

HB 2412 - S AMD TO S AMD (S-7005.1/20) 1332
By Senator Takko

ADOPTED 03/06/2020

1 On page 6, after line 24, insert the following:

2 "Sec. 3. RCW 66.28.200 and 2009 c 373 s 7 are each amended to
3 read as follows:

4 (1) Licensees holding a beer and/or wine restaurant or a tavern
5 license in combination with an off-premises beer and wine retailer's
6 license, licensees holding a spirits, beer, and wine restaurant
7 license with an endorsement issued under RCW 66.24.400(4), and
8 licensees holding a beer and/or wine specialty shop license with an
9 endorsement issued under RCW 66.24.371(1) may sell malt liquor in
10 kegs or other containers capable of holding four gallons or more of
11 liquid. Under a special endorsement from the board, a grocery store
12 licensee may sell malt liquor in containers no larger than five and
13 one-half gallons. The sale of any container holding four gallons or
14 more must comply with the provisions of this section and RCW
15 66.28.210 through 66.28.240.

16 (2) (~~Any~~) Except as provided in subsection (3) of this section,
17 any person who sells or offers for sale the contents of kegs or other
18 containers containing four gallons or more of malt liquor, or leases
19 kegs or other containers that will hold four gallons of malt liquor,
20 to consumers who are not licensed under chapter 66.24 RCW shall do
21 the following for any transaction involving the container:

22 (a) Require the purchaser of the malt liquor to sign a
23 declaration and receipt for the keg or other container or beverage in
24 substantially the form provided in RCW 66.28.220;

25 (b) Require the purchaser to provide one piece of identification
26 pursuant to RCW 66.16.040;

27 (c) Require the purchaser to sign a sworn statement, under
28 penalty of perjury, that:

29 (i) The purchaser is of legal age to purchase, possess, or use
30 malt liquor;

1 (ii) The purchaser will not allow any person under the age of
2 twenty-one years to consume the beverage except as provided by RCW
3 66.44.270;

4 (iii) The purchaser will not remove, obliterate, or allow to be
5 removed or obliterated, the identification required under RCW
6 66.28.220 to be affixed to the container;

7 (d) Require the purchaser to state the particular address where
8 the malt liquor will be consumed, or the particular address where the
9 keg or other container will be physically located; and

10 (e) Require the purchaser to maintain a copy of the declaration
11 and receipt next to or adjacent to the keg or other container, in no
12 event a distance greater than five feet, and visible without a
13 physical barrier from the keg, during the time that the keg or other
14 container is in the purchaser's possession or control.

15 (3) Domestic breweries licensed under RCW 66.24.240 and
16 microbreweries licensed under RCW 66.24.244 are not subject to this
17 section when selling or offering for sale kegs or other containers
18 containing four gallons or more of malt liquor of the licensee's own
19 production, or when selling, offering for sale, or leasing kegs or
20 other containers that will hold four gallons or more of liquid.

21 (4) A violation of this section is a gross misdemeanor.

22 **Sec. 4.** RCW 66.28.210 and 2003 c 53 s 297 are each amended to
23 read as follows:

24 (1) (~~Any~~) Except as provided in subsection (2) of this section,
25 any person who purchases the contents of kegs or other containers
26 containing four gallons or more of malt liquor, or purchases or
27 leases the container shall:

28 (a) Sign a declaration and receipt for the keg or other container
29 or beverage in substantially the form provided in RCW 66.28.220;

30 (b) Provide one piece of identification pursuant to RCW
31 66.16.040;

32 (c) Be of legal age to purchase, possess, or use malt liquor;

33 (d) Not allow any person under the age of twenty-one to consume
34 the beverage except as provided by RCW 66.44.270;

35 (e) Not remove, obliterate, or allow to be removed or
36 obliterated, the identification required under rules adopted by the
37 board;

1 (f) Not move, keep, or store the keg or its contents, except for
2 transporting to and from the distributor, at any place other than
3 that particular address declared on the receipt and declaration; and

4 (g) Maintain a copy of the declaration and receipt next to or
5 adjacent to the keg or other container, in no event a distance
6 greater than five feet, and visible without a physical barrier from
7 the keg, during the time that the keg or other container is in the
8 purchaser's possession or control.

9 (2) A person who purchases the contents of a keg or other
10 container containing four gallons or more of malt liquor from a
11 domestic brewery licensed under RCW 66.24.240 or a microbrewery
12 licensed under RCW 66.24.244, or who purchases or leases a keg or
13 other container that will hold four gallons or more of liquid from
14 such a domestic brewery or microbrewery, is not subject to this
15 section except for the requirements in subsection (1)(c) and (d) of
16 this section.

17 (3) A violation of this section is a gross misdemeanor.

18 **Sec. 5.** RCW 66.28.220 and 2007 c 53 s 3 are each amended to read
19 as follows:

20 (1) The board shall adopt rules requiring retail licensees to
21 affix appropriate identification on all containers of four gallons or
22 more of malt liquor for the purpose of tracing the purchasers of such
23 containers. The rules may provide for identification to be done on a
24 statewide basis or on the basis of smaller geographical areas. The
25 rules do not apply to sales by domestic breweries and microbreweries
26 of malt liquor of the licensee's own production in kegs or other
27 containers containing four gallons or more of malt liquor, or to
28 sales or leases by domestic breweries and microbreweries of kegs or
29 containers that will hold four or more gallons of liquid.

30 (2) The board shall develop and make available forms for the
31 declaration and receipt required by RCW 66.28.200. The board may
32 charge spirits, beer, and wine restaurant licensees with an
33 endorsement issued under RCW 66.24.400(4) and grocery store licensees
34 for the costs of providing the forms and that money collected for the
35 forms shall be deposited into the liquor revolving fund for use by
36 the board, without further appropriation, to continue to administer
37 the cost of the keg registration program.

38 (3) (~~It~~) Except as provided in subsection (4) of this section,
39 it is unlawful for any person to sell or offer for sale kegs or other

1 containers containing four gallons or more of malt liquor to
2 consumers who are not licensed under chapter 66.24 RCW if the kegs or
3 containers are not identified in compliance with rules adopted by the
4 board.

5 (4) In accordance with RCW 66.24.200, sales by domestic breweries
6 and microbreweries of malt liquor of the licensee's own production in
7 kegs or other containers containing four gallons or more of malt
8 liquor are not subject to the keg and container identification
9 requirements in this section or the board's rules.

10 (5) A violation of this section is a gross misdemeanor."

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11 On page 6, line 26, after "66.24.244" insert ", 66.28.200,
12 66.28.210, and 66.28.220"

EFFECT: Exempts licensed domestic breweries and microbreweries
from keg registration requirements.

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