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SECOND SUBSTITUTE HOUSE BILL 1039

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State of Washington

65th Legislature

2018 Regular Session

By House Commerce & Gaming (originally sponsored by Representatives Wylie, Condotta, Johnson, Haler, and Fey)

READ FIRST TIME 01/26/18.

1 AN ACT Relating to allowing sales of growlers of wine; and  
2 amending RCW 66.28.360.

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

4 **Sec. 1.** RCW 66.28.360 and 2017 c 8 s 2 are each amended to read  
5 as follows:

6 (1) Except as otherwise provided in this section, licensees  
7 holding either a license that permits or a license with an  
8 endorsement that permits the sale of beer to a purchaser in a  
9 container supplied by the licensee or a sanitary container brought to  
10 the premises by the purchaser and filled at the tap at the time of  
11 sale may similarly sell cider (~~and~~), mead, and other wine, except  
12 fortified wine to a purchaser in such a container, subject to  
13 subsection (2) of this section. Nothing in this section relieves a  
14 licensee from complying with federal law.

15 (2) Any mead sold pursuant to this section must have an alcohol  
16 content equal to or less than fourteen percent alcohol by volume.

17 (3) This section does not apply to:

18 (a) Grocery stores licensed under RCW 66.24.360;

19 (b) Hotels licensed under RCW 66.24.590; or

20 (c) A club with overnight sleeping accommodations licensed under  
21 RCW 66.24.400 and chapter 70.62 RCW.

1       (4) The sanitary containers used for the sale of wine other than  
2 cider may not exceed a net volume of more than one thousand five  
3 hundred milliliters.

4       (5) The barrel, keg, or other bulk container of wine used for the  
5 filling of sanitary containers at the tap may not exceed a net volume  
6 of sixty United States gallons.

7       (6) A barrel, keg, or other bulk container of wine used in the  
8 filling of the sanitary containers filled at the tap at the time of  
9 sale must have a label affixed by the wine producer explicitly  
10 stating that its contents may be used for the filling of sanitary  
11 containers at the tap at the time of sale, or equivalent language  
12 expressly permitting such use. Barrels, kegs, or other bulk  
13 containers of wine that do not have the labeling required under this  
14 subsection may not be used for the purpose of filling sanitary  
15 containers at the tap at the time of sale. The requirements in this  
16 subsection do not apply to bulk containers of cider.

17       (7) The filling of sanitary containers may only be done by the  
18 licensee or an employee of the licensee, and any licensee or employee  
19 involved in such activity must have an alcohol server permit as  
20 required under RCW 66.20.310.

21       (8) Before filling the sanitary container, the licensee must  
22 visually inspect the container and may not fill any container that  
23 appears to be cracked, broken, otherwise damaged or unsafe, or that  
24 cannot be securely sealed after filling.

25       (9) The sanitary container may be filled with only one variety of  
26 wine from a single wine producer and may not be blended with another  
27 wine or otherwise adulterated in any way.

28       (10) The equipment used by the licensee related to the filling of  
29 sanitary containers must:

30       (a) Be maintained and sanitized in accordance with state and  
31 local health requirements;

32       (b) Be behind a counter or otherwise accessible only by  
33 the licensee, and/or be fitted with locking mechanisms that prevent  
34 use by anyone other than the licensee;

35       (c) Be owned and maintained by the licensee and cannot be  
36 provided to the licensee by a wine wholesaler and/or supplier.

37       (11) For purposes of this section, "cider" has the same meaning  
38 as in RCW 66.24.210(6) and "mead" has the same meaning as in RCW  
39 66.24.215.

1        (12) The board may adopt rules necessary to implement this  
2 section.

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