

---

ENGROSSED SUBSTITUTE SENATE BILL 6470

---

State of Washington

64th Legislature

2016 Regular Session

By Senate Commerce & Labor (originally sponsored by Senators King, Hasegawa, Conway, Keiser, Hewitt, Rivers, and Chase)

READ FIRST TIME 02/04/16.

1 AN ACT Relating to provisions concerning wineries in respect to  
2 the licensing of private collections of wine, allowing wineries to  
3 make sales for off-premises consumption at special occasion licensed  
4 events, modifying special occasion licenses, and making certain  
5 related technical corrections; amending RCW 66.24.380, 66.12.110,  
6 66.12.120, 66.12.240, 66.20.170, 66.20.180, 66.20.190, 66.20.200,  
7 66.20.210, 66.24.210, 66.28.030, 66.28.035, 66.28.040, and 66.44.350;  
8 reenacting and amending RCW 66.24.170 and 66.20.010; and repealing  
9 RCW 66.24.440.

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

11 **Sec. 1.** RCW 66.24.170 and 2014 c 105 s 1 and 2014 c 27 s 1 are  
12 each reenacted and amended to read as follows:

13 (1) There (~~shall be~~) is a license for domestic wineries; fee to  
14 be computed only on the liters manufactured: Less than two hundred  
15 fifty thousand liters per year, one hundred dollars per year; and two  
16 hundred fifty thousand liters or more per year, four hundred dollars  
17 per year.

18 (2) The license allows for the manufacture of wine in Washington  
19 state from grapes or other agricultural products.

20 (3) Any domestic winery licensed under this section may also act  
21 as a retailer of wine of its own production. Any domestic winery

1 licensed under this section may act as a distributor of its own  
2 production. Notwithstanding any language in this title to the  
3 contrary, a domestic winery may use a common carrier to deliver up to  
4 one hundred cases of its own production, in the aggregate, per month  
5 to licensed Washington retailers. A domestic winery may not arrange  
6 for any such common carrier shipments to licensed retailers of wine  
7 not of its own production. Except as provided in this section, any  
8 winery operating as a distributor and/or retailer under this  
9 subsection must comply with the applicable laws and rules relating to  
10 distributors and/or retailers, except that a winery operating as a  
11 distributor may maintain a warehouse off the premises of the winery  
12 for the distribution of wine of its own production provided that: (a)  
13 The warehouse has been approved by the board under RCW 66.24.010; and  
14 (b) the number of warehouses off the premises of the winery does not  
15 exceed one.

16 (4) A domestic winery licensed under this section, at locations  
17 separate from any of its production or manufacturing sites, may serve  
18 samples of its own products, with or without charge, may sell wine of  
19 its own production at retail, and may sell for off-premises  
20 consumption wines of its own production in kegs or sanitary  
21 containers meeting the applicable requirements of federal law brought  
22 to the premises by the purchaser or furnished by the licensee and  
23 filled at the tap at the time of sale, provided that: (a) Each  
24 additional location has been approved by the board under RCW  
25 66.24.010; (b) the total number of additional locations does not  
26 exceed two; (c) a winery may not act as a distributor at any such  
27 additional location; and (d) any person selling or serving wine at an  
28 additional location for (~~on-premise~~—~~[on-premises]~~) on-premises  
29 consumption must obtain a class 12 or class 13 alcohol server permit.  
30 Each additional location is deemed to be part of the winery license  
31 for the purpose of this title. At additional locations operated by  
32 multiple wineries under this section, if the board cannot connect a  
33 violation of RCW 66.44.200 or 66.44.270 to a single licensee, the  
34 board may hold all licensees operating the additional location  
35 jointly liable. Nothing in this subsection may be construed to  
36 prevent a domestic winery from holding multiple domestic winery  
37 licenses.

38 (5)(a) A domestic winery licensed under this section may apply to  
39 the board for an endorsement to sell wine of its own production at  
40 retail for off-premises consumption at a qualifying farmers market.

1 The annual fee for this endorsement is seventy-five dollars. An  
2 endorsement issued pursuant to this subsection does not count toward  
3 the two additional retail locations limit specified in this section.

4 (b) For each month during which a domestic winery will sell wine  
5 at a qualifying farmers market, the winery must provide the board or  
6 its designee a list of the dates, times, and locations at which  
7 bottled wine may be offered for sale. This list must be received by  
8 the board before the winery may offer wine for sale at a qualifying  
9 farmers market.

10 (c) The wine sold at qualifying farmers markets must be made  
11 entirely from grapes grown in a recognized Washington appellation or  
12 from other agricultural products grown in this state.

13 (d) Each approved location in a qualifying farmers market is  
14 deemed to be part of the winery license for the purpose of this  
15 title. The approved locations under an endorsement granted under this  
16 subsection include tasting or sampling privileges subject to the  
17 conditions pursuant to RCW 66.24.175. The winery may not store wine  
18 at a farmers market beyond the hours that the winery offers bottled  
19 wine for sale. The winery may not act as a distributor from a farmers  
20 market location.

21 (e) Before a winery may sell bottled wine at a qualifying farmers  
22 market, the farmers market must apply to the board for authorization  
23 for any winery with an endorsement approved under this subsection to  
24 sell bottled wine at retail at the farmers market. This application  
25 shall include, at a minimum: (i) A map of the farmers market showing  
26 all booths, stalls, or other designated locations at which an  
27 approved winery may sell bottled wine; and (ii) the name and contact  
28 information for the on-site market managers who may be contacted by  
29 the board or its designee to verify the locations at which bottled  
30 wine may be sold. Before authorizing a qualifying farmers market to  
31 allow an approved winery to sell bottled wine at retail at its  
32 farmers market location, the board (~~shall~~) must notify the persons  
33 or entities of such application for authorization pursuant to RCW  
34 66.24.010 (8) and (9). An authorization granted under this subsection  
35 (5)(e) may be withdrawn by the board for any violation of this title  
36 or any rules adopted under this title.

37 (f) The board may adopt rules establishing the application and  
38 approval process under this section and such additional rules as may  
39 be necessary to implement this section.

40 (g) For the purposes of this subsection:

1 (i) "Qualifying farmers market" means an entity that sponsors a  
2 regular assembly of vendors at a defined location for the purpose of  
3 promoting the sale of agricultural products grown or produced in this  
4 state directly to the consumer under conditions that meet the  
5 following minimum requirements:

6 (A) There are at least five participating vendors who are farmers  
7 selling their own agricultural products;

8 (B) The total combined gross annual sales of vendors who are  
9 farmers exceeds the total combined gross annual sales of vendors who  
10 are processors or resellers. However, if a farmers market does not  
11 satisfy this subsection (5)(g)(i)(B), a farmers market is still  
12 considered a "qualifying farmers market" if the total combined gross  
13 annual sales of farmers and processors at the farmers market is one  
14 million dollars or more;

15 (C) The total combined gross annual sales of vendors who are  
16 farmers, processors, or resellers exceeds the total combined gross  
17 annual sales of vendors who are not farmers, processors, or  
18 resellers;

19 (D) The sale of imported items and secondhand items by any vendor  
20 is prohibited; and

21 (E) No vendor is a franchisee.

22 (ii) "Farmer" means a natural person who sells, with or without  
23 processing, agricultural products that he or she raises on land he or  
24 she owns or leases in this state or in another state's county that  
25 borders this state.

26 (iii) "Processor" means a natural person who sells processed food  
27 that he or she has personally prepared on land he or she owns or  
28 leases in this state or in another state's county that borders this  
29 state.

30 (iv) "Reseller" means a natural person who buys agricultural  
31 products from a farmer and resells the products directly to the  
32 consumer.

33 (6) Wine produced in Washington state by a domestic winery  
34 licensee may be shipped out-of-state for the purpose of making it  
35 into sparkling wine and then returned to such licensee for resale.  
36 Such wine (~~(shall be)~~) is deemed wine manufactured in the state of  
37 Washington for the purposes of RCW 66.24.206, and shall not require a  
38 special license.

39 (7) During an event held by a nonprofit holding a special  
40 occasion license issued under RCW 66.24.380, a domestic winery

1 licensed under this section may take orders, either in writing or  
2 electronically, and accept payment for wines of its own production  
3 under the following conditions:

4 (a) Before a domestic winery may take orders at an event held by  
5 a nonprofit holding a special occasion license issued under RCW  
6 66.24.380, the domestic winery must first apply to the board for an  
7 endorsement, for which the annual fee is seventy-five dollars;

8 (b) Wine produced by the domestic winery may be served for on-  
9 premises consumption by the special occasion licensee;

10 (c) The domestic winery delivers wine to the consumer on a date  
11 after the conclusion of the special occasion event;

12 (d) The domestic winery delivers wine to the consumer at a  
13 location different from the location at which the special occasion  
14 event is held;

15 (e) The domestic winery complies with all requirements in chapter  
16 66.20 RCW for direct sale of wine to consumers;

17 (f) The wine is not sold for resale; and

18 (g) The domestic winery is entitled to all proceeds from the sale  
19 and delivery of its wine to a consumer after the conclusion of the  
20 special occasion event, but may enter into an agreement to share a  
21 portion of the proceeds of these sales with the special occasion  
22 licensee licensed under RCW 66.24.380.

23 **Sec. 2.** RCW 66.24.380 and 2012 c 2 s 112 are each amended to  
24 read as follows:

25 There is a retailer's license to be designated as a special  
26 occasion license to be issued to a not-for-profit society or  
27 organization to sell spirits, beer, and wine by the individual  
28 serving for on-premises consumption at a specified event, such as at  
29 picnics or other special occasions, at a specified date and place;  
30 fee sixty dollars per day.

31 (1) The not-for-profit society or organization is limited to  
32 sales of no more than twelve calendar days per year. For the purposes  
33 of this subsection, special occasion licensees that are "agricultural  
34 area fairs" or "agricultural county, district, and area fairs," as  
35 defined by RCW 15.76.120, that receive a special occasion license  
36 may, once per calendar year, count as one event fairs that last  
37 multiple days, so long as alcohol sales are at set dates, times, and  
38 locations, and the board receives prior notification of the dates,

1 times, and locations. The special occasion license applicant will pay  
2 the sixty dollars per day for this event.

3 (2) The licensee may sell spirits, beer, and/or wine in original,  
4 unopened containers for off-premises consumption if permission is  
5 obtained from the board prior to the event.

6 (3) In addition to offering the sale of wine by the individual  
7 selling for on-premises consumption, the licensee may sell wine in  
8 original, unopened containers for on-premises consumption if  
9 permission is obtained from the board prior to the event.

10 (4) Sale, service, and consumption of spirits, beer, and wine is  
11 to be confined to specified premises or designated areas only.

12 ((+4)) (5) Liquor sold under this special occasion license must  
13 be purchased from a licensee of the board.

14 ((+5)) (6) Any violation of this section is a class 1 civil  
15 infraction having a maximum penalty of two hundred fifty dollars as  
16 provided for in chapter 7.80 RCW.

17 **Sec. 3.** RCW 66.12.110 and 2012 c 117 s 272 are each amended to  
18 read as follows:

19 A person twenty-one years of age or over may bring into the state  
20 from without the United States, free of tax and markup, for his or  
21 her personal or household use such alcoholic beverages as have been  
22 declared and permitted to enter the United States duty free under  
23 federal law.

24 Such entry of alcoholic beverages in excess of that herein  
25 provided may be authorized by the board upon payment of an equivalent  
26 ((markup and)) tax as would be applicable to the purchase of the same  
27 or similar liquor at retail ((from a Washington state liquor store))  
28 in this state. The board ((shall)) must adopt appropriate regulations  
29 pursuant to chapter 34.05 RCW for the purpose of carrying out the  
30 provisions of this section. The board may issue a spirits, beer, and  
31 wine private club license to a charitable or nonprofit corporation of  
32 the state of Washington, the majority of the officers and directors  
33 of which are United States citizens and the minority of the officers  
34 and directors of which are citizens of the Dominion of Canada, and  
35 where the location of the premises for such spirits, beer, and wine  
36 private club license is not more than ten miles south of the border  
37 between the United States and the province of British Columbia.

1       **Sec. 4.** RCW 66.12.120 and 1995 c 100 s 1 are each amended to  
2 read as follows:

3       Notwithstanding any other provision of this title (~~(66-RCW)~~), a  
4 person twenty-one years of age or over may, free of tax (~~and~~  
5 ~~markup~~), for personal or household use, bring into the state of  
6 Washington from another state no more than once per calendar month up  
7 to two liters of spirits or wine or two hundred eighty-eight ounces  
8 of beer. Additionally, such person may be authorized by the board to  
9 bring into the state of Washington from another state a reasonable  
10 amount of alcoholic beverages in excess of that provided in this  
11 section for personal or household use only upon payment of an  
12 equivalent (~~(markup and)~~) tax as would be applicable to the purchase  
13 of the same or similar liquor at retail (~~(from a state liquor store)~~)  
14 in this state. The board (~~(shall)~~) must adopt appropriate regulations  
15 pursuant to chapter 34.05 RCW for the purpose of carrying into effect  
16 the provisions of this section.

17       **Sec. 5.** RCW 66.12.240 and 2009 c 361 s 1 are each amended to  
18 read as follows:

19       (1) Nothing in this title applies to or prevents a wedding  
20 boutique or art gallery from offering or supplying without charge  
21 wine or beer by the individual glass to a customer for consumption on  
22 the premises. However, the customer must be at least twenty-one years  
23 of age and may only be offered one glass of wine or beer, and wine or  
24 beer served or consumed (~~(shall)~~) must be purchased from a Washington  
25 state licensed retailer (~~(or a Washington state liquor store or~~  
26 ~~agency)~~) at full retail price. A wedding boutique or art gallery  
27 offering wine or beer without charge may not advertise the service of  
28 complimentary wine or beer and may not sell wine or beer in any  
29 manner. Any employee involved in the service of wine or beer must  
30 complete a board-approved limited alcohol server training program.

31       (2) (~~(For the purposes of this section:)~~) The definitions in this  
32 subsection apply throughout this section unless the context clearly  
33 requires otherwise.

34       (a) "Art gallery" means a room or building devoted to the  
35 exhibition and/or sale of the works of art.

36       (b) "Wedding boutique" means a business primarily engaged in the  
37 sale of wedding merchandise.

1       **Sec. 6.** RCW 66.20.010 and 2015 c 195 s 1, 2015 c 194 s 3, and  
2 2015 c 59 s 1 are each reenacted and amended to read as follows:

3       Upon application in the prescribed form being made to any  
4 employee authorized by the board to issue permits, accompanied by  
5 payment of the prescribed fee, and upon the employee being satisfied  
6 that the applicant should be granted a permit under this title, the  
7 employee must issue to the applicant under such regulations and at  
8 such fee as may be prescribed by the board a permit of the class  
9 applied for, as follows:

10       (1) Where the application is for a special permit by a physician  
11 or dentist, or by any person in charge of an institution regularly  
12 conducted as a hospital or sanitorium for the care of persons in ill  
13 health, or as a home devoted exclusively to the care of aged people,  
14 a special liquor purchase permit, except that the governor may waive  
15 the requirement for a special liquor purchase permit under this  
16 subsection pursuant to an order issued under RCW 43.06.220(2);

17       (2) Where the application is for a special permit by a person  
18 engaged within the state in mechanical or manufacturing business or  
19 in scientific pursuits requiring alcohol for use therein, or by any  
20 private individual, a special permit to purchase alcohol for the  
21 purpose named in the permit, except that the governor may waive the  
22 requirement for a special liquor purchase permit under this  
23 subsection pursuant to an order issued under RCW 43.06.220(2);

24       (3) Where the application is for a special permit to consume  
25 liquor at a banquet, at a specified date and place, a special permit  
26 to purchase liquor for consumption at such banquet, to such  
27 applicants as may be fixed by the board;

28       (4) Where the application is for a special permit to consume  
29 liquor on the premises of a business not licensed under this title, a  
30 special permit to purchase liquor for consumption thereon for such  
31 periods of time and to such applicants as may be fixed by the board;

32       (5) Where the application is for a special permit by a  
33 manufacturer to import or purchase within the state alcohol, malt,  
34 and other materials containing alcohol to be used in the manufacture  
35 of liquor, or other products, a special permit;

36       (6) Where the application is for a special permit by a person  
37 operating a drug store to purchase liquor at retail prices only, to  
38 be thereafter sold by such person on the prescription of a physician,  
39 a special liquor purchase permit, except that the governor may waive

1 the requirement for a special liquor purchase permit under this  
2 subsection pursuant to an order issued under RCW 43.06.220(2);

3 (7) Where the application is for a special permit by an  
4 authorized representative of a military installation operated by or  
5 for any of the armed forces within the geographical boundaries of the  
6 state of Washington, a special permit to purchase liquor for use on  
7 such military installation;

8 (8) Where the application is for a special permit by a vendor  
9 that manufactures or sells a product which cannot be effectively  
10 presented to potential buyers without serving it with liquor or by a  
11 manufacturer, importer, or distributor, or representative thereof, to  
12 serve liquor without charge to delegates and guests at a convention  
13 of a trade association composed of licensees of the board, when the  
14 said liquor is served in a hospitality room or from a booth in a  
15 board-approved suppliers' display room at the convention, and when  
16 the liquor so served is for consumption in the said hospitality room  
17 or display room during the convention, anything in this title to the  
18 contrary notwithstanding. Any such spirituous liquor must be  
19 purchased from a spirits retailer or distributor, and any such liquor  
20 is subject to the taxes imposed by RCW 82.08.150, 66.24.290, and  
21 66.24.210;

22 (9) Where the application is for a special permit by a  
23 manufacturer, importer, or distributor, or representative thereof, to  
24 donate liquor for a reception, breakfast, luncheon, or dinner for  
25 delegates and guests at a convention of a trade association composed  
26 of licensees of the board, when the liquor so donated is for  
27 consumption at the said reception, breakfast, luncheon, or dinner  
28 during the convention, anything in this title to the contrary  
29 notwithstanding. Any such spirituous liquor must be purchased from a  
30 spirits retailer or distributor, and any such liquor is subject to  
31 the taxes imposed by RCW 82.08.150, 66.24.290, and 66.24.210;

32 (10) Where the application is for a special permit by a  
33 manufacturer, importer, or distributor, or representative thereof, to  
34 donate and/or serve liquor without charge to delegates and guests at  
35 an international trade fair, show, or exposition held under the  
36 auspices of a federal, state, or local governmental entity or  
37 organized and promoted by a nonprofit organization, anything in this  
38 title to the contrary notwithstanding. Any such spirituous liquor  
39 must be purchased from a liquor spirits retailer or distributor, and

1 any such liquor is subject to the taxes imposed by RCW 82.08.150,  
2 66.24.290, and 66.24.210;

3 (11) Where the application is for an annual special permit by a  
4 person operating a bed and breakfast lodging facility to donate or  
5 serve wine or beer without charge to overnight guests of the facility  
6 if the wine or beer is for consumption on the premises of the  
7 facility. "Bed and breakfast lodging facility," as used in this  
8 subsection, means a facility offering from one to eight lodging units  
9 and breakfast to travelers and guests;

10 (12) Where the application is for a special permit to allow  
11 tasting of alcohol by persons at least eighteen years of age under  
12 the following circumstances:

13 (a) The application is from a community or technical college as  
14 defined in RCW 28B.50.030, a regional university, or a state  
15 university;

16 (b) The person who is permitted to taste under this subsection is  
17 enrolled as a student in a required or elective class that is part of  
18 a culinary, sommelier, wine business, enology, viticulture, wine  
19 technology, beer technology, or spirituous technology-related degree  
20 program;

21 (c) The alcohol served to any person in the degree-related  
22 programs under (b) of this subsection is tasted but not consumed for  
23 the purposes of educational training as part of the class curriculum  
24 with the approval of the educational provider;

25 (d) The service and tasting of alcoholic beverages is supervised  
26 by a faculty or staff member of the educational provider who is  
27 twenty-one years of age or older. The supervising faculty or staff  
28 member shall possess a class 12 or 13 alcohol server permit under the  
29 provisions of RCW 66.20.310;

30 (e) The enrolled student permitted to taste the alcoholic  
31 beverages does not purchase the alcoholic beverages; and

32 (f) The permit fee for the special permit provided for in this  
33 subsection (12) must be waived by the board;

34 (13) Where the application is for a special permit by a  
35 distillery or craft distillery for an event not open to the general  
36 public to be held or conducted at a specific place, including at the  
37 licensed premise of the applying distillery or craft distillery, upon  
38 a specific date for the purpose of tasting and selling spirits of its  
39 own production. The distillery or craft distillery must obtain a  
40 permit for a fee of ten dollars per event. An application for the

1 permit must be submitted for private banquet permits prior to the  
2 event and, once issued, must be posted in a conspicuous place at the  
3 premises for which the permit was issued during all times the permit  
4 is in use. No licensee may receive more than twelve permits under  
5 this subsection (13) each year;

6 (14) Where the application is for a special permit by a  
7 manufacturer of wine for an event not open to the general public to  
8 be held or conducted at a specific place upon a specific date for the  
9 purpose of tasting and selling wine of its own production. The winery  
10 must obtain a permit for a fee of ten dollars per event. An  
11 application for the permit must be submitted at least ten days before  
12 the event and once issued, must be posted in a conspicuous place at  
13 the premises for which the permit was issued during all times the  
14 permit is in use. No more than twelve events per year may be held by  
15 a single manufacturer under this subsection;

16 (15) Where the application is for a special permit by an  
17 individual or business to sell a private collection of wine or  
18 spirits to an individual or business. The seller must obtain a permit  
19 at least five business days before the sale, for a fee of twenty-five  
20 dollars per sale. The seller must provide an inventory of products  
21 sold and the agreed price on a form provided by the board. The seller  
22 shall submit the report and taxes due to the board no later than  
23 twenty calendar days after the sale. A permit may be issued under  
24 this section to allow the sale of a private collection to licensees,  
25 but may not be issued to a licensee to sell to a private individual  
26 or business which is not otherwise authorized under the license held  
27 by the seller. If the liquor is purchased by a licensee, all sales  
28 are subject to taxes assessed as on liquor acquired from any other  
29 source. The board may adopt rules to implement this section.

30 **Sec. 7.** RCW 66.20.170 and 1973 1st ex.s. c 209 s 5 are each  
31 amended to read as follows:

32 A card of identification may for the purpose of this title and  
33 for the purpose of procuring liquor, be accepted as an identification  
34 card by any licensee (~~or store employee~~) and as evidence of legal  
35 age of the person presenting such card, provided the licensee (~~or~~  
36 ~~store employee~~) complies with the conditions and procedures  
37 prescribed herein and such regulations as may be made by the board.

1       **Sec. 8.** RCW 66.20.180 and 2005 c 151 s 9 are each amended to  
2 read as follows:

3       A card of identification (~~shall~~) must be presented by the  
4 holder thereof upon request of any licensee, (~~store employee,~~  
5 ~~contract liquor store manager, contract liquor store employee,~~)  
6 peace officer, or enforcement officer of the board for the purpose of  
7 aiding the licensee, (~~store employee, contract liquor store manager,~~  
8 ~~contract liquor store employee,~~) peace officer, or enforcement  
9 officer of the board to determine whether or not such person is of  
10 legal age to purchase liquor when such person desires to procure  
11 liquor from a licensed establishment (~~or state liquor store or~~  
12 ~~contract liquor store~~)).

13       **Sec. 9.** RCW 66.20.190 and 2012 c 117 s 280 are each amended to  
14 read as follows:

15       In addition to the presentation by the holder and verification by  
16 the licensee (~~or store employee~~) of such card of identification,  
17 the licensee (~~or store employee~~) who is still in doubt about the  
18 true age of the holder (~~shall~~) must require the person whose age  
19 may be in question to sign a certification card and record an  
20 accurate description and serial number of his or her card of  
21 identification thereon. Such statement (~~shall~~) must be upon a five-  
22 inch by eight-inch file card, which card (~~shall~~) must be filed  
23 alphabetically by the licensee (~~or store employee~~) at or before the  
24 close of business on the day on which the statement is executed, in  
25 the file box containing a suitable alphabetical index and the card  
26 (~~shall~~) must be subject to examination by any peace officer or  
27 agent or employee of the board at all times. The certification card  
28 (~~shall~~) must also contain in bold-face type a statement stating  
29 that the signer understands that conviction for unlawful purchase of  
30 alcoholic beverages or misuse of the certification card may result in  
31 criminal penalties including imprisonment or fine or both.

32       **Sec. 10.** RCW 66.20.200 and 2003 c 53 s 295 are each amended to  
33 read as follows:

34       (1) It (~~shall be~~) is unlawful for the owner of a card of  
35 identification to transfer the card to any other person for the  
36 purpose of aiding such person to procure alcoholic beverages from any  
37 licensee (~~or store employee~~). Any person who (~~shall~~) permits his  
38 or her card of identification to be used by another or transfer such

1 card to another for the purpose of aiding such transferee to obtain  
2 alcoholic beverages from a licensee (~~(or store employee)~~) or gain  
3 admission to a premises or portion of a premises classified by the  
4 board as off-limits to persons under twenty-one years of age, (~~shall~~  
5 ~~be~~) is guilty of a misdemeanor punishable as provided by RCW  
6 9A.20.021, except that a minimum fine of two hundred fifty dollars  
7 (~~shall~~) must be imposed and any sentence requiring community  
8 restitution (~~shall~~) must require not fewer than twenty-five hours  
9 of community restitution.

10 (2) Any person not entitled thereto who unlawfully procures or  
11 has issued or transferred to him or her a card of identification, and  
12 any person who possesses a card of identification not issued to him  
13 or her, and any person who makes any false statement on any  
14 certification card required by RCW 66.20.190, to be signed by him or  
15 her, (~~shall be~~) is guilty of a misdemeanor punishable as provided  
16 by RCW 9A.20.021, except that a minimum fine of two hundred fifty  
17 dollars (~~shall~~) must be imposed and any sentence requiring  
18 community restitution (~~shall~~) must require not fewer than twenty-  
19 five hours of community restitution.

20 **Sec. 11.** RCW 66.20.210 and 1973 1st ex.s. c 209 s 9 are each  
21 amended to read as follows:

22 (1) No licensee or the agent or employee of the licensee(~~(, or~~  
23 ~~store employee, shall)~~) may be prosecuted criminally or be sued in  
24 any civil action for serving liquor to a person under legal age to  
25 purchase liquor if such person has presented a card of identification  
26 in accordance with RCW 66.20.180, and has signed a certification card  
27 as provided in RCW 66.20.190.

28 (2) Such card in the possession of a licensee may be offered as a  
29 defense in any hearing held by the board for serving liquor to the  
30 person who signed the card and may be considered by the board as  
31 evidence that the licensee acted in good faith.

32 **Sec. 12.** RCW 66.24.210 and 2012 c 20 s 2 are each amended to  
33 read as follows:

34 (1) There is hereby imposed upon all wines except cider sold to  
35 wine distributors (~~(and the Washington state liquor control board,)~~)  
36 within the state a tax at the rate of twenty and one-fourth cents per  
37 liter. Any domestic winery or certificate of approval holder acting  
38 as a distributor of its own production (~~shall~~) must pay taxes

1 imposed by this section. There is hereby imposed on all cider sold to  
2 wine distributors (~~((and the Washington state liquor control board))~~)  
3 within the state a tax at the rate of three and fifty-nine one-  
4 hundredths cents per liter. However, wine sold or shipped in bulk  
5 from one winery to another winery (~~((shall))~~) is not (~~((be))~~) subject to  
6 such tax.

7 (a) The tax provided for in this section shall be collected by  
8 direct payments based on wine purchased by wine distributors.

9 (b) Except as provided in subsection (7) of this section, every  
10 person purchasing wine under the provisions of this section (~~((shall))~~)  
11 must on or before the twentieth day of each month report to the board  
12 all purchases during the preceding calendar month in such manner and  
13 upon such forms as may be prescribed by the board, and with such  
14 report (~~((shall))~~) must pay the tax due from the purchases covered by  
15 such report unless the same has previously been paid. Any such  
16 purchaser of wine whose applicable tax payment is not postmarked by  
17 the twentieth day following the month of purchase will be assessed a  
18 penalty at the rate of two percent a month or fraction thereof. The  
19 board may require that every such person shall execute to and file  
20 with the board a bond to be approved by the board, in such amount as  
21 the board may fix, securing the payment of the tax. If any such  
22 person fails to pay the tax when due, the board may (~~((forthwith))~~)  
23 suspend or cancel the license until all taxes are paid.

24 (c) Any licensed retailer authorized to purchase wine from a  
25 certificate of approval holder with a direct shipment endorsement or  
26 a domestic winery (~~((shall))~~) must make monthly reports to the liquor  
27 (~~((control))~~) and cannabis board on wine purchased during the preceding  
28 calendar month in the manner and upon such forms as may be prescribed  
29 by the board.

30 (2) An additional tax is imposed equal to the rate specified in  
31 RCW 82.02.030 multiplied by the tax payable under subsection (1) of  
32 this section. All revenues collected during any month from this  
33 additional tax (~~((shall))~~) must be transferred to the state general  
34 fund by the twenty-fifth day of the following month.

35 (3) An additional tax is imposed on wines subject to tax under  
36 subsection (1) of this section, at the rate of one-fourth of one cent  
37 per liter for wine sold after June 30, 1987. After June 30, 1996,  
38 such additional tax does not apply to cider. An additional tax of  
39 five one-hundredths of one cent per liter is imposed on cider sold  
40 after June 30, 1996. All revenues collected under this subsection (3)

1 shall be disbursed quarterly to the Washington wine commission for  
2 use in carrying out the purposes of chapter 15.88 RCW.

3 (4) An additional tax is imposed on all wine subject to tax under  
4 subsection (1) of this section. The additional tax is equal to  
5 twenty-three and forty-four one-hundredths cents per liter on  
6 fortified wine as defined in RCW 66.04.010 when bottled or packaged  
7 by the manufacturer, one cent per liter on all other wine except  
8 cider, and eighteen one-hundredths of one cent per liter on cider.  
9 All revenues collected during any month from this additional tax  
10 shall be deposited in the state general fund by the twenty-fifth day  
11 of the following month.

12 (5)(a) An additional tax is imposed on all cider subject to tax  
13 under subsection (1) of this section. The additional tax is equal to  
14 two and four one-hundredths cents per liter of cider sold after June  
15 30, 1996, and before July 1, 1997, and is equal to four and seven  
16 one-hundredths cents per liter of cider sold after June 30, 1997.

17 (b) All revenues collected from the additional tax imposed under  
18 this subsection (5) (~~shall~~) must be deposited in the state general  
19 fund.

20 (6) For the purposes of this section, "cider" means table wine  
21 that contains not less than one-half of one percent of alcohol by  
22 volume and not more than seven percent of alcohol by volume and is  
23 made from the normal alcoholic fermentation of the juice of sound,  
24 ripe apples or pears. "Cider" includes, but is not limited to,  
25 flavored, sparkling, or carbonated cider and cider made from  
26 condensed apple or pear must.

27 (7) For the purposes of this section, out-of-state wineries  
28 (~~shall~~) must pay taxes under this section on wine sold and shipped  
29 directly to Washington state residents in a manner consistent with  
30 the requirements of a wine distributor under subsections (1) through  
31 (4) of this section, except wineries shall be responsible for the tax  
32 and not the resident purchaser.

33 (8) Notwithstanding any other provision of this section, any  
34 domestic winery or wine certificate of approval holder acting as a  
35 distributor of its own production that had total taxable sales of  
36 wine in Washington state of six thousand gallons or less during the  
37 calendar year preceding the date on which the tax would otherwise be  
38 due is not required to pay taxes under this section more often than  
39 annually.

1       **Sec. 13.** RCW 66.28.030 and 2012 c 2 s 113 are each amended to  
2 read as follows:

3       Every domestic distillery, brewery, and microbrewery, domestic  
4 winery, certificate of approval holder, licensed (~~(liquor)~~) spirits  
5 importer, licensed wine importer, and licensed beer importer is  
6 responsible for the conduct of any licensed spirits, beer, or wine  
7 distributor in selling, or contracting to sell, to retail licensees,  
8 spirits, beer, or wine manufactured by such domestic distillery,  
9 brewery, microbrewery, domestic winery, manufacturer holding a  
10 certificate of approval, sold by an authorized representative holding  
11 a certificate of approval, or imported by such (~~(liquor)~~) spirits,  
12 beer, or wine importer. Where the board finds that any licensed  
13 spirits, beer, or wine distributor has violated any of the provisions  
14 of this title or of the regulations of the board in selling or  
15 contracting to sell spirits, beer, or wine to retail licensees, the  
16 board may, in addition to any punishment inflicted or imposed upon  
17 such distributor, prohibit the sale of the brand or brands of  
18 spirits, beer, or wine involved in such violation to any or all  
19 retail licensees within the trade territory usually served by such  
20 distributor for such period of time as the board may fix,  
21 irrespective of whether the distiller manufacturing such spirits or  
22 the (~~(liquor)~~) spirits importer importing such spirits, brewer  
23 manufacturing such beer or the beer importer importing such beer, or  
24 the domestic winery manufacturing such wine or the wine importer  
25 importing such wine or the certificate of approval holder  
26 manufacturing such spirits, beer, or wine or acting as authorized  
27 representative actually participated in such violation.

28       **Sec. 14.** RCW 66.28.035 and 2012 c 39 s 7 are each amended to  
29 read as follows:

30       (1) By the (~~(15th)~~) 20th day of each month, all spirits  
31 certificate of approval holders must file with the board, in a form  
32 and manner required by the board, a report of all spirits delivered  
33 to purchasers in this state during the preceding month (~~(along with a~~  
34 ~~copy)~~). Copies of the invoices for all such purchases or other  
35 information required by the board that would disclose the identity of  
36 the purchasers must be made available upon request.

37       (2) A spirits certificate of approval holder may not ship or  
38 cause to be transported into this state any spirits unless the  
39 purchaser to whom the spirits are to be delivered is:

1 (a) Licensed by the board to sell spirits in this state, and the  
2 license is in good standing; or

3 (b) Otherwise legally authorized to sell spirits in this state.

4 (3) The liquor (~~control~~) and cannabis board must maintain on  
5 its web site a list of all purchasers that meet the conditions of  
6 subsection (2) of this section.

7 (4) A violation of this section is grounds for suspension of a  
8 spirits certificate of approval license in accordance with RCW  
9 66.08.150, in addition to any punishment as may be authorized by RCW  
10 66.28.030.

11 **Sec. 15.** RCW 66.28.040 and 2014 c 92 s 2 are each amended to  
12 read as follows:

13 Except as permitted by the board under RCW 66.20.010, no domestic  
14 brewery, microbrewery, distributor, distiller, domestic winery,  
15 importer, rectifier, certificate of approval holder, or other  
16 manufacturer of liquor may, within the state of Washington, give to  
17 any person any liquor; but nothing in this section nor in RCW  
18 66.28.305 prevents a domestic brewery, microbrewery, distributor,  
19 domestic winery, distiller, certificate of approval holder, or  
20 importer from furnishing samples of beer, wine, or spirituous liquor  
21 to authorized licensees for the purpose of negotiating a sale, in  
22 accordance with regulations adopted by the liquor (~~control~~) and  
23 cannabis board, provided that the samples are subject to taxes  
24 imposed by RCW 66.24.290 and 66.24.210; nothing in this section  
25 prevents a domestic brewery, microbrewery, domestic winery,  
26 distillery, certificate of approval holder, or distributor from  
27 furnishing beer, wine, or spirituous liquor for instructional  
28 purposes under RCW 66.28.150; nothing in this section prevents a  
29 domestic winery, certificate of approval holder, or distributor from  
30 furnishing wine without charge, subject to the taxes imposed by RCW  
31 66.24.210, to a not-for-profit group organized and operated solely  
32 for the purpose of enology or the study of viticulture which has been  
33 in existence for at least six months and that uses wine so furnished  
34 solely for such educational purposes or a domestic winery, or an out-  
35 of-state certificate of approval holder, from furnishing wine without  
36 charge or a domestic brewery, or an out-of-state certificate of  
37 approval holder, from furnishing beer without charge, subject to the  
38 taxes imposed by RCW 66.24.210 or 66.24.290, or a domestic distiller  
39 licensed under RCW 66.24.140 or an accredited representative of a

1 distiller, manufacturer, importer, or distributor of spirituous  
2 liquor licensed under RCW 66.24.310, from furnishing spirits without  
3 charge, to a nonprofit charitable corporation or association exempt  
4 from taxation under 26 U.S.C. Sec. 501(c)(3) or (6) of the internal  
5 revenue code of 1986 for use consistent with the purpose or purposes  
6 entitling it to such exemption; nothing in this section prevents a  
7 domestic brewery or microbrewery from serving beer without charge, on  
8 the brewery premises; nothing in this section prevents donations of  
9 wine for the purposes of RCW 66.12.180; nothing in this section  
10 prevents a domestic winery from serving wine without charge, on the  
11 winery premises; and nothing in this section prevents a craft  
12 distillery from serving spirits, on the distillery premises subject  
13 to RCW 66.24.145.

14 **Sec. 16.** RCW 66.44.350 and 2014 c 29 s 4 are each amended to  
15 read as follows:

16 Notwithstanding provisions of RCW 66.44.310, employees of  
17 businesses holding beer and/or wine restaurant; beer and/or wine  
18 private club; snack bar; spirits, beer, and wine restaurant; spirits,  
19 beer, and wine private club; catering; and sports entertainment  
20 facility licenses who are (~~licensees~~) between eighteen and twenty-  
21 one years of age (~~and over~~) may take orders for, serve, and sell  
22 liquor in any part of the licensed premises except cocktail lounges,  
23 bars, or other areas classified by the Washington state liquor  
24 (~~control~~) and cannabis board as off-limits to persons under twenty-  
25 one years of age: PROVIDED, That such employees may enter such  
26 restricted areas to perform work assignments including picking up  
27 liquor for service in other parts of the licensed premises,  
28 performing clean up work, setting up and arranging tables, delivering  
29 supplies, delivering messages, serving food, and seating patrons:  
30 PROVIDED FURTHER, That such employees (~~shall~~) remain in the areas  
31 off-limits to minors no longer than is necessary to carry out their  
32 aforementioned duties: PROVIDED FURTHER, That such employees  
33 (~~shall~~) are not be permitted to perform activities or functions of  
34 a bartender.

35 NEW SECTION. **Sec. 17.** RCW 66.24.440 (Liquor by the drink,  
36 spirits, beer, and wine restaurant, spirits, beer, and wine private  
37 club, hotel, spirits, beer, and wine nightclub, sports entertainment  
38 facility, and VIP airport lounge license—Purchase of liquor by

1 licensees—Discount) and 2011 c 325 s 3, 2009 c 271 s 8, 2007 c 370 s  
2 20, 1998 c 126 s 8, 1997 c 321 s 29, & 1949 c 5 s 5 are each  
3 repealed.

--- END ---