interest are in the organization, and that the organization meets the guidelines outlined in WAC 314-05-020 and 314-05-025.

(5) See chapter 314-07 WAC regarding possible reasons for denial of a special occasion license. Denials are subject to the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 66.08.030. WSR 16-01-102, § 314-05-025, filed 12/16/15, effective 1/16/16; WSR 11-23-046, § 314-05-025, filed 11/9/11, effective 12/10/11. Statutory Authority: RCW 66.08.030, 66.24.375, 66.24.-380, 66.28.010. WSR 04-22-078, § 314-05-025, filed 11/2/04, effective 12/3/04.]

WAC 314-05-030 Guidelines for special occasion license events.

(1) The special occasion license must be posted at the event.

(2) Special occasion licensees may get alcohol for the event only from the following sources:

(a) Spirits, beer, and wine must be purchased at retail from a licensed retailer; from a spirits, beer, or wine distributor; from a distiller, a craft distiller, a domestic brewery, microbrewery, or winery acting as a distributor of its own product; or from a certificate of approval holder with a direct shipping to Washington retailer endorsement. Special occasion licensees are allowed to pay for beer or wine used for the special occasion event immediately following the end of the special occasion event; and

(b) Per RCW 66.28.040, in state breweries and wineries, out-of-state breweries and wineries holding a certificate of approval license, domestic distillers or an accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor may donate beer, wine, and spirits to special occasion licensees that are nonprofit 501 (c)(3) charitable organizations or nonprofit 501 (c)(6) organizations.

(3) Special occasion licensees may not advertise or sell alcohol below cost. If donated product is sold by the special occasion licensee, it may not be advertised or sold below the manufacturers' cost.

(4) Per RCW 66.28.310, alcohol manufacturers, importers and distributors may provide advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event, but may not provide money, goods, or services to special occasion licensees.

(a) Wineries and distilleries may pour at any special occasion event.

(b) Wineries or breweries that are participating in a special occasion event may pay reasonable booth fees to the special occasion licensee. Booth fees must be uniform for all participating wineries and breweries.

(5) Per RCW 66.24.380, the sale, service, and consumption of alcohol must be confined to a designated location(s).

(6) If a special occasion license function is held at an establishment that has a liquor license:

(a) The special occasion function must be held in an area of the premises separate from areas open to the general public during the time the special occasion function is occurring, and the licensed premises' liquor cannot be sold or served in the same area(s) as the special occasion license function.

(b) The liquor licensee cannot charge for the liquor purchased by the special occasion licensee for service at the special occasion event, but can charge for room usage, services, etc. The liquor licensee must sign the special occasion application giving permission for the special occasion licensee to bring and sell their alcohol at the liquor licensed premises.

(c) The special occasion license will not be issued for use at premises whose liquor license will be suspended on the date(s) of the scheduled event.

[Statutory Authority: RCW 66.08.030 and 66.08.050. WSR 12-17-006, § 314-05-030, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.030. WSR 11-23-046, § 314-05-030, filed 11/9/11, effective 12/10/11; WSR 09-02-013, § 314-05-030, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 66.08.030, 66.20.360 through [66.20].380, 66.20.390, 66.24.170, 66.24.206, 66.24.210, 66.24.240, 66.24.244, 66.24.270, 66.24.-290, 66.28.170, 66.28.180, and 42.56.270. WSR 07-02-076, § 314-05-030, filed 12/29/06, effective 1/29/07. Statutory Authority: RCW 66.08.030, 66.24.375, 66.24.380, 66.28.010. WSR 04-22-078, § 314-05-030, filed 11/2/04, effective 12/3/04.]

WAC 314-05-035 Branded promotional items. (1)

Nothing in RCW 66.28.305 prohibits a licensed domestic brewery or microbrewery from providing branded promotional items which are of nominal value, singly or in the aggregate, to a nonprofit charitable corporation or association, exempt from taxation under 26 U.S.C. Sec. 501 (c)(3) of the Internal Revenue Code as it existed on the effective date of this section for use consistent with the purpose entitling it to such exemptions. Branded promotional items may not be targeted to or be especially appealing to youth.

(2) If the nonprofit charitable corporation or association applies for and receives a special occasion license, they are considered a liquor retailer and are required to comply with RCW 66.28.305. Branded promotional items:

(a) Must be used exclusively by the retailer in a manner consistent with its license;

(b) Must bear imprinted advertising matter of the industry member only, except imprinted advertising matter of the industry member can include the logo of a professional sports team which the industry member is licensed to use;

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

(d) May not be targeted to or be especially appealing to youth.

(3) An industry member is not obligated to provide such branded promotional items as a condition for selling alcohol to the retailer.

(4) Any industry member or retailer or any other person asserting the provision of branded promotional items as allowed in this section has resulted or is more likely than not to result in undue influence or an adverse impact on public health and safety, or is otherwise inconsistent with the criteria of this section, may file a complaint with the liquor and cannabis board. Upon receipt of a complaint, the liquor and can-

nabis board may conduct such investigation as it deems appropriate.

(a) The liquor and cannabis board may issue an administrative violation notice to the industry member, the retailer, or both.

(b) The recipient of the administrative violation notice may request a hearing under chapter 34.05 RCW.

[Statutory Authority: RCW 66.08.030. WSR 16-01-102, § 314-05-035, filed 12/16/15, effective 1/16/16.]