S-0035.1

# SENATE BILL 5024

**State of Washington** **69th Legislature** **2025 Regular Session**

**By** Senators Warnick and Stanford

Prefiled 12/10/24.

AN ACT Relating to providing a tax exemption for the first 20,000 gallons of wine sold by a winery in Washington; amending RCW 66.24.210; and creating a new section.

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

**Sec. 1.** RCW 66.24.210 and 2023 c 470 s 1012 are each amended to read as follows:

(1) ((~~There~~)) Except as provided in (d) of this subsection, there is hereby imposed upon all wines except cider sold to wine distributors within the state a tax at the rate of twenty and one-fourth cents per liter. Any domestic winery or certificate of approval holder acting as a distributor of its own production must pay taxes imposed by this section. ((~~There~~)) Except as provided in (d) of this subsection, there is hereby imposed on all cider sold to wine distributors within the state a tax at the rate of three and fifty-nine one-hundredths cents per liter. However, wine sold or shipped in bulk from one winery to another winery is not subject to such tax.

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

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

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

(d) A winery's sale of the first 20,000 gallons of table wine or cider in a calendar year is:

(i) Subject to tax at a rate of $0.0528 per liter for table wine or cider; and

(ii) Not subject to any other taxes under this section on sales of the first 20,000 gallons of table wine or cider except for taxes imposed under subsection (3) of this section for the Washington wine commission.

(e) Taxes collected pursuant to (d) of this subsection (1) must be deposited in the liquor revolving fund and are subject to the allocation to Washington State University in RCW 66.08.180(4).

(2) ((~~An~~)) Except as provided in subsection (1)(d) of this section, an additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax must be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. After June 30, 1996, such additional tax does not apply to cider. An additional tax of

five one-hundredths of one cent per liter is imposed on cider sold after June 30, 1996. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

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

(5)(a) ((~~An~~)) Except as provided in subsection (1)(d) of this section, an additional tax is imposed on all cider subject to tax under subsection (1) of this section. The additional tax is equal to two and four one-hundredths cents per liter of cider sold after June 30, 1996, and before July 1, 1997, and is equal to four and seven one-hundredths cents per liter of cider sold after June 30, 1997.

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

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

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

(8) Notwithstanding any other provision of this section, any domestic winery or wine certificate of approval holder acting as a distributor of its own production that had total taxable sales of wine in Washington state of six thousand gallons or less during the calendar year preceding the date on which the tax would otherwise be

due is not required to pay taxes under this section more often than annually.

NEW SECTION. **Sec. 2.** (1) This section is the tax preference performance statement for the tax preference contained in section 1, chapter . . ., Laws of 2025 (section 1 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief to certain businesses or individuals.

(3) It is the legislature's specific public policy objective to promote the development of small wineries. These small businesses face challenges entering the industry and it is the legislature's public policy objective to assist these wineries to grow and stabilize. Small wineries have faced significant challenges in recent years including the great recession, COVID-19 restrictions, impact of wildfire smoke, and weather challenges. Every year dozens of small wineries close their doors forever. The loss of these businesses means Washington loses not just the wine excise tax income from these wineries, but also the sales and use tax income, the business and occupation tax income, and the jobs, tourism opportunities, and community contributions these wineries would otherwise make.

(4) The joint legislative audit and review committee must conduct an initial evaluation of the tax preference in this section by January 1, 2030. A final evaluation of the tax preference in this section must be conducted by January 1, 2035.

(5) If the review finds that the: (a) Number of wineries producing less than 20,000 gallons per year going out of business is decreased; (b) number of wineries that were producing less than 20,000 gallons per year in 2025 that are subsequently producing more than 20,000 gallons per year is increased; or (c) amount of sales and use tax collected by wineries has increased, then the legislature intends to extend the expiration date of this tax preference.

(6) In order to obtain the data necessary to perform the review in subsection (5) of this section, the joint legislative audit and

review committee may refer to any data collected by the state, including the Washington wine commission.

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