

**Chapter 314-64 WAC
LIQUOR SAMPLES**

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WAC

314-64-070 Definition.
314-64-080 Procedures.
314-64-08001 Procedures for providing spirit samples to authorized retail licensees for the purpose of negotiating a sale.
314-64-090 Accounting.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-64-010 Purpose. [Order 40, § 314-64-010, Rule 129, filed 8/21/75.] Repealed by WSR 12-17-006, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.030 and 66.08.050.

314-64-020 Definitions. [Statutory Authority: RCW 66.08.030, 66.28.045. WSR 09-14-035, § 314-64-020, filed 6/24/09, effective 7/25/09; Order 40, § 314-64-020, Rule 130, filed 8/21/75.] Repealed by WSR 12-17-006, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.030 and 66.08.050.

314-64-030 Procedures for chemical analysis. [Statutory Authority: RCW 66.08.030. WSR 88-14-001 (Order 252, Resolution No. 261), § 314-64-030, filed 6/23/88. Statutory Authority: RCW 66.08.030 and 66.98.070. WSR 82-04-035 (Order 95, Resolution No. 104), § 314-64-030, filed 1/28/82; Order 57, § 314-64-030, filed 7/28/77, effective 9/1/77; Order 40, § 314-64-030, filed 8/21/75.] Repealed by WSR 91-19-070, filed 9/16/91, effective 10/17/91. Statutory Authority: RCW 66.08.030.

314-64-040 Procedures for board samples. [Statutory Authority: RCW 66.08.030, 66.28.045. WSR 09-14-035, § 314-64-040, filed 6/24/09, effective 7/25/09. Statutory Authority: RCW 66.28.045. WSR 86-21-117 (Order 200, Resolution No. 209), § 314-64-040, filed 10/21/86. Statutory Authority: RCW 66.08.030 and 66.98.070. WSR 82-04-035 (Order 95, Resolution No. 104), § 314-64-040, filed 1/28/82; Order 40, § 314-64-040, filed 8/21/75.] Repealed by WSR 12-17-006, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.030 and 66.08.050.

314-64-050 Accounting for board samples. [Statutory Authority: RCW 66.08.030, 66.28.045. WSR 09-14-035, § 314-64-050, filed 6/24/09, effective 7/25/09. Statutory Authority: RCW 66.08.030. WSR 91-19-070, § 314-64-050, filed 9/16/91, effective 10/17/91; WSR 88-14-001 (Order 252, Resolution No. 261), § 314-64-050, filed 6/23/88. Statutory Authority: RCW 66.08.030 and 66.98.070. WSR 82-04-035 (Order 95, Resolution No. 104), § 314-64-050, filed 1/28/82; Order 40, § 314-64-050, filed 8/21/75.] Repealed by WSR 12-17-006, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.030 and 66.08.050.

314-64-060 Purpose. [Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. WSR 81-23-038 (Order 84, Resolution No. 93), § 314-64-060, filed 11/18/81.] Repealed by WSR 94-14-021, filed 6/27/94, effective 7/28/94. Statutory Authority: RCW 66.08.030.

WAC 314-64-070 Definition. Samples for the purpose of this section shall mean beer and wine and/or containers furnished to licensees for the purpose of negotiating a sale as provided in RCW 66.28.040.

[Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. WSR 81-23-038 (Order 84, Resolution No. 93), § 314-64-070, filed 11/18/81.]

WAC 314-64-080 Procedures. Procedures for furnishing samples of beer and wine to licensees for the purpose of negotiating a sale are as follows:

(1) Quantity. Except as provided in (d) of this subsection, samples may be furnished only in their original packages or containers as produced by the manufacturer or bottler, as follows:

(a) Wholesaler or importer. A brewer, winery or importer may furnish a sample of beer or wine to a wholesaler or importer who has not previously purchased the brand and type or vintage year from the supplier furnishing the sample. For each wholesaler or importer, the brewer, winery or importer may give not more than seventy-two ounces of any brand and type of beer, and not more than one liter of any brand and type of wine.

(b) Retailer. A brewer, winery, importer or wholesaler may, except as hereinafter provided, furnish a sample of beer or wine to a retail licensee who has not previously purchased the brand and type or

vintage year from the supplier furnishing the sample. For each retail licensee, the brewer, winery, importer or wholesaler may give not more than seventy-two ounces of any brand and type of beer, and not more than one liter of any brand and type of wine. If a particular product is not available in a size within the quantity limitations of this section, a brewer, winery, importer or wholesaler may furnish the next largest size.

(c) Out-of-state brewers and wineries who hold a certificate of approval to ship their products into this state who provide samples to retailers as outlined in (b) of this subsection shall be responsible for reporting monthly to the board any shipments of samples to retailers in Washington state and shall also be responsible for paying the taxes due on such beer and wine samples provided to retailers as provided for in WAC 314-20-010 and 314-24-110 as if they were a domestic brewer or a domestic winery.

(d) Samples in other than the original packages or containers may, subject to the conditions and limitations stated in (a), (b), and (c) of this subsection, be furnished as follows:

(i) A brewery, winery, importer, or wholesaler, either directly or through their licensed agents, may furnish to authorized licensees at their licensed premises or business office samples of beer and wine from an opened container carried by a licensed agent, provided such samples are furnished only in single-serving samples not to exceed two ounces of wine or twelve ounces of beer.

(ii) A brewery, winery, importer, or wholesaler, either directly or through their licensed agents, may furnish samples of beer or wine to authorized licensees at the premises of a retail licensee.

(iii) A licensed importer or licensed wholesaler may furnish samples to authorized licensees on the licensed premises of the importer or wholesaler.

(2) Identification. Brewers, wineries, importers or wholesalers shall identify the samples on the containers, cartons and shipping documents as "Samples for licensees."

(3) Shipping instructions. Brewers, wineries, importers or wholesalers shall, except as provided in subsection (1)(d) of this section, deliver or ship samples to licensees at their licensed premises or business office.

(4) Use and disposition of samples. Samples may be furnished for the purpose of negotiating a sale of beer or wine to a wholesaler, importer, or retail licensee.

[Statutory Authority: RCW 66.08.030, 66.28.045. WSR 09-14-035, § 314-64-080, filed 6/24/09, effective 7/25/09. Statutory Authority: RCW 66.08.030. WSR 94-14-022, § 314-64-080, filed 6/27/94, effective 7/28/94; WSR 86-11-015 (Order 185, Resolution No. 194), § 314-64-080, filed 5/13/86. Statutory Authority: RCW 66.08.030 and 66.98.070. WSR 82-04-035 (Order 95, Resolution No. 104), § 314-64-080, filed 1/28/82. Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. WSR 81-23-038 (Order 84, Resolution No. 93), § 314-64-080, filed 11/18/81.]

WAC 314-64-08001 Procedures for providing spirit samples to authorized retail licensees for the purpose of negotiating a sale. A distiller, craft distiller, spirits distributor, spirits certificate of approval holder, spirits importer, or their agent may, for the pur-

pose of product promotion, provide without charge single samples to retail licensees authorized to sell spirits and their employees.

(1) Samples are limited to 750 ml and no more than one sample of each product may be provided to any one licensed business.

(2) Only products not purchased by the retail licensee within the last twelve months from the distiller or their agent or existing products with a change in alcohol proof or formula may be sampled. If there is a complete change of ownership of the retail licensee to another entity, the former retail licensee's purchase of the product is not deemed a purchase made by the successor retail licensee for purposes of this provision.

(3) Both the retailer and distiller, craft distiller, spirits certificate of approval holder, spirits distributor, and spirits importer must retain records of sampling for a period of three years. The records shall include the brand and type of sample and the date of sampling.

(4) If the distiller, craft distiller, spirits certificate of approval holder, spirits distributor, and spirits importer keeps records within an automated data processing (ADP) system, the system must include a method for producing legible records that will provide the required information. The ADP system is acceptable if it complies with the following guidelines:

(a) Provides an audit trail so that details (invoices) underlying the summary account data may be identified and made available upon request.

(b) Provides the opportunity to trace any transaction back to the original source or forward to a final total. If printouts of transactions are not made when they are processed, the system must have the ability to reconstruct these transactions.

(c) Has available a full description of the ADP portion of the accounting system. This should show the applications being performed, the procedures employed in each application, and the controls used to ensure accurate and reliable processing.

(5) The provisions contained in subsection (4) of this section do not eliminate the requirement to maintain source documents, but they do allow the source documents to be maintained in some other location.

[Statutory Authority: RCW 66.08.030 and 66.08.050. WSR 12-17-006, § 314-64-08001, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.030, 66.28.045. WSR 09-14-035, § 314-64-08001, filed 6/24/09, effective 7/25/09. Statutory Authority: RCW 66.08.030. WSR 98-08-041, § 314-64-08001, filed 3/25/98, effective 4/25/98.]

WAC 314-64-090 Accounting. (1) Each brewer, winery, importer or wholesaler who furnishes samples of beer or wine to licensees shall keep at his place of business a complete record of the disposition of such samples, which record shall show (a) the name and address of the importer, wholesaler or retail licensee to whom the samples were furnished, (b) the brand name and type, (c) the quantities furnished to each importer, wholesaler or retail licensee, and (d) the date the samples were furnished.

(2) Each importer or wholesaler who receives samples of beer or wine shall keep at his place of business a complete current record of all such samples received, showing (a) the name and address of the brewer, winery, importer or wholesaler from whom the samples were re-

ceived, (b) the brand name and type, (c) the quantities received, and (d) the date the samples were received.

(3) Each retail licensee who receives samples of beer or wine shall keep at his place of business a complete current record of all such samples received, showing (a) the name and address of the brewer, winery, importer or wholesaler from whom the samples were received, (b) the brand name and type, (c) the quantities received, and (d) the date the samples were received.

(4) All records and documents prescribed by this section shall be retained by the person required to keep the documents for a period of not less than two years, and during this period shall be available, during business hours, for inspection and copying by members of the board or their accredited representatives.

(5) All beer or wine samples received or furnished by licensees shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210.

[Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. WSR 81-23-038 (Order 84, Resolution No. 93), § 314-64-090, filed 11/18/81.]