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**SENATE BILL 5448**

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

**By** Senators MacEwen, Mullet, Nguyen, and Shewmake

Read first time 01/18/23. Referred to Committee on Labor & Commerce.

1            AN ACT Relating to liquor licensee privileges for the delivery of  
2 alcohol; amending RCW 66.20.320, 82.08.150, and 66.24.660; amending  
3 2021 c 48 s 2 (uncodified); reenacting and amending RCW 66.04.010 and  
4 66.20.310; adding new sections to chapter 66.24 RCW; creating a new  
5 section; and declaring an emergency.

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

7            **Sec. 1.**    2021 c 48 s 2 (uncodified) is amended to read as  
8 follows:

9            (1) ~~((The board must implement the provisions of this section as~~  
10 ~~expeditiously as possible. Liquor licensees may conduct activities~~  
11 ~~authorized under this section before completion by the board of~~  
12 ~~actions the board plans to take in order to implement this act, such~~  
13 ~~as adoption of rules or completion of information system changes~~  
14 ~~necessary to allow licensees to apply for required endorsements.~~  
15 ~~However, licensees must comply with board rules when they take~~  
16 ~~effect.~~

17            ~~(2))~~) The following licensees may sell alcohol products at retail  
18 for curbside and takeout service or delivery or both under liquor and  
19 cannabis board licenses and endorsements: Beer and wine restaurants;  
20 spirits, beer, and wine restaurants; taverns; domestic wineries;

1 domestic breweries and microbreweries; distilleries; snack bars;  
2 nonprofit arts licensees; and caterers.

3 ~~((3))~~ (2) Spirits, beer, and wine restaurant licensees may sell  
4 premixed cocktails and cocktail kits for takeout or curbside service  
5 and for delivery. The board may establish by rule the manner in which  
6 cocktails for off-premises consumption must be provided. This  
7 subsection does not authorize sale of full bottles of spirits by  
8 licensees for off-premises consumption, with the exception of mini-  
9 bottles as part of cocktail kits. Mini-bottle sales authorized under  
10 this subsection as part of cocktail kits are exempt from the spirits  
11 license issuance fee under RCW 66.24.630(4)(a) and the tax on each  
12 retail sale of spirits under RCW 82.08.150.

13 ~~((4))~~ (3) Spirits, beer, and wine restaurant licensees may sell  
14 wine by the glass or premixed wine and spirits cocktails for takeout  
15 or curbside service and for delivery. Beer and wine restaurant  
16 licensees may sell wine or premixed wine drinks by the glass for  
17 takeout or curbside service and for delivery. The board may establish  
18 by rule the manner in which wine by the glass and cocktails for off-  
19 premises consumption must be provided.

20 ~~((5))~~ (4) Licensees that were authorized by statute or rule  
21 before January 1, 2020, to sell growlers for on-premises consumption  
22 may sell growlers for off-premises consumption through curbside,  
23 takeout, or delivery service. Sale of growlers under this subsection  
24 must meet federal alcohol and tobacco tax and trade bureau  
25 requirements.

26 ~~((6))~~ (5) Licensees must obtain from the board an endorsement  
27 to their license in order to conduct activities authorized under  
28 subsections ~~((2))~~ (1) through ~~((5))~~ (4) of this section. The  
29 board may adopt rules governing the manner in which the activities  
30 authorized under this section must be conducted. Licensees must not  
31 be charged a fee in order to obtain an endorsement required under  
32 this section.

33 ~~((7))~~ (6) Beer and wine specialty shops licensed under RCW  
34 66.24.371 and domestic breweries and microbreweries may sell  
35 prefilled growlers for off-premises consumption through takeout or  
36 curbside service and delivery, provided that prefilled growlers are  
37 sold the same day they are prepared for sale and not stored overnight  
38 for sale on future days.

39 ~~((8))~~ (7) The board must adopt or revise current rules to allow  
40 for outdoor service of alcohol by on-premises licensees holding

1 licenses issued by the board for the following license types: Beer  
2 and wine restaurants; spirits, beer, and wine restaurants; taverns;  
3 domestic wineries; domestic breweries and microbreweries;  
4 distilleries; snack bars; and private clubs licensed under RCW  
5 66.24.450 and 66.24.452. The board may adopt requirements providing  
6 for clear accountability at locations where multiple licensees use a  
7 shared space for serving customers.

8 ~~((9))~~ (8) Upon delivery of any alcohol product authorized to be  
9 delivered under this section, the signature of the person age 21 or  
10 over receiving the delivery must be obtained.

11 ~~((10))~~ (9) The definitions in this subsection apply throughout  
12 this section unless the context clearly requires otherwise.

13 (a) "Board" means the liquor and cannabis board.

14 (b) "Growlers" means sanitary containers brought to the premises  
15 by the purchaser or furnished by the licensee and filled by the  
16 retailer at the time of sale.

17 (c) "Mini-bottles" means original factory-sealed containers  
18 holding not more than 50 milliliters of a spirituous beverage.

19 ~~((11) This section expires July 1, 2023.)~~

20 **Sec. 2.** RCW 66.04.010 and 2019 c 61 s 1 are each reenacted and  
21 amended to read as follows:

22 In this title, unless the context otherwise requires:

23 (1) "Alcohol" is that substance known as ethyl alcohol, hydrated  
24 oxide of ethyl, or spirit of wine, which is commonly produced by the  
25 fermentation or distillation of grain, starch, molasses, or sugar, or  
26 other substances including all dilutions and mixtures of this  
27 substance. The term "alcohol" does not include alcohol in the  
28 possession of a manufacturer or distiller of alcohol fuel, as  
29 described in RCW 66.12.130, which is intended to be denatured and  
30 used as a fuel for use in motor vehicles, farm implements, and  
31 machines or implements of husbandry.

32 (2) "Authorized representative" means a person who:

33 (a) Is required to have a federal basic permit issued pursuant to  
34 the federal alcohol administration act, 27 U.S.C. Sec. 204;

35 (b) Has its business located in the United States outside of the  
36 state of Washington;

37 (c) Acquires ownership of beer or wine for transportation into  
38 and resale in the state of Washington; and which beer or wine is

1 produced by a brewery or winery in the United States outside of the  
2 state of Washington; and

3 (d) Is appointed by the brewery or winery referenced in (c) of  
4 this subsection as its authorized representative for marketing and  
5 selling its products within the United States in accordance with a  
6 written agreement between the authorized representative and such  
7 brewery or winery pursuant to this title.

8 (3) "Beer" means any malt beverage, flavored malt beverage, or  
9 malt liquor as these terms are defined in this chapter.

10 (4) "Beer distributor" means a person who buys beer from a  
11 domestic brewery, microbrewery, beer certificate of approval holder,  
12 or beer importers, or who acquires foreign produced beer from a  
13 source outside of the United States, for the purpose of selling the  
14 same pursuant to this title, or who represents such brewer or brewery  
15 as agent.

16 (5) "Beer importer" means a person or business within Washington  
17 who purchases beer from a beer certificate of approval holder or who  
18 acquires foreign produced beer from a source outside of the United  
19 States for the purpose of selling the same pursuant to this title.

20 (6) "Board" means the liquor and cannabis board, constituted  
21 under this title.

22 (7) "Brewer" or "brewery" means any person engaged in the  
23 business of manufacturing beer and malt liquor. Brewer includes a  
24 brand owner of malt beverages who holds a brewer's notice with the  
25 federal bureau of alcohol, tobacco, and firearms at a location  
26 outside the state and whose malt beverage is contract-produced by a  
27 licensed in-state brewery, and who may exercise within the state,  
28 under a domestic brewery license, only the privileges of storing,  
29 selling to licensed beer distributors, and exporting beer from the  
30 state.

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

35 (9) "Confection" means a preparation of sugar, honey, or other  
36 natural or artificial sweeteners in combination with chocolate,  
37 fruits, nuts, dairy products, or flavorings, in the form of bars,  
38 drops, or pieces.

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

1 (11) "Contract liquor store" means a business that sells liquor  
2 on behalf of the board through a contract with a contract liquor  
3 store manager.

4 (12) "Craft distillery" means a distillery that pays the reduced  
5 licensing fee under RCW 66.24.140.

6 (13) "Delivery" means the transportation of alcohol to an  
7 individual located within Washington state from a licensed location  
8 holding an alcohol delivery endorsement as part of a to go order.  
9 "Delivery" does not include services provided by common carriers.

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

13 ((+14+)) (15) "Distiller" means a person engaged in the business  
14 of distilling spirits.

15 ((+15+)) (16) "Domestic brewery" means a place where beer and  
16 malt liquor are manufactured or produced by a brewer within the  
17 state.

18 ((+16+)) (17) "Domestic winery" means a place where wines are  
19 manufactured or produced within the state of Washington.

20 ((+17+)) (18) "Drug store" means a place whose principal business  
21 is, the sale of drugs, medicines, and pharmaceutical preparations and  
22 maintains a regular prescription department and employs a registered  
23 pharmacist during all hours the drug store is open.

24 ((+18+)) (19) "Druggist" means any person who holds a valid  
25 certificate and is a registered pharmacist and is duly and regularly  
26 engaged in carrying on the business of pharmaceutical chemistry  
27 pursuant to chapter 18.64 RCW.

28 ((+19+)) (20) "Employee" means any person employed by the board.

29 ((+20+)) (21) "Flavored malt beverage" means:

30 (a) A malt beverage containing six percent or less alcohol by  
31 volume to which flavoring or other added nonbeverage ingredients are  
32 added that contain distilled spirits of not more than forty-nine  
33 percent of the beverage's overall alcohol content; or

34 (b) A malt beverage containing more than six percent alcohol by  
35 volume to which flavoring or other added nonbeverage ingredients are  
36 added that contain distilled spirits of not more than one and  
37 one-half percent of the beverage's overall alcohol content.

38 ((+21+)) (22) "Fund" means 'liquor revolving fund.'

39 ((+22+)) (23) "Hotel" means buildings, structures, and grounds,  
40 having facilities for preparing, cooking, and serving food, that are

1 kept, used, maintained, advertised, or held out to the public to be a  
2 place where food is served and sleeping accommodations are offered  
3 for pay to transient guests, in which twenty or more rooms are used  
4 for the sleeping accommodation of such transient guests. The  
5 buildings, structures, and grounds must be located on adjacent  
6 property either owned or leased by the same person or persons.

7 ~~((23))~~ (24) "Importer" means a person who buys distilled  
8 spirits from a distillery outside the state of Washington and imports  
9 such spirituous liquor into the state for sale to the board or for  
10 export.

11 ~~((24))~~ (25) "Imprisonment" means confinement in the county  
12 jail.

13 ~~((25))~~ (26) "Liquor" includes the four varieties of liquor  
14 herein defined (alcohol, spirits, wine, and beer), and all fermented,  
15 spirituous, vinous, or malt liquor, or combinations thereof, and  
16 mixed liquor, a part of which is fermented, spirituous, vinous or  
17 malt liquor, or otherwise intoxicating; and every liquid or solid or  
18 semisolid or other substance, patented or not, containing alcohol,  
19 spirits, wine, or beer, and all drinks or drinkable liquids and all  
20 preparations or mixtures capable of human consumption, and any  
21 liquid, semisolid, solid, or other substance, which contains more  
22 than one percent of alcohol by weight shall be conclusively deemed to  
23 be intoxicating. Liquor does not include confections or food products  
24 that contain one percent or less of alcohol by weight.

25 ~~((26))~~ (27) "Malt beverage" or "malt liquor" means any beverage  
26 such as beer, ale, lager beer, stout, and porter obtained by the  
27 alcoholic fermentation of an infusion or decoction of pure hops, or  
28 pure extract of hops and pure barley malt or other wholesome grain or  
29 cereal in pure water containing not more than eight percent of  
30 alcohol by weight, and not less than one-half of one percent of  
31 alcohol by volume. For the purposes of this title, any such beverage  
32 containing more than eight percent of alcohol by weight shall be  
33 referred to as "strong beer."

34 ~~((27))~~ (28) "Manufacturer" means a person engaged in the  
35 preparation of liquor for sale, in any form whatsoever.

36 ~~((28))~~ (29) "Nightclub" means an establishment that provides  
37 entertainment and has as its primary source of revenue (a) the sale  
38 of alcohol for consumption on the premises, (b) cover charges, or (c)  
39 both.

1       (~~(29)~~) (30) "Package" means any container or receptacle used  
2 for holding liquor.

3       (~~(30)~~) (31) "Passenger vessel" means any boat, ship, vessel,  
4 barge, or other floating craft of any kind carrying passengers for  
5 compensation.

6       (~~(31)~~) (32) "Permit" means a permit for the purchase of liquor  
7 under this title.

8       (~~(32)~~) (33) "Person" means an individual, copartnership,  
9 association, or corporation.

10       (~~(33)~~) (34) "Physician" means a medical practitioner duly and  
11 regularly licensed and engaged in the practice of his or her  
12 profession within the state pursuant to chapter 18.71 RCW.

13       (~~(34)~~) (35) "Powdered alcohol" means any powder or crystalline  
14 substance containing alcohol that is produced for direct use or  
15 reconstitution.

16       (~~(35)~~) (36) "Prescription" means a memorandum signed by a  
17 physician and given by him or her to a patient for the obtaining of  
18 liquor pursuant to this title for medicinal purposes.

19       (~~(36)~~) (37) "Public place" includes streets and alleys of  
20 incorporated cities and towns; state or county or township highways  
21 or roads; buildings and grounds used for school purposes; public  
22 dance halls and grounds adjacent thereto; those parts of  
23 establishments where beer may be sold under this title, soft drink  
24 establishments, public buildings, public meeting halls, lobbies,  
25 halls and dining rooms of hotels, restaurants, theaters, stores,  
26 garages and filling stations which are open to and are generally used  
27 by the public and to which the public is permitted to have  
28 unrestricted access; railroad trains, stages, and other public  
29 conveyances of all kinds and character, and the depots and waiting  
30 rooms used in conjunction therewith which are open to unrestricted  
31 use and access by the public; publicly owned bathing beaches, parks,  
32 and/or playgrounds; and all other places of like or similar nature to  
33 which the general public has unrestricted right of access, and which  
34 are generally used by the public.

35       (~~(37)~~) (38) "Regulations" means regulations made by the board  
36 under the powers conferred by this title.

37       (~~(38)~~) (39) "Restaurant" means any establishment provided with  
38 special space and accommodations where, in consideration of payment,  
39 food, without lodgings, is habitually furnished to the public, not  
40 including drug stores and soda fountains.

1       (~~(39)~~) (40) "Sale" and "sell" include exchange, barter, and  
2 traffic; and also include the selling or supplying or distributing,  
3 by any means whatsoever, of liquor, or of any liquid known or  
4 described as beer or by any name whatever commonly used to describe  
5 malt or brewed liquor or of wine, by any person to any person; and  
6 also include a sale or selling within the state to a foreign  
7 consignee or his or her agent in the state. "Sale" and "sell" shall  
8 not include the giving, at no charge, of a reasonable amount of  
9 liquor by a person not licensed by the board to a person not licensed  
10 by the board, for personal use only. "Sale" and "sell" also does not  
11 include a raffle authorized under RCW 9.46.0315: PROVIDED, That the  
12 nonprofit organization conducting the raffle has obtained the  
13 appropriate permit from the board.

14       (~~(40)~~) (41) "Service bar" means a fixed or portable table,  
15 counter, cart, or similar workstation primarily used to prepare, mix,  
16 serve, and sell alcohol that is picked up by employees or customers.  
17 Customers may not be seated or allowed to consume food or alcohol at  
18 a service bar.

19       (~~(41)~~) (42) "Soda fountain" means a place especially equipped  
20 with apparatus for the purpose of dispensing soft drinks, whether  
21 mixed or otherwise.

22       (~~(42)~~) (43) "Soju" means a traditional Korean distilled  
23 alcoholic beverage, produced using authentic Korean recipes and  
24 production methods, and derived from agricultural products, that  
25 contains not more than twenty-four percent of alcohol by volume.

26       (~~(43)~~) (44) "Spirits" means any beverage which contains alcohol  
27 obtained by distillation, except flavored malt beverages, but  
28 including wines exceeding twenty-four percent of alcohol by volume.

29       (~~(44)~~) (45) "Store" means a state liquor store established  
30 under this title.

31       (~~(45)~~) (46) "Tavern" means any establishment with special space  
32 and accommodation for sale by the glass and for consumption on the  
33 premises, of beer, as herein defined.

34       (~~(46)~~) (47) "VIP airport lounge" means an establishment within  
35 an international airport located beyond security checkpoints that  
36 provides a special space to sit, relax, read, work, and enjoy  
37 beverages where access is controlled by the VIP airport lounge  
38 operator and is generally limited to the following classifications of  
39 persons:



1 (a) Airline passengers of any age whose admission is based on a  
2 first-class, executive, or business class ticket;

3 (b) Airline passengers of any age who are qualified members or  
4 allowed guests of certain frequent flyer or other loyalty incentive  
5 programs maintained by airlines that have agreements describing the  
6 conditions for access to the VIP airport lounge;

7 (c) Airline passengers of any age who are qualified members or  
8 allowed guests of certain enhanced amenities programs maintained by  
9 companies that have agreements describing the conditions for access  
10 to the VIP airport lounge;

11 (d) Airport and airline employees, government officials, foreign  
12 dignitaries, and other attendees of functions held by the airport  
13 authority or airlines related to the promotion of business objectives  
14 such as increasing international air traffic and enhancing foreign  
15 trade where access to the VIP airport lounge will be controlled by  
16 the VIP airport lounge operator; and

17 (e) Airline passengers of any age or airline employees whose  
18 admission is based on a pass issued or permission given by the  
19 airline for access to the VIP airport lounge.

20 (~~(47)~~) (48) "VIP airport lounge operator" means an airline,  
21 port district, or other entity operating a VIP airport lounge that:  
22 Is accountable for compliance with the alcohol beverage control act  
23 under this title; holds the license under chapter 66.24 RCW issued to  
24 the VIP airport lounge; and provides a point of contact for  
25 addressing any licensing and enforcement by the board.

26 (~~(48)~~) (49) (a) "Wine" means any alcoholic beverage obtained by  
27 fermentation of fruits (grapes, berries, apples, et cetera) or other  
28 agricultural product containing sugar, to which any saccharine  
29 substances may have been added before, during or after fermentation,  
30 and containing not more than twenty-four percent of alcohol by  
31 volume, including sweet wines fortified with wine spirits, such as  
32 port, sherry, muscatel, and angelica, not exceeding twenty-four  
33 percent of alcohol by volume and not less than one-half of one  
34 percent of alcohol by volume. For purposes of this title, any  
35 beverage containing no more than fourteen percent of alcohol by  
36 volume when bottled or packaged by the manufacturer shall be referred  
37 to as "table wine," and any beverage containing alcohol in an amount  
38 more than fourteen percent by volume when bottled or packaged by the  
39 manufacturer shall be referred to as "fortified wine." However,  
40 "fortified wine" shall not include: (i) Wines that are both sealed or

1 capped by cork closure and aged two years or more; and (ii) wines  
2 that contain more than fourteen percent alcohol by volume solely as a  
3 result of the natural fermentation process and that have not been  
4 produced with the addition of wine spirits, brandy, or alcohol.

5 (b) This subsection shall not be interpreted to require that any  
6 wine be labeled with the designation "table wine" or "fortified  
7 wine."

8 ~~((49))~~ (50) "Wine distributor" means a person who buys wine  
9 from a domestic winery, wine certificate of approval holder, or wine  
10 importer, or who acquires foreign produced wine from a source outside  
11 of the United States, for the purpose of selling the same not in  
12 violation of this title, or who represents such vintner or winery as  
13 agent.

14 ~~((50))~~ (51) "Wine importer" means a person or business within  
15 Washington who purchases wine from a wine certificate of approval  
16 holder or who acquires foreign produced wine from a source outside of  
17 the United States for the purpose of selling the same pursuant to  
18 this title.

19 ~~((51))~~ (52) "Winery" means a business conducted by any person  
20 for the manufacture of wine for sale, other than a domestic winery.

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

23 (1) There is an alcohol delivery license to deliver spirits,  
24 beer, and wine from a business licensed by the board with an  
25 endorsement for alcohol delivery to a person within the state of  
26 Washington.

27 (2) The annual fee for the alcohol delivery license is \$2,000.

28 **Sec. 4.** RCW 66.20.310 and 2019 c 64 s 21 are each reenacted and  
29 amended to read as follows:

30 (1)(a) There is an alcohol server permit, known as a class 12  
31 permit, for ~~((a))~~:

32 (i) A manager ~~((or bartender))~~;

33 (ii) A bartender selling or mixing alcohol, spirits, wines, or  
34 beer for consumption at an on-premises licensed facility; or

35 (iii) An employee conducting alcohol deliveries for an alcohol  
36 delivery license holder.

1 (b) There is an alcohol server permit, known as a class 13  
2 permit, for a person who only serves alcohol, spirits, wines, or beer  
3 for consumption at an on-premises licensed facility.

4 (c) As provided by rule by the board, a class 13 permit holder  
5 may be allowed to act as a bartender without holding a class 12  
6 permit.

7 (2)(a) Effective January 1, 1997, except as provided in (d) of  
8 this subsection, every alcohol server employed, under contract or  
9 otherwise, at a retail licensed premise must be issued a class 12 or  
10 class 13 permit.

11 (b) Every class 12 and class 13 permit issued must be issued in  
12 the name of the applicant and no other person may use the permit of  
13 another permit holder. The holder must present the permit upon  
14 request to inspection by a representative of the board or a peace  
15 officer. The class 12 or class 13 permit is valid for employment at  
16 any retail licensed premises described in (a) of this subsection.

17 (c) Except as provided in (d) of this subsection, no licensee  
18 holding a license as authorized by this section and RCW 66.20.300,  
19 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.690,  
20 66.24.450, 66.24.570, 66.24.600, 66.24.610, 66.24.650, 66.24.655, and  
21 66.24.680 may employ or accept the services of any person without the  
22 person first having a valid class 12 or class 13 permit.

23 (d) Within sixty days of initial employment, every person whose  
24 duties include the compounding, sale, service, or handling of liquor  
25 must have a class 12 or class 13 permit.

26 (e) No person may perform duties that include the sale or service  
27 of alcoholic beverages on a retail licensed premises without  
28 possessing a valid alcohol server permit.

29 (f) Every person whose duties include the delivery of alcohol  
30 must have a class 12 permit before engaging in alcohol delivery.

31 (3) A permit issued by a training entity under this section is  
32 valid for employment at any retail licensed premises described in  
33 subsection (2)(a) of this section for a period of five years unless  
34 suspended by the board.

35 (4) The board may suspend or revoke an existing permit if any of  
36 the following occur:

37 (a) The applicant or permittee has been convicted of violating  
38 any of the state or local intoxicating liquor laws of this state or  
39 has been convicted at any time of a felony; or

1 (b) The permittee has performed or permitted any act that  
2 constitutes a violation of this title or of any rule of the board.

3 (5) The suspension or revocation of a permit under this section  
4 does not relieve a licensee from responsibility for any act of the  
5 employee or agent while employed upon the retail licensed premises.  
6 The board may, as appropriate, revoke or suspend either the permit of  
7 the employee who committed the violation or the license of the  
8 licensee upon whose premises the violation occurred, or both the  
9 permit and the license.

10 (6) (a) After January 1, 1997, it is a violation of this title for  
11 any retail licensee or agent of a retail licensee as described in  
12 subsection (2) (a) of this section to employ in the sale or service of  
13 alcoholic beverages, any person who does not have a valid alcohol  
14 server permit or whose permit has been revoked, suspended, or denied.

15 (b) It is a violation of this title for a person whose alcohol  
16 server permit has been denied, suspended, or revoked to accept  
17 employment in the sale or service of alcoholic beverages.

18 (7) Grocery stores licensed under RCW 66.24.360, the primary  
19 commercial activity of which is the sale of grocery products and for  
20 which the sale and service of beer and wine for on-premises  
21 consumption with food is incidental to the primary business, and  
22 employees of such establishments, are exempt from RCW 66.20.300  
23 through 66.20.350, except for employees whose duties include serving  
24 during tasting activities under RCW 66.24.363.

25 **Sec. 5.** RCW 66.20.320 and 1996 c 311 s 2 are each amended to  
26 read as follows:

27 (1) The board shall regulate a required alcohol server education  
28 program that includes:

29 (a) Development of the curriculum and materials for the education  
30 program;

31 (b) Examination and examination procedures;

32 (c) Certification procedures, enforcement policies, and penalties  
33 for education program instructors and providers;

34 (d) The curriculum for an approved class 12 alcohol permit  
35 training program that includes but is not limited to the following  
36 subjects:

37 (i) The physiological effects of alcohol including the effects of  
38 alcohol in combination with drugs;

39 (ii) Liability and legal information;

1 (iii) Driving while intoxicated;

2 (iv) Intervention with the problem customer, including ways to  
3 stop service, ways to deal with the belligerent customer, and  
4 alternative means of transportation to get the customer safely home;

5 (v) Methods for checking proper identification of customers;

6 (vi) Nationally recognized programs, such as TAM (Techniques in  
7 Alcohol Management) and TIPS (Training for Intervention Programs)  
8 modified to include Washington laws and regulations.

9 (2) The board shall provide the program through liquor licensee  
10 associations, independent contractors, private persons, private or  
11 public schools certified by the board, or any combination of such  
12 providers.

13 (3) Each training entity shall provide a class 12 permit to the  
14 manager (~~(owner)~~), bartender, or delivery employee who has successfully  
15 completed a course the board has certified. A list of the individuals  
16 receiving the class 12 permit shall be forwarded to the board on the  
17 completion of each course given by the training entity.

18 (4) After January 1, 1997, the board shall require all alcohol  
19 servers applying for a class 13 alcohol server permit to view a video  
20 training session. Retail liquor licensees shall fully compensate  
21 employees for the time spent participating in this training session.

22 (5) When requested by a retail liquor licensee, the board shall  
23 provide copies of videotaped training programs that have been  
24 produced by private vendors and make them available for a nominal fee  
25 to cover the cost of purchasing and shipment, with the fees being  
26 deposited in the liquor revolving fund for distribution to the board  
27 as needed.

28 (6) Each training entity may provide the board with a video  
29 program of not less than one hour that covers the subjects in  
30 subsection (1)(d)(i) through (v) of this section that will be made  
31 available to a licensee for the training of a class 13 alcohol  
32 server.

33 (7) Applicants shall be given a class 13 permit upon the  
34 successful completion of the program.

35 (8) A list of the individuals receiving the class 13 permit shall  
36 be forwarded to the board on the completion of each video training  
37 program.

38 (9) The board shall develop a model permit for the class 12 and  
39 13 permits. The board may provide such permits to training entities  
40 or licensees for a nominal cost to cover production.

1 (10)(a) Persons who have completed a nationally recognized  
2 alcohol management or intervention program since July 1, 1993, may be  
3 issued a class 12 or 13 permit upon providing proof of completion of  
4 such training to the board.

5 (b) Persons who completed the board's alcohol server training  
6 program after July 1, 1993, but before July 1, 1995, may be issued a  
7 class 13 permit upon providing proof of completion of such training  
8 to the board.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 66.24  
10 RCW to read as follows:

11 (1) The board must create an alcohol delivery endorsement to the  
12 beer and wine restaurant license; spirits, beer, and wine restaurant  
13 license; tavern license; domestic winery license; domestic brewery  
14 license; microbrewery license; distillery license; and craft  
15 distillery license. Delivery services conducted by beer and wine  
16 restaurant licensees and spirits, beer, and wine restaurant licensees  
17 must be accompanied by a purchased meal prepared and sold by the  
18 license holder.

19 (2) Alcohol delivery may be performed by employees of an alcohol  
20 delivery endorsement holder or a holder of an alcohol delivery  
21 license under section 3 of this act if the employees:

- 22 (a) Are at least 21 years of age or older; and  
23 (b) Possess a class 12 permit, in accordance with RCW 66.20.310.  
24 (3) The cost of an alcohol delivery endorsement is \$50.

25 **Sec. 7.** RCW 82.08.150 and 2021 c 48 s 6 are each amended to read  
26 as follows:

27 (1) There is levied and collected a tax upon each retail sale of  
28 spirits in the original package at the rate of fifteen percent of the  
29 selling price.

30 (2) There is levied and collected a tax upon each sale of spirits  
31 in the original package at the rate of ten percent of the selling  
32 price on sales by a spirits distributor licensee or other licensee  
33 acting as a spirits distributor pursuant to Title 66 RCW to  
34 restaurant spirits retailers.

35 (3) There is levied and collected an additional tax upon each  
36 sale of spirits in the original package by a spirits distributor  
37 licensee or other licensee acting as a spirits distributor pursuant  
38 to Title 66 RCW to a restaurant spirits retailer and upon each retail

1 sale of spirits in the original package by a licensee of the board at  
2 the rate of one dollar and seventy-two cents per liter.

3 (4) An additional tax is imposed equal to fourteen percent  
4 multiplied by the taxes payable under subsections (1), (2), and (3)  
5 of this section.

6 (5) An additional tax is imposed upon each sale of spirits in the  
7 original package by a spirits distributor licensee or other licensee  
8 acting as a spirits distributor pursuant to Title 66 RCW to a  
9 restaurant spirits retailer and upon each retail sale of spirits in  
10 the original package by a licensee of the board at the rate of seven  
11 cents per liter. All revenues collected during any month from this  
12 additional tax must be deposited in the state general fund by the  
13 twenty-fifth day of the following month.

14 (6)(a) An additional tax is imposed upon retail sale of spirits  
15 in the original package at the rate of three and four-tenths percent  
16 of the selling price.

17 (b) An additional tax is imposed upon retail sale of spirits in  
18 the original package to a restaurant spirits retailer at the rate of  
19 two and three-tenths percent of the selling price.

20 (c) An additional tax is imposed upon each sale of spirits in the  
21 original package by a spirits distributor licensee or other licensee  
22 acting as a spirits distributor pursuant to Title 66 RCW to a  
23 restaurant spirits retailer and upon each retail sale of spirits in  
24 the original package by a licensee of the board at the rate of forty-  
25 one cents per liter.

26 (d) All revenues collected during any month from additional taxes  
27 under this subsection must be deposited in the state general fund by  
28 the twenty-fifth day of the following month.

29 (7)(a) An additional tax is imposed upon each retail sale of  
30 spirits in the original package at the rate of one dollar and thirty-  
31 three cents per liter.

32 (b) All revenues collected during any month from additional taxes  
33 under this subsection must be deposited by the twenty-fifth day of  
34 the following month into the general fund.

35 (8) The tax imposed in RCW 82.08.020 does not apply to sales of  
36 spirits in the original package.

37 (9) The taxes imposed in this section must be paid by the buyer  
38 to the seller, and each seller must collect from the buyer the full  
39 amount of the tax payable in respect to each taxable sale under this  
40 section. The taxes required by this section to be collected by the

1 seller must be stated separately from the selling price, and for  
2 purposes of determining the tax due from the buyer to the seller, it  
3 is conclusively presumed that the selling price quoted in any price  
4 list does not include the taxes imposed by this section. Sellers must  
5 report and return all taxes imposed in this section in accordance  
6 with rules adopted by the department.

7 (10)(a) Except as otherwise provided in this subsection, the  
8 terms, "spirits" and "package" have the same meaning as provided in  
9 chapter 66.04 RCW.

10 (b) (~~Until July 1, 2023, for~~) For the purposes of the taxes  
11 imposed under this section, the term "spirits" does not include mini-  
12 bottles of spirits sold by a person who possesses a valid endorsement  
13 under (~~section 2(6), chapter 48, Laws of 2021~~) section 1 of this  
14 act and is licensed as a spirits, beer, and wine restaurant under RCW  
15 66.24.400.

16 (c) For the purposes of this subsection, "mini-bottles of  
17 spirits" means an original factory-sealed container holding not more  
18 than 50 milliliters of spirits.

19 NEW SECTION. Sec. 8. This act is exempt from the provisions of  
20 RCW 82.32.808 and 82.32.805.

21 **Sec. 9.** RCW 66.24.660 and 2013 c 89 s 1 are each amended to read  
22 as follows:

23 Retailers may sell liquor as defined in RCW 66.04.010(~~(+25)~~)  
24 through self-checkout registers if that register is programmed to  
25 halt that transaction during the purchase of liquor until an employee  
26 of the retailer intervenes and verifies the age of the purchaser by  
27 reviewing established forms of acceptable identification. Once age is  
28 successfully verified, the employee can release the transaction for  
29 payment. If the purchaser cannot provide acceptable forms of  
30 identification to verify age, the employee must refuse the purchase  
31 and void the transaction.

32 NEW SECTION. Sec. 10. This act is necessary for the immediate  
33 preservation of the public peace, health, or safety, or support of  
34 the state government and its existing public institutions, and takes  
35 effect immediately.

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