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**HOUSE BILL 2319**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representatives Fitzgibbon and Vick

AN ACT Relating to the sale of liquor in kegs or containers containing four gallons or more of liquor; and amending RCW 66.28.200, 66.28.210, and 66.28.220.

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

**Sec.**  RCW 66.28.200 and 2009 c 373 s 7 are each amended to read as follows:

(1) Licensees holding a beer and/or wine restaurant or a tavern license in combination with an off-premises beer and wine retailer's license, licensees holding a spirits, beer, and wine restaurant license with an endorsement issued under RCW 66.24.400(4), and licensees holding a beer and/or wine specialty shop license with an endorsement issued under RCW 66.24.371(1) may sell malt liquor in kegs or other containers capable of holding four gallons or more of liquid. Under a special endorsement from the board, a grocery store licensee may sell malt liquor in containers no larger than five and one-half gallons. The sale of any container holding four gallons or more must comply with the provisions of this section and RCW 66.28.210 through 66.28.240.

(2) Any person who sells or offers for sale the contents of kegs or other containers containing four gallons or more of malt liquor, or leases kegs or other containers that will hold four gallons of malt liquor, to consumers who are not licensed under chapter 66.24 RCW shall do the following for any transaction involving the container:

(a) Require the purchaser of the malt liquor to sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in RCW 66.28.220; and

(b) ((~~Require the purchaser to provide one piece of identification pursuant to RCW 66.16.040;~~

~~(c) Require the purchaser to sign a sworn statement, under penalty of perjury, that:~~

~~(i) The purchaser is of legal age to purchase, possess, or use malt liquor;~~

~~(ii) The purchaser will not allow any person under the age of twenty-one years to consume the beverage except as provided by RCW 66.44.270;~~

~~(iii) The purchaser will not remove, obliterate, or allow to be removed or obliterated, the identification required under RCW 66.28.220 to be affixed to the container;~~

~~(d) Require the purchaser to state the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located; and~~

~~(e) Require the purchaser to maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control~~)) Ensure that the purchaser is age twenty-one or older.

(3) A violation of this section is a gross misdemeanor.

**Sec.**  RCW 66.28.210 and 2003 c 53 s 297 are each amended to read as follows:

(1) Any person who purchases the contents of kegs or other containers containing four gallons or more of malt liquor, or purchases or leases the container shall:

(a) Sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in RCW 66.28.220;

(b) ((~~Provide one piece of identification pursuant to RCW 66.16.040;~~

~~(c)~~)) Be of legal age to purchase, possess, or use malt liquor;

((~~(d)~~)) (c) Not allow any person under the age of twenty-one to consume the beverage except as provided by RCW 66.44.270;

((~~(e) Not remove, obliterate, or allow to be removed or obliterated, the identification required under rules adopted by the board;~~

~~(f) Not move, keep, or store the keg or its contents, except for transporting to and from the distributor, at any place other than that particular address declared on the receipt and declaration; and~~

~~(g)~~)) and

(d) Maintain a copy of the declaration and receipt ((~~next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg,~~)) during the time that the keg or other container is in the purchaser's possession or control.

(2) A violation of this section is a gross misdemeanor.

**Sec.**  RCW 66.28.220 and 2007 c 53 s 3 are each amended to read as follows:

((~~(1) The board shall adopt rules requiring retail licensees to affix appropriate identification on all containers of four gallons or more of malt liquor for the purpose of tracing the purchasers of such containers. The rules may provide for identification to be done on a statewide basis or on the basis of smaller geographical areas.~~

~~(2)~~)) The board shall develop and make available forms for the declaration and receipt required by RCW 66.28.200. The board may charge spirits, beer, and wine restaurant licensees with an endorsement issued under RCW 66.24.400(4) and grocery store licensees for the costs of providing the forms and that money collected for the forms shall be deposited into the liquor revolving fund for use by the board, without further appropriation, to continue to administer the cost of the keg registration program.

((~~(3) It is unlawful for any person to sell or offer for sale kegs or other containers containing four gallons or more of malt liquor to consumers who are not licensed under chapter 66.24 RCW if the kegs or containers are not identified in compliance with rules adopted by the board.~~

~~(4) A violation of this section is a gross misdemeanor.~~))

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