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HOUSE BILL 1682

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State of Washington

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By Representatives Phillips, Wineberry, Locke, Leonard, Franklin, Prentice, Heavey, O'Brien, Cole, Valle, Scott, Sheldon and Anderson.

Read first time February 6, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the sale of wine; amending RCW 66.04.010,  
2 66.24.370, and 66.16.100; and adding new sections to chapter 66.24 RCW.

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

4 **Sec. 1.** RCW 66.04.010 and 1987 c 386 s 3 are each amended to read  
5 as follows:

6 In this title, unless the context otherwise requires:(1) "Alcohol"  
7 is that substance known as ethyl alcohol, hydrated oxide of ethyl, or  
8 spirit of wine, which is commonly produced by the fermentation or  
9 distillation of grain, starch, molasses, or sugar, or other substances  
10 including all dilutions and mixtures of this substance. The term  
11 "alcohol" does not include alcohol in the possession of a manufacturer  
12 or distiller of alcohol fuel, as described in RCW 66.12.130, which is  
13 intended to be denatured and used as a fuel for use in motor vehicles,  
14 farm implements, and machines or implements of husbandry.

1 (2) "Beer" means any malt beverage or malt liquor as these terms  
2 are defined in this chapter.

3 (3) "Brewer" means any person engaged in the business of  
4 manufacturing beer and malt liquor.

5 (4) "Board" means the liquor control board, constituted under this  
6 title.

7 (5) "Club" means an organization of persons, incorporated or  
8 unincorporated, operated solely for fraternal, benevolent, educational,  
9 athletic or social purposes, and not for pecuniary gain.

10 (6) "Consume" includes the putting of liquor to any use, whether by  
11 drinking or otherwise.

12 (7) "Dentist" means a practitioner of dentistry duly and regularly  
13 licensed and engaged in the practice of his profession within the state  
14 pursuant to chapter 18.32 RCW.

15 (8) "Distiller" means a person engaged in the business of  
16 distilling spirits.

17 (9) "Druggist" means any person who holds a valid certificate and  
18 is a registered pharmacist and is duly and regularly engaged in  
19 carrying on the business of pharmaceutical chemistry pursuant to  
20 chapter 18.64 RCW.

21 (10) "Drug store" means a place whose principal business is, the  
22 sale of drugs, medicines and pharmaceutical preparations and maintains  
23 a regular prescription department and employs a registered pharmacist  
24 during all hours the drug store is open.

25 (11) "Employee" means any person employed by the board, including  
26 a vendor, as hereinafter in this section defined.

27 (12) "Fund" means 'liquor revolving fund.'

28 (13) "Hotel" means every building or other structure kept, used,  
29 maintained, advertised or held out to the public to be a place where  
30 food is served and sleeping accommodations are offered for pay to

1 transient guests, in which twenty or more rooms are used for the  
2 sleeping accommodation of such transient guests and having one or more  
3 dining rooms where meals are served to such transient guests, such  
4 sleeping accommodations and dining rooms being conducted in the same  
5 building and buildings, in connection therewith, and such structure or  
6 structures being provided, in the judgment of the board, with adequate  
7 and sanitary kitchen and dining room equipment and capacity, for  
8 preparing, cooking and serving suitable food for its guests: PROVIDED  
9 FURTHER, That in cities and towns of less than five thousand  
10 population, the board shall have authority to waive the provisions  
11 requiring twenty or more rooms.

12 (14) "Imprisonment" means confinement in the county jail.

13 (15) "Liquor" includes the four varieties of liquor herein defined  
14 (alcohol, spirits, wine and beer), and all fermented, spirituous,  
15 vinous, or malt liquor, or combinations thereof, and mixed liquor, a  
16 part of which is fermented, spirituous, vinous or malt liquor, or  
17 otherwise intoxicating; and every liquid or solid or semisolid or other  
18 substance, patented or not, containing alcohol, spirits, wine or beer,  
19 and all drinks or drinkable liquids and all preparations or mixtures  
20 capable of human consumption, and any liquid, semisolid, solid, or  
21 other substance, which contains more than one percent of alcohol by  
22 weight shall be conclusively deemed to be intoxicating. Liquor does not  
23 include confections or food products that contain one percent or less  
24 of alcohol by weight.

25 (16) "Manufacturer" means a person engaged in the preparation of  
26 liquor for sale, in any form whatsoever.

27 (17) "Malt beverage" or "malt liquor" means any beverage such as  
28 beer, ale, lager beer, stout, and porter obtained by the alcoholic  
29 fermentation of an infusion or decoction of pure hops, or pure extract  
30 of hops and pure barley malt or other wholesome grain or cereal in pure

1 water containing not more than eight percent of alcohol by weight, and  
2 not less than one-half of one percent of alcohol by volume. For the  
3 purposes of this title, any such beverage containing more than eight  
4 percent of alcohol by weight shall be referred to as "strong beer."

5 (18) "Package" means any container or receptacle used for holding  
6 liquor.

7 (19) "Permit" means a permit for the purchase of liquor under this  
8 title.

9 (20) "Person" means an individual, copartnership, association, or  
10 corporation.

11 (21) "Physician" means a medical practitioner duly and regularly  
12 licensed and engaged in the practice of his profession within the state  
13 pursuant to chapter 18.71 RCW.

14 (22) "Prescription" means a memorandum signed by a physician and  
15 given by him to a patient for the obtaining of liquor pursuant to this  
16 title for medicinal purposes.

17 (23) "Public place" includes streets and alleys of incorporated  
18 cities and towns; state or county or township highways or roads;  
19 buildings and grounds used for school purposes; public dance halls and  
20 grounds adjacent thereto; those parts of establishments where beer may  
21 be sold under this title, soft drink establishments, public buildings,  
22 public meeting halls, lobbies, halls and dining rooms of hotels,  
23 restaurants, theatres, stores, garages and filling stations which are  
24 open to and are generally used by the public and to which the public is  
25 permitted to have unrestricted access; railroad trains, stages, and  
26 other public conveyances of all kinds and character, and the depots and  
27 waiting rooms used in conjunction therewith which are open to  
28 unrestricted use and access by the public; publicly owned bathing  
29 beaches, parks, and/or playgrounds; and all other places of like or

1 similar nature to which the general public has unrestricted right of  
2 access, and which are generally used by the public.

3 (24) "Regulations" means regulations made by the board under the  
4 powers conferred by this title.

5 (25) "Restaurant" means any establishment provided with special  
6 space and accommodations where, in consideration of payment, food,  
7 without lodgings, is habitually furnished to the public, not including  
8 drug stores and soda fountains.

9 (26) "Sale" and "sell" include exchange, barter, and traffic; and  
10 also include the selling or supplying or distributing, by any means  
11 whatsoever, of liquor, or of any liquid known or described as beer or  
12 by any name whatever commonly used to describe malt or brewed liquor or  
13 of wine, by any person to any person; and also include a sale or  
14 selling within the state to a foreign consignee or his agent in the  
15 state.

16 (27) "Soda fountain" means a place especially equipped with  
17 apparatus for the purpose of dispensing soft drinks, whether mixed or  
18 otherwise.

19 (28) "Spirits" means any beverage which contains alcohol obtained  
20 by distillation, including wines exceeding twenty-four percent of  
21 alcohol by volume.

22 (29) "Store" means a state liquor store established under this  
23 title.

24 (30) "Tavern" means any establishment with special space and  
25 accommodation for sale by the glass and for consumption on the  
26 premises, of beer, as herein defined.

27 (31) "Vendor" means a person employed by the board as a store  
28 manager under this title.

29 (32) "Winery" means a business conducted by any person for the  
30 manufacture of wine for sale, other than a domestic winery.

1 (33) "Domestic winery" means a place where wines are manufactured  
2 or produced within the state of Washington.

3 (34) "Wine" means any alcoholic beverage obtained by fermentation  
4 of fruits (grapes, berries, apples, et cetera) or other agricultural  
5 product containing sugar, to which any saccharine substances may have  
6 been added before, during or after fermentation, and containing not  
7 more than twenty-four percent of alcohol by volume, including sweet  
8 wines fortified with wine spirits, such as port, sherry, muscatel and  
9 angelica, not exceeding twenty-four percent of alcohol by volume and  
10 not less than one-half of one percent of alcohol by volume. For  
11 purposes of this title, any beverage containing ~~((less))~~ no more than  
12 fourteen percent of alcohol by volume when bottled or packaged by the  
13 manufacturer shall be referred to as "table wine," and any beverage  
14 containing alcohol in an amount ~~((equal to or))~~ more than fourteen  
15 percent by volume when bottled or packaged by the manufacturer shall be  
16 referred to as "fortified wine." However, "fortified wine" shall not  
17 include: (a) Wines that are both sealed or capped by cork closure and  
18 aged two years or more; and (b) wines that contain more than fourteen  
19 percent ~~((or more))~~ alcohol by volume solely as a result of the natural  
20 fermentation process and that have not been produced with the addition  
21 of wine spirits, brandy, or alcohol; nor (c) any wine which the board  
22 has, by rule, designated as not contributing significantly to the  
23 problem of public intoxication.

24 This subsection shall not be interpreted to require that any wine  
25 be labeled with the designation "table wine" or "fortified wine."

26 (35) "Beer wholesaler" means a person who buys beer from a brewer  
27 or brewery located either within or beyond the boundaries of the state  
28 for the purpose of selling the same pursuant to this title, or who  
29 represents such brewer or brewery as agent.

1 (36) "Wine wholesaler" means a person who buys wine from a vintner  
2 or winery located either within or beyond the boundaries of the state  
3 for the purpose of selling the same not in violation of this title, or  
4 who represents such vintner or winery as agent.

5 **Sec. 2.** RCW 66.24.370 and 1987 c 386 s 4 are each amended to read  
6 as follows:

7 (1) Until July 1, 1992, there shall be a wine retailer's license to  
8 be designated as class F license to sell, subject to subsection (2) of  
9 this section, table and fortified wine in bottles and original  
10 packages, not to be consumed on the premises where sold, at any store  
11 other than the state liquor stores: PROVIDED, Such licensee shall pay  
12 to the state liquor stores for wines purchased from such stores the  
13 current retail price; fee seventy-five dollars per annum: PROVIDED,  
14 FURTHER, That a holder of a class A or class B license shall be  
15 entitled to the privileges permitted in this section by paying an  
16 annual fee of twenty-five dollars for each store. On July 1, 1992, the  
17 class F license shall be abolished. Any class F license issued on or  
18 after July 1, 1991, shall expire on July 1, 1992. The fee for class F  
19 licenses issued on or after July 1, 1991, and before July 1, 1992,  
20 shall be prorated. The board shall determine the pro rata schedule for  
21 fees under this section.

22 (2) Until July 1, 1992, in counties with a population over three  
23 hundred thousand, the board shall issue a restricted class F license,  
24 authorizing the licensee to sell only table wine, if the board finds  
25 upon issuance or renewal of the license that the sale of fortified wine  
26 would be against the public interest. In determining the public  
27 interest, the board shall consider at least the following factors:

28 (a) The likelihood that the applicant will sell fortified wine to  
29 persons who are intoxicated;

1 (b) Law enforcement problems in the vicinity of the applicant's  
2 establishment that may arise from persons purchasing fortified wine at  
3 the establishment; and

4 (c) Whether the sale of fortified wine would be detrimental to or  
5 inconsistent with a government-operated or funded alcohol treatment or  
6 detoxification program in the area.

7 If the board receives no evidence or objection that the sale of  
8 fortified wine would be against the public interest, it shall issue or  
9 renew the license without restriction, as applicable. The burden of  
10 establishing that the sale of fortified wine by the licensee would be  
11 against the public interest is on those persons objecting.

12 (3) Licensees under this section whose business is primarily the  
13 sale of wine at retail may provide, free or for a charge, single-  
14 serving samples of two ounces or less to customers for the purpose of  
15 sales promotion.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 66.24 RCW  
17 to read as follows:

18 (1) As of July 1, 1992, there shall be a wine retailer's license to  
19 be designated as a class Q license to sell table wine in bottles and  
20 original packages, not to be consumed on the premises where sold, at  
21 any store other than the state liquor stores: PROVIDED, That such  
22 licensee shall pay to the state liquor stores for wines purchased from  
23 such stores the current retail price; fee seventy-five dollars per  
24 annum: PROVIDED, FURTHER, That a holder of a class A or class B  
25 license shall be entitled to the privileges permitted in this section  
26 by paying an annual fee of twenty-five dollars for each store.

27 (2) Licensees under this section whose business is primarily the  
28 sale of wine at retail may provide, free or for a charge, single-

1 serving samples of two ounces or less to customers for the purpose of  
2 sales promotion.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 66.24 RCW  
4 to read as follows:

5 As of July 1, 1992, there shall be a wine retailer's license to be  
6 designated as a class R license to sell fortified wine, available only  
7 to licensees holding a class Q license and to be issued only if the  
8 board finds upon issuance or renewal of the license that the sale of  
9 fortified wine would not be against the public interest. In  
10 determining the public interest, the board shall consider at least the  
11 following factors:

12 (1) The likelihood that the applicant will sell fortified wine to  
13 persons who are intoxicated;

14 (2) Law enforcement problems in the vicinity of the applicant's  
15 establishment that may arise from persons purchasing fortified wine at  
16 the establishment; and

17 (3) Whether the sale of fortified wine would be detrimental to or  
18 inconsistent with a government-operated or funded alcohol treatment or  
19 detoxification program in the area.

20 If the board receives no evidence or objection that the sale of  
21 fortified wine would be against the public interest, it shall issue or  
22 renew the license without restriction, as applicable. The burden of  
23 establishing that the sale of fortified wine by the licensee would be  
24 against the public interest is on those persons objecting.

25 **Sec. 5.** RCW 66.16.100 and 1987 c 386 s 5 are each amended to read  
26 as follows:

27 No state liquor store (~~in a county with a population over three~~  
28 ~~hundred thousand~~) may sell fortified wine if the board finds that the

1 sale would be against the public interest based on the factors in  
2 chapter 66.24 RCW (~~(66.24.370)~~). The burden of establishing that the  
3 sale would be against the public interest is on those persons  
4 objecting.