

CERTIFICATION OF ENROLLMENT

SENATE BILL 5338

Chapter 39, Laws of 1997

55th Legislature
1997 Regular Session

FURNISHING LIQUORS AT NO CHARGE--AUTHORIZED USES

EFFECTIVE DATE: 7/27/97

Passed by the Senate March 13, 1997
YEAS 39 NAYS 8

BRAD OWEN

President of the Senate

Passed by the House April 8, 1997
YEAS 88 NAYS 9

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved April 16, 1997

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5338** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

Secretary

FILED

April 16, 1997 - 6:13 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 5338

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By Senators Horn, Heavey and Schow

Read first time 01/23/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the restricted use of spirituous liquor at no
2 charge; and amending RCW 66.28.040, 66.28.150, and 66.28.155.

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

4 **Sec. 1.** RCW 66.28.040 and 1987 c 452 s 15 are each amended to read
5 as follows:

6 Except as permitted by the board under RCW 66.20.010, no brewer,
7 wholesaler, distiller, winery, importer, rectifier, or other
8 manufacturer of liquor shall, within the state, by himself(~~(, his))~~) or
9 herself, a clerk, servant, or agent, give to any person any liquor; but
10 nothing in this section nor in RCW 66.28.010 shall prevent a brewer,
11 wholesaler, winery, distiller, or importer from furnishing samples of
12 beer (~~(or))~~), wine, or spirituous liquor to authorized licensees for the
13 purpose of negotiating a sale, in accordance with regulations adopted
14 by the liquor control board, provided that the samples are subject to
15 taxes imposed by RCW 66.24.290 and 66.24.210, and in the case of
16 spirituous liquor, any product used for samples must be purchased at
17 retail from the board; nothing in this section shall prevent the
18 furnishing of samples of liquor to the board for the purpose of
19 negotiating the sale of liquor to the state liquor control board;

1 nothing in this section shall prevent a brewery, winery, distillery, or
2 wholesaler from furnishing beer ((~~or~~)), wine, or spirituous liquor for
3 instructional purposes under RCW 66.28.150 and 66.28.155; nothing in
4 this section shall prevent a winery or wholesaler from furnishing wine
5 without charge to a not-for-profit group organized and operated solely
6 for the purpose of enology or the study of viticulture which has been
7 in existence for at least six months and any wine so furnished shall be
8 used solely for such educational purposes, provided that the wine
9 furnished shall be subject to the taxes imposed by RCW 66.24.210;
10 nothing in this section shall prevent a brewer from serving beer
11 without charge, on the brewery premises; nothing in this section shall
12 prevent donations of wine for the purposes of RCW 66.12.180; and
13 nothing in this section shall prevent a domestic winery from serving
14 wine without charge, on the winery premises.

15 **Sec. 2.** RCW 66.28.150 and 1982 1st ex.s. c 26 s 1 are each amended
16 to read as follows:

17 A brewery, winery, ((~~or~~)) distillery, wholesaler, or its licensed
18 agent may, without charge, instruct licensees and their employees, or
19 conduct courses of instruction for licensees and their employees, on
20 the subject of beer ((~~or~~)), wine, or spirituous liquor, including but
21 not limited to, the history, nature, values, and characteristics of
22 beer ((~~or~~)), wine, or spirituous liquor, the use of wine lists, and the
23 methods of presenting, serving, storing, and handling beer ((~~or~~)),
24 wine, or spirituous liquor. The brewery, winery, ((~~or~~)) distillery,
25 wholesaler, or its licensed agent may furnish beer ((~~or~~)), wine, or
26 spirituous liquor and such other equipment, materials, and utensils as
27 may be required for use in connection with the instruction or courses
28 of instruction. The instruction or courses of instruction may be given
29 at the premises of the brewery, winery, distillery, or wholesaler, at
30 the premises of a retail licensee, or elsewhere.

31 **Sec. 3.** RCW 66.28.155 and 1984 c 196 s 1 are each amended to read
32 as follows:

33 A brewery, winery, distillery, wholesaler, or its licensed agent
34 may conduct educational activities or provide product information to
35 the consumer on the licensed premises of a retailer. Information on
36 the subject of wine ((~~or~~)), beer, or spirituous liquor, including but
37 not limited to, the history, nature, quality, and characteristics of a

1 wine ~~((or))~~, beer, or spirituous liquor, methods of harvest,
2 production, storage, handling, and distribution of a wine ~~((or))~~, beer,
3 or spirituous liquor, and the general development of the wine ~~((and))~~,
4 beer, and spirituous liquor industry may be provided by a brewery,
5 winery, distillery, wholesaler, or its licensed agent to the public on
6 the licensed premises of a retailer. The retailer requesting such
7 activity shall attempt to schedule a series of brewery, winery, or
8 distillery and wholesaler appearances in an effort to equitably
9 represent the industries. Nothing in this section permits a brewery,
10 winery, distillery, wholesaler, or its licensed agent to receive
11 compensation or financial benefit from the educational activities or
12 product information presented on the licensed premises of a retailer.
13 The promotional value of such educational activities or product
14 information shall not be considered advancement of moneys or of moneys'
15 worth within the meaning of RCW 66.28.010.

Passed the Senate March 13, 1997.

Passed the House April 8, 1997.

Approved by the Governor April 16, 1997.

Filed in Office of Secretary of State April 16, 1997.