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**HOUSE BILL 1803**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Representative Steele

AN ACT Relating to creating an endorsement to the beer and/or wine specialty shop license; and amending RCW 66.24.371.

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

**Sec.**  RCW 66.24.371 and 2017 c 96 s 3 are each amended to read as follows:

(1)(a) There shall be a beer and/or wine retailer's license to be designated as a beer and/or wine specialty shop license to sell beer, strong beer, and/or wine at retail in bottles, cans, and original containers, not to be consumed upon the premises where sold except as provided in (b) of this subsection, at any store other than the state liquor stores. Licensees obtaining a written endorsement from the board may also sell malt liquor in kegs or other containers capable of holding four gallons or more of liquid. The annual fee for the beer and/or wine specialty shop license is ((~~one hundred dollars~~)) $100 for each store. The sale of any container holding four gallons or more must comply with RCW 66.28.200 and 66.28.220.

(b) There is an endorsement available to the beer and/or wine specialty shop license, for a cost of $100 per year, authorizing the holder to sell the following amounts of beer or wine to a customer per day for on-premises consumption:

(i) Two glasses of wine;

(ii) Two glasses, open cans, or open bottles of beer or strong beer; or

(iii) One glass of wine and one glass, open can, or open bottle of beer or strong beer.

(c) Any person selling or serving wine, beer, or strong beer for on-premises consumption in accordance with (b) of this subsection must obtain a class 12 or class 13 alcohol server permit.

(2) Licensees under this section may provide, free or for a charge, single-serving samples of two ounces or less to customers for the purpose of sales promotion. Sampling activities of licensees under this section are subject to RCW 66.28.305 and 66.28.040 and the cost of sampling under this section may not be borne, directly or indirectly, by any manufacturer, importer, or distributor of liquor.

(3) Upon approval by the board, the beer and/or wine specialty shop licensee that exceeds ((~~fifty~~)) 50 percent beer and/or wine sales may also receive an endorsement to permit the sale of beer to a purchaser in a sanitary container brought to the premises by the purchaser, or provided by the licensee or manufacturer, and fill at the tap by the licensee at the time of sale. If the beer and/or wine specialty shop licensee does not exceed ((~~fifty~~)) 50 percent beer and/or wine sales, the board may waive the ((~~fifty~~)) 50 percent beer and/or wine sale criteria if the beer and/or wine specialty shop maintains alcohol inventory that exceeds ((~~fifteen thousand dollars~~)) $15,000.

(4) The board shall issue a restricted beer and/or wine specialty shop license, authorizing the licensee to sell beer and only table wine, if the board finds upon issuance or renewal of the license that the sale of strong beer or fortified wine would be against the public interest. In determining the public interest, the board shall consider at least the following factors:

(a) The likelihood that the applicant will sell strong beer or fortified wine to persons who are intoxicated;

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

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

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

(5) Licensees holding a beer and/or wine specialty shop license must maintain a minimum ((~~three thousand dollar~~)) $3,000 wholesale inventory of beer, strong beer, and/or wine.

(6) The board may adopt rules to implement this section.

(7) Any endorsement issued pursuant to this section may be issued to a qualified combination spirits, beer, and wine licensee in accordance with RCW 66.24.035.

(8)(a) A beer and/or wine specialty shop licensee that also holds a spirits retail license under RCW 66.24.630 may, upon board approval and pursuant to board rules, transition to a combination spirits, beer, and wine license pursuant to RCW 66.24.035.

(b) An applicant that would qualify for a beer and/or wine specialty shop license under this section and a spirits retail license under RCW 66.24.630 may apply for a single license pursuant to RCW 66.24.035 instead of applying for a beer and/or wine specialty shop license under this section in addition to a spirits retail license under RCW 66.24.630.

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