

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1278

Chapter 100, Laws of 1997

(partial veto)

55th Legislature
1997 Regular Session

AUTHORIZING THE USE OF "LAGER" ON MALT LIQUOR PACKAGES

EFFECTIVE DATE: 7/27/97

Passed by the House March 11, 1997
Yeas 96 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate April 9, 1997
Yeas 47 Nays 0

BRAD OWEN
President of the Senate

Approved April 21, 1997, with the
exception of section 2, which is
vetoed.

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1278** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

April 21, 1997 - 4:17 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1278

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By Representatives K. Schmidt, Hatfield, Mitchell, Pennington, Scott, Mielke, Cody, Honeyford and Delvin

Read first time 01/21/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to requiring beer manufacturers to use the term
2 lager on the outside label of contents of packages containing malt
3 liquor; and amending RCW 66.28.120 and 66.04.010.

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

5 **Sec. 1.** RCW 66.28.120 and 1982 c 39 s 2 are each amended to read
6 as follows:

7 Every person manufacturing or distributing malt liquor for sale
8 within the state shall put upon all packages containing malt liquor so
9 manufactured or distributed a distinctive label showing the nature of
10 the contents, the name of the person by whom the malt liquor was
11 manufactured, and the place where it was manufactured. For the purpose
12 of this section, the contents of packages containing malt liquor shall
13 be shown by the use of the word "beer," "ale," "malt liquor," "lager,"
14 "stout," or "porter," on the outside of the packages.

15 ***Sec. 2.** RCW 66.04.010 and 1991 c 192 s 1 are each amended to read
16 as follows:

17 *In this title, unless the context otherwise requires:*

1 (1) "Alcohol" is that substance known as ethyl alcohol, hydrated
2 oxide of ethyl, or spirit of wine, which is commonly produced by the
3 fermentation or distillation of grain, starch, molasses, or sugar, or
4 other substances including all dilutions and mixtures of this
5 substance. The term "alcohol" does not include alcohol in the
6 possession of a manufacturer or distiller of alcohol fuel, as described
7 in RCW 66.12.130, which is intended to be denatured and used as a fuel
8 for use in motor vehicles, farm implements, and machines or implements
9 of husbandry.

10 (2) "Beer" means any malt beverage or malt liquor as these terms
11 are defined in this chapter.

12 (3) "Brewer" means any person engaged in the business of
13 manufacturing beer and malt liquor.

14 (4) "Board" means the liquor control board, constituted under this
15 title.

16 (5) "Club" means an organization of persons, incorporated or
17 unincorporated, operated solely for fraternal, benevolent, educational,
18 athletic or social purposes, and not for pecuniary gain.

19 (6) "Consume" includes the putting of liquor to any use, whether by
20 drinking or otherwise.

21 (7) "Dentist" means a practitioner of dentistry duly and regularly
22 licensed and engaged in the practice of his profession within the state
23 pursuant to chapter 18.32 RCW.

24 (8) "Distiller" means a person engaged in the business of
25 distilling spirits.

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

30 (10) "Drug store" means a place whose principal business is, the
31 sale of drugs, medicines and pharmaceutical preparations and maintains
32 a regular prescription department and employs a registered pharmacist
33 during all hours the drug store is open.

34 (11) "Employee" means any person employed by the board, including
35 a vendor, as hereinafter in this section defined.

36 (12) "Fund" means 'liquor revolving fund.'

37 (13) "Hotel" means every building or other structure kept, used,
38 maintained, advertised or held out to the public to be a place where
39 food is served and sleeping accommodations are offered for pay to

1 transient guests, in which twenty or more rooms are used for the
2 sleeping accommodation of such transient guests and having one or more
3 dining rooms where meals are served to such transient guests, such
4 sleeping accommodations and dining rooms being conducted in the same
5 building and buildings, in connection therewith, and such structure or
6 structures being provided, in the judgment of the board, with adequate
7 and sanitary kitchen and dining room equipment and capacity, for
8 preparing, cooking and serving suitable food for its guests: PROVIDED
9 FURTHER, That in cities and towns of less than five thousand
10 population, the board shall have authority to waive the provisions
11 requiring twenty or more rooms.

12 (14) "Imprisonment" means confinement in the county jail.

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

25 (16) "Manufacturer" means a person engaged in the preparation of
26 liquor for sale, in any form whatsoever.

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

36 (18) "Package" means any container or receptacle used for holding
37 liquor.

38 (19) "Permit" means a permit for the purchase of liquor under this
39 title.

1 (20) "Person" means an individual, copartnership, association, or
2 corporation.

3 (21) "Physician" means a medical practitioner duly and regularly
4 licensed and engaged in the practice of his profession within the state
5 pursuant to chapter 18.71 RCW.

6 (22) "Prescription" means a memorandum signed by a physician and
7 given by him to a patient for the obtaining of liquor pursuant to this
8 title for medicinal purposes.

9 (23) "Public place" includes streets and alleys of incorporated
10 cities and towns; state or county or township highways or roads;
11 buildings and grounds used for school purposes; public dance halls and
12 grounds adjacent thereto; those parts of establishments where beer may
13 be sold under this title, soft drink establishments, public buildings,
14 public meeting halls, lobbies, halls and dining rooms of hotels,
15 restaurants, theatres, stores, garages and filling stations which are
16 open to and are generally used by the public and to which the public is
17 permitted to have unrestricted access; railroad trains, stages, and
18 other public conveyances of all kinds and character, and the depots and
19 waiting rooms used in conjunction therewith which are open to
20 unrestricted use and access by the public; publicly owned bathing
21 beaches, parks, and/or playgrounds; and all other places of like or
22 similar nature to which the general public has unrestricted right of
23 access, and which are generally used by the public.

24 (24) "Regulations" means regulations made by the board under the
25 powers conferred by this title.

26 (25) "Restaurant" means any establishment provided with special
27 space and accommodations where, in consideration of payment, food,
28 without lodgings, is habitually furnished to the public, not including
29 drug stores and soda fountains.

30 (26) "Sale" and "sell" include exchange, barter, and traffic; and
31 also include the selling or supplying or distributing, by any means
32 whatsoever, of liquor, or of any liquid known or described as beer or
33 by any name whatever commonly used to describe malt or brewed liquor or
34 of wine, by any person to any person; and also include a sale or
35 selling within the state to a foreign consignee or his agent in the
36 state. "Sale" and "sell" shall not include the giving, at no charge,
37 of a reasonable amount of liquor by a person not licensed by the board
38 to a person not licensed by the board, for personal use only. "Sale"
39 and "sell" also does not include a raffle authorized under RCW

1 9.46.0315: PROVIDED, That the nonprofit organization conducting the
2 raffle has obtained the appropriate permit from the board.

3 (27) "Soda fountain" means a place especially equipped with
4 apparatus for the purpose of dispensing soft drinks, whether mixed or
5 otherwise.

6 (28) "Spirits" means any beverage which contains alcohol obtained
7 by distillation, including wines exceeding twenty-four percent of
8 alcohol by volume.

9 (29) "Store" means a state liquor store established under this
10 title.

11 (30) "Tavern" means any establishment with special space and
12 accommodation for sale by the glass and for consumption on the
13 premises, of beer, as herein defined.

14 (31) "Vendor" means a person employed by the board as a store
15 manager under this title.

16 (32) "Winery" means a business conducted by any person for the
17 manufacture of wine for sale, other than a domestic winery.

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

20 (34) "Wine" means any alcoholic beverage obtained by fermentation
21 of fruits (grapes, berries, apples, et cetera) or other agricultural
22 product containing sugar, to which any saccharine substances may have
23 been added before, during or after fermentation, and containing not
24 more than twenty-four percent of alcohol by volume, including sweet
25 wines fortified with wine spirits, such as port, sherry, muscatel and
26 angelica, not exceeding twenty-four percent of alcohol by volume and
27 not less than one-half of one percent of alcohol by volume. For
28 purposes of this title, any beverage containing no more than fourteen
29 percent of alcohol by volume when bottled or packaged by the
30 manufacturer shall be referred to as "table wine," and any beverage
31 containing alcohol in an amount more than fourteen percent by volume
32 when bottled or packaged by the manufacturer shall be referred to as
33 "fortified wine." However, "fortified wine" shall not include: (a)
34 Wines that are both sealed or capped by cork closure and aged two years
35 or more; and (b) wines that contain more than fourteen percent alcohol
36 by volume solely as a result of the natural fermentation process and
37 that have not been produced with the addition of wine spirits, brandy,
38 or alcohol.

1 *This subsection shall not be interpreted to require that any wine*
2 *be labeled with the designation "table wine" or "fortified wine."*

3 *(35) "Beer wholesaler" means a person who buys beer from a brewer*
4 *or brewery located either within or beyond the boundaries of the state*
5 *for the purpose of selling the same pursuant to this title, or who*
6 *represents such brewer or brewery as agent.*

7 *(36) "Wine wholesaler" means a person who buys wine from a vintner*
8 *or winery located either within or beyond the boundaries of the state*
9 *for the purpose of selling the same not in violation of this title, or*
10 *who represents such vintner or winery as agent.*

11 *Sec. 2 was vetoed. See message at end of chapter.

Passed the House March 11, 1997.

Passed the Senate April 9, 1997.

Approved by the Governor April 21, 1997, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State April 21, 1997.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 2,
3 House Bill No. 1278 entitled:

4 "AN ACT Relating to requiring beer manufacturers to use the term
5 lager on the outside label of contents of packages containing malt
6 liquor;"

7 This legislation allows beer manufacturers or distributors to use
8 the word "lager" as a stand-alone labeling term on the labels of malt
9 beverages, to identify the contents.

10 Section 2 of this legislation defines the word "lager" the same as
11 the definition provided in the Liquor Code for "malt beverage" and
12 "malt liquor." However, these terms do not have the same meaning.
13 Even if this definition were correct, it is unnecessary to accomplish
14 the purpose of the bill.

15 For these reasons, I have vetoed section 2 of House Bill No. 1278.

16 With the exception of section 2, House Bill No. 1278 is approved."