

CERTIFICATION OF ENROLLMENT

**ENGROSSED SECOND SUBSTITUTE SENATE BILL 5549**

Chapter 238, Laws of 2020

66th Legislature  
2020 Regular Session

DISTILLERIES--MARKETING AND SALES

EFFECTIVE DATE: June 11, 2020—Except for sections 3, 5, 6, 7, and 10, which become effective January 1, 2021.

Passed by the Senate March 10, 2020  
Yeas 48 Nays 1

CYRUS HABIB

**President of the Senate**

Passed by the House March 5, 2020  
Yeas 89 Nays 8

LURIE JINKINS

**Speaker of the House of  
Representatives**

Approved March 31, 2020 11:00 AM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5549** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

**Secretary**

FILED

March 31, 2020

**Secretary of State  
State of Washington**

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**ENGROSSED SECOND SUBSTITUTE SENATE BILL 5549**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2020 Regular Session

**State of Washington                      66th Legislature                      2019 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Lias, King, Hunt, and Braun)

READ FIRST TIME 03/25/19.

1            AN ACT Relating to modernizing resident distillery marketing and  
2 sales restrictions; amending RCW 66.24.140, 66.24.145, 66.28.040,  
3 66.24.630, and 66.28.310; reenacting and amending RCW 42.56.270;  
4 adding new sections to chapter 66.24 RCW; and providing an effective  
5 date.

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

7            **Sec. 1.** RCW 66.24.140 and 2017 c 260 s 1 are each amended to  
8 read as follows:

9            (1) There is a license to distillers, including blending,  
10 rectifying, and bottling; fee two thousand dollars per annum, unless  
11 provided otherwise as follows:

12            (a) For distillers producing one hundred fifty thousand gallons  
13 or less of spirits with at least half of the raw materials used in  
14 the production grown in Washington, the license fee must be reduced  
15 to one hundred dollars per annum;

16            (b) The board must license stills used and to be used solely and  
17 only by a commercial chemist for laboratory purposes, and not for the  
18 manufacture of liquor for sale, at a fee of twenty dollars per annum;

19            (c) The board must license stills used and to be used solely and  
20 only for laboratory purposes in any school, college, or educational  
21 institution in the state, without fee; and

1 (d) The board must license stills that have been duly licensed as  
2 fruit and/or wine distilleries by the federal government, used and to  
3 be used solely as fruit and/or wine distilleries in the production of  
4 fruit brandy and wine spirits, at a fee of two hundred dollars per  
5 annum.

6 (2) Any distillery licensed under this section may:

7 (a) Sell, for off-premises consumption, spirits of ((its)) the  
8 distillery's own production ((for consumption off the premises)),  
9 spirits produced by another distillery or craft distillery licensed  
10 in this state, or vermouth or sparkling wine products produced by a  
11 licensee in this state. A distillery selling spirits or other alcohol  
12 authorized under this subsection must comply with the applicable laws  
13 and rules relating to retailers for those products;

14 (b) Contract distilled spirits for, and sell contract distilled  
15 spirits to, holders of distillers' or manufacturers' licenses,  
16 including licenses issued under RCW 66.24.520, or for export; and

17 (c) ~~((Provide samples subject to the following conditions:~~

18 ~~(i) For the purposes of this subsection, the maximum amount of~~  
19 ~~alcohol per person per day is two ounces;~~

20 ~~(ii) Provide free or for a charge one-half ounce or less samples~~  
21 ~~of spirits of its own production to persons on the premises of the~~  
22 ~~distillery. Spirits samples may be adulterated with nonalcoholic~~  
23 ~~mixers, mixers with alcohol of the distiller's own production, water,~~  
24 ~~and/or ice;~~

25 ~~(iii) Sell adulterated samples of spirits of their own~~  
26 ~~production, water, and/or ice to persons on the premises at the~~  
27 ~~distillery; and~~

28 ~~(iv) Every person who participates in any manner in the service~~  
29 ~~of these samples must obtain a class 12 alcohol server permit)) Serve~~

30 samples of spirits for free or for a charge, and sell servings of  
31 spirits, vermouth, and sparkling wine to customers for on-premises  
32 consumption, at the premises of the distillery indoors, outdoors, or  
33 in any combination thereof, and at the distillery's off-site tasting  
34 rooms in accordance with this chapter, subject to the following  
35 conditions:

36 (i) A distillery may provide to customers, for free or for a  
37 charge, for on-premises consumption, spirits samples that are one-  
38 half ounce or less per sample of spirits, and that may be adulterated  
39 with water, ice, other alcohol entitled to be served or sold on the  
40 licensed premises under this section, or nonalcoholic mixers;

1 (ii) A distillery may sell, for on-premises consumption, servings  
2 of spirits of the distillery's own production or spirits produced by  
3 another distillery or craft distillery licensed in this state, which  
4 must be adulterated with water, ice, other alcohol entitled to be  
5 sold or served on the licensed premises, or nonalcoholic mixers if  
6 the revenue derived from the sale of spirits for on-premises  
7 consumption under this subsection (2)(c)(ii) does not comprise more  
8 than thirty percent of the overall gross revenue earned in the  
9 tasting room during the calendar year. Any distiller who sells  
10 adulterated products under this subsection, must file an annual  
11 report with the board that summarizes the distiller's revenue  
12 sources; and

13 (iii) A distillery may sell, for on-premises consumption,  
14 servings of vermouth or sparkling wine products produced by a  
15 licensee in this state.

16 (3)(a) If a distillery provides or sells spirits or other alcohol  
17 products authorized to be sold or provided to customers for on-  
18 premises or off-premises consumption that are produced by another  
19 distillery, craft distillery, or licensee in this state, then at any  
20 one time no more than twenty-five percent of the alcohol stock-  
21 keeping units offered or sold by the distillery at its distillery  
22 premises and at any off-site tasting rooms licensed under section 3  
23 of this act may be vermouth, sparkling wine, or spirits made by  
24 another distillery, craft distillery, or licensee in this state. If a  
25 distillery sells fewer than twenty alcohol stock-keeping units of  
26 products of its own production, it may sell up to five alcohol stock-  
27 keeping units of vermouth, sparkling wine, or spirits produced by  
28 another distillery, craft distillery, or licensee in this state.

29 (b) A person is limited to receiving or purchasing, for on-  
30 premises consumption, no more than two ounces total of spirits that  
31 are unadulterated. Any additional spirits purchased for on-premises  
32 consumption must be adulterated as authorized in this section.

33 (c)(i) No person under twenty-one years of age may be on the  
34 premises of a distillery tasting room, including an off-site tasting  
35 room licensed under section 3 of this act, unless they are  
36 accompanied by their parent or legal guardian.

37 (ii) Every distillery tasting room, including the off-site  
38 tasting rooms licensed under section 3 of this act, where alcohol is  
39 sampled, sold, or served, must include a designated area where  
40 persons under twenty-one years of age are allowed to enter. Such

1 location may be in a separate room or a designated area within the  
2 tasting room separated from the remainder of the tasting room space  
3 as authorized by the board.

4 (iii) Except for (c)(iv) of this subsection, or an event where a  
5 private party has secured a private banquet permit, no person under  
6 twenty-one years of age may be on the distillery premises, or the  
7 off-site tasting rooms licensed under section 3 of this act, past  
8 9:00 p.m.

9 (iv) Notwithstanding the limitations of (c)(iii) of this  
10 subsection, persons under twenty-one years of age who are children of  
11 owners, operators, or managers of a distillery or an off-site tasting  
12 room licensed under section 3 of this act, may be in any area of a  
13 distillery, tasting room, or an off-site tasting room licensed under  
14 section 3 of this act, provided they must be under the direct  
15 supervision of their parent or legal guardian while on the premises.

16 (d) Any person serving or selling spirits or other alcohol  
17 authorized to be served or sold by a distillery must obtain a class  
18 12 alcohol server permit.

19 (e) A distillery may sell nonalcoholic products at retail.

20 **Sec. 2.** RCW 66.24.145 and 2015 c 194 s 2 are each amended to  
21 read as follows:

22 (1)(a) Any craft distillery may sell, for off-premises  
23 consumption, spirits of its own production ((for consumption off the  
24 premises)), spirits produced by another craft distillery or  
25 distillery licensed in this state, and vermouth and sparkling wine  
26 products produced by a licensee in this state.

27 (b) A craft distillery selling spirits or other alcohol  
28 authorized under this subsection must comply with the applicable laws  
29 and rules relating to retailers for those products.

30 (2) Any craft distillery may contract distilled spirits for, and  
31 sell contract distilled spirits to, holders of distillers' or  
32 manufacturers' licenses, including licenses issued under RCW  
33 66.24.520, or for export.

34 (3) Any craft distillery licensed under this section may  
35 ~~((provide, free or for a charge, one-half ounce or less samples of~~  
36 ~~spirits of its own production to persons on the premises of the~~  
37 ~~distillery. The maximum total per person per day is two ounces. Every~~  
38 ~~person who participates in any manner in the service of samples must~~

1 obtain a class 12 alcohol server permit. Spirits samples may be  
2 adulterated with nonalcoholic mixers, water, and/or ice.

3 (4) (a) A distillery or craft distillery licensee may apply to the  
4 board for an endorsement to sell spirits of its own production at  
5 retail for off-premises consumption at a qualifying farmers market.  
6 The annual fee for this endorsement is seventy-five dollars.

7 (b) For each month during which a distillery or craft distillery  
8 will sell spirits at a qualifying farmers market, the distillery or  
9 craft distillery must provide the board or its designee a list of the  
10 dates, times, and locations at which bottled spirits may be offered  
11 for sale. This list must be received by the board before the spirits  
12 may be offered for sale at a qualifying farmers market.

13 (c) Each approved location in a qualifying farmers market is  
14 deemed to be part of the distillery or craft distillery license for  
15 the purpose of this title. The approved locations under an  
16 endorsement granted under this subsection do not include tasting or  
17 sampling privileges. The distillery or craft distillery may not store  
18 spirits at a farmers market beyond the hours that the bottled spirits  
19 are offered for sale. The distillery or craft distillery may not act  
20 as a distributor from a farmers market location.

21 (d) Before a distillery or craft distillery may sell bottled  
22 spirits at a qualifying farmers market, the farmers market must apply  
23 to the board for authorization for any distillery or craft distillery  
24 with an endorsement approved under this subsection to sell bottled  
25 spirits at retail at the farmers market. This application must  
26 include, at a minimum: (i) A map of the farmers market showing all  
27 booths, stalls, or other designated locations at which an approved  
28 distillery or craft distillery may sell bottled spirits; and (ii) the  
29 name and contact information for the on-site market managers who may  
30 be contacted by the board or its designee to verify the locations at  
31 which bottled spirits may be sold. Before authorizing a qualifying  
32 farmers market to allow an approved distillery or craft distillery to  
33 sell bottled spirits at retail at its farmers market location, the  
34 board must notify the persons or entities of such application for  
35 authorization pursuant to RCW 66.24.010 (8) and (9). An authorization  
36 granted under this subsection (4) (d) may be withdrawn by the board  
37 for any violation of this title or any rules adopted under this  
38 title.

39 (e) For the purposes of this subsection (4), "qualifying farmers  
40 market" has the same meaning as defined in RCW 66.24.170.) serve

1 samples of spirits for free or for a charge, and sell servings of  
2 spirits, vermouth, and sparkling wine products to customers for on-  
3 premises consumption, at the premises of the distillery indoors,  
4 outdoors, or in any combination thereof, and at the distillery's off-  
5 site tasting rooms, in accordance with this chapter, subject to the  
6 following conditions:

7 (a) A craft distillery may provide to customers, for free or for  
8 a charge, for on-premises consumption, spirits samples that are one-  
9 half ounce or less per sample of spirits, and that may be adulterated  
10 with water, ice, other alcohol entitled to be sold or served on the  
11 licensed premises, or nonalcoholic mixers;

12 (b) A craft distillery may sell, for on-premises consumption,  
13 servings of spirits of the craft distillery's own production and  
14 spirits produced by another distillery, craft distillery, or licensee  
15 in this state, which must be adulterated with water, ice, other  
16 alcohol entitled to be sold or served on the licensed premises, or  
17 nonalcoholic mixers if the revenue derived from the sale of spirits  
18 for on-premises consumption under this subsection (3)(b) does not  
19 comprise more than thirty percent of the overall gross revenue earned  
20 in the tasting room during the calendar year. Any distiller who sells  
21 adulterated products under this subsection, must file an annual  
22 report with the board that summarizes the distiller's revenue  
23 sources; and

24 (c) A distillery may sell, for on-premises consumption, servings  
25 of vermouth or sparkling wine products produced by a licensee in this  
26 state.

27 (4)(a) If a craft distillery provides or sells spirits or other  
28 alcohol products authorized to be sold or provided to customers for  
29 on-premises or off-premises consumption that are produced by another  
30 distillery, craft distillery, or licensee in this state, then at any  
31 one time no more than twenty-five percent of the alcohol stock-  
32 keeping units offered or sold by the craft distillery at its craft  
33 distillery premises and at any off-site tasting rooms licensed under  
34 section 3 of this act may be vermouth, sparkling wine, or spirits  
35 produced by another distillery, craft distillery, or licensee in this  
36 state. If a distillery sells fewer than twenty alcohol stock-keeping  
37 units of products of its own production, it may sell up to five  
38 alcohol stock-keeping units of vermouth, sparkling wine, or spirits  
39 produced by another distillery, craft distillery, or licensee in this  
40 state.

1 (b) A person is limited to receiving or purchasing, for on-  
2 premises consumption, no more than two ounces total of spirits that  
3 are unadulterated. Any additional spirits purchased for on-premises  
4 consumption must be adulterated.

5 (c) Any person serving or selling spirits or other alcohol  
6 authorized to be served or sold by a craft distillery must obtain a  
7 class 12 alcohol server permit.

8 (5) The board must adopt rules to implement the alcohol server  
9 permit requirement and may adopt additional rules to implement this  
10 section.

11 (6) Distilling is an agricultural practice.

12 (7)(a) No person under twenty-one years of age may be on the  
13 premises of a craft distillery tasting room, including an off-site  
14 tasting room licensed under section 3 of this act, unless they are  
15 accompanied by their parent or guardian.

16 (b) Every craft distillery tasting room, including the off-site  
17 tasting rooms licensed under section 3 of this act, where alcohol is  
18 sampled, sold, or served, must include a designated area where  
19 persons under twenty-one years of age are allowed to enter. Such  
20 location may be in a separate room or a designated area within the  
21 tasting room separated from the remainder of the tasting room space  
22 as authorized by the board.

23 (c) Except for (d) of this subsection, or an event where a  
24 private party has secured a private banquet permit, no person under  
25 twenty-one years of age may be on the distillery premises, or the  
26 off-site tasting rooms licensed under section 3 of this act, past  
27 9:00 p.m.

28 (d) Notwithstanding the limitations in (c) of this subsection,  
29 persons under twenty-one years of age who are children of owners,  
30 operators, or managers of a craft distillery or an off-site tasting  
31 room licensed under section 3 of this act, may be in any area of a  
32 licensed craft distillery, tasting room, or an off-site tasting room  
33 licensed under section 3 of this act, provided they must be under the  
34 direct supervision of their parent or guardian while on the premises.

35 (8) A craft distillery may sell nonalcoholic products at retail.

36 NEW SECTION. Sec. 3. A new section is added to chapter 66.24  
37 RCW to read as follows:

38 (1) There is a tasting room license available to distillery and  
39 craft distillery licensees. A tasting room license authorizes the



1 operation of an off-site tasting room, in addition to a tasting room  
2 attached to the distillery's or craft distillery's production  
3 facility, at which the licensee may sample, serve, and sell spirits  
4 and alcohol products authorized to be sampled, served, and sold under  
5 RCW 66.24.140 and 66.24.145, for on-premises and off-premises  
6 consumption, subject to the same limitations as provided in RCW  
7 66.24.140 and 66.24.145.

8 (2) A distillery or craft distillery licensed production facility  
9 is eligible for no more than two off-site tasting room licenses  
10 located in this state, which may be indoors, or outdoors or a  
11 combination thereof, and which shall be administratively tied to a  
12 licensed production facility. A separate license is required for the  
13 operation of each off-site tasting room. The fee for each off-site  
14 tasting room license is two thousand dollars per annum. No additional  
15 license is required for a distillery or craft distillery to sample,  
16 serve, and sell spirits and alcohol to customers in a tasting room on  
17 the distillery or craft distillery premises as authorized under this  
18 section, section 5 of this act, RCW 66.24.140, 66.24.145, 66.28.040,  
19 66.24.630, and 66.28.310. Off-site tasting rooms may have a section  
20 identified and segregated as federally bonded spaces for the storage  
21 of bulk or packaged spirits. Product of the licensee's production may  
22 be bottled or packaged in the space.

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 66.24  
24 RCW to read as follows:

25 (1) A distillery licensed under RCW 66.24.140 or 66.24.145, or an  
26 off-site tasting room authorized under section 3 of this act, must  
27 provide, for free or for a charge, food offerings to customers during  
28 public service hours. For the purposes of this section, "food  
29 offerings" means a combination of small serving food items to include  
30 a mix of hors d'oeuvre type foods, cheeses, fruits, vegetables, deli-  
31 style meats, chips, pretzels, nuts, popcorn, crackers, or similar  
32 items.

33 (2) A distillery providing food offerings under this section must  
34 comply with the local city or county health requirements for such  
35 level of service.

36 (3) In addition to the food offerings requirement in subsection  
37 (1) of this section, distillers and craft distillers shall post, in a  
38 conspicuous place within any tasting room, a list of at least five  
39 local restaurants or food trucks where customers can purchase food

1 for consumption in the tasting room. The list shall include names,  
2 addresses, contact information, and hours of operation for each  
3 restaurant or food truck named.

4 (4) Distilleries that have secured spirits, beer, and wine retail  
5 license privileges under RCW 66.24.400 shall not allow customers to  
6 bring in food from outside restaurants or food trucks and are not  
7 subject to the provision of subsections (1) and (3) of this section.

8 (5) Requirements for food offerings shall be determined by the  
9 board in rule. The rules for food offerings shall:

10 (a) Include the ability for such food to be prepackaged for  
11 individual sale and consumption;

12 (b) Allow food offerings to be preprepared off-site for plating  
13 for the customer;

14 (c) Not require any warming, cooking, or heating off-site or on-  
15 site prior to service; and

16 (d) Not require the installation, maintenance, or use of any food  
17 heating device or apparatus to prepare any food offerings.

18 (6) A distillery licensed under RCW 66.24.140 or 66.24.145, or an  
19 off-site tasting room authorized under section 3 of this act, may  
20 install and use any type of commercial heating device or element to  
21 heat food offerings under this section without impacting their  
22 privileges under this act.

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 66.24  
24 RCW to read as follows:

25 (1) Of the off-site tasting rooms allowed in this chapter, any  
26 distillery, craft distillery, domestic winery, or any combination of  
27 licensees thereof, licensed under this chapter may jointly occupy and  
28 co-operate up to two off-site locations, which may be indoors,  
29 outdoors, or a combination thereof, at which they may sample, serve,  
30 and sell products of their own production and products authorized to  
31 be sampled, served, and sold under the terms of their license. The  
32 licensees must maintain separate storage of products and separate  
33 financials. The distillery or craft distillery tasting rooms  
34 referenced in this section shall be the off-site tasting rooms  
35 allowed, and have the privileges and limitations provided in this  
36 chapter. This section does not create additional numbers of  
37 authorized tasting rooms beyond what is authorized by this section,  
38 section 3 of this act, and in RCW 66.24.140, 66.24.145, 66.28.040,  
39 66.24.630, and 66.28.310.

1           (2) Any domestic brewery, microbrewery, domestic winery,  
2 distillery, or craft distillery licensed under this chapter, or any  
3 combination of licensees thereof, whose property parcels or buildings  
4 are located in direct physical proximity to one another may share a  
5 standing or seated tasting area for patrons to use, which may be  
6 indoors, outdoors, or a combination thereof. Each licensee may  
7 sample, serve, and sell products the licensee is authorized to  
8 sample, serve, and sell under the terms of its license, for on-  
9 premises consumption in the jointly operated consumption area. Each  
10 licensee must use distinctly marked glassware or serving containers  
11 to identify the source of any product being consumed. The distillery  
12 or craft distillery tasting rooms shall be the on-site or off-site  
13 tasting rooms allowed, and have the privileges and limitations  
14 provided in this chapter.

15           (3) Licensees operating under this section must comply with the  
16 applicable laws and rules relating to retailers.

17           (4) Licensees operating under this section must comply with all  
18 applicable laws and rules relating to sampling and serving, as may be  
19 allowed by their license type.

20           (5) All licensees who participate in:

21           (a) A jointly operated off-premises location allowed under  
22 subsection (1) of this section, or

23           (b) A conjoined consumption area allowed under subsection (2) of  
24 this section must share staffing resources. All participating  
25 licensees shall be jointly responsible for any violation or  
26 enforcement issues unless it can be demonstrated that the violation  
27 or enforcement issue was due to one or more licensee's specific  
28 conduct or action, in which case the violation or enforcement applies  
29 only to those identified licensees.

30           (6) Every person who participates in any manner in the sale or  
31 service of samples or servings of spirits must obtain a class 12  
32 alcohol server permit. Every person who participates in any manner in  
33 the sale or service of samples or servings of beer and wine must  
34 obtain a class 12 or class 13 alcohol server permit.

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

37           (1) The number of licenses allowed to be issued for off-site  
38 tasting rooms authorized under section 3 of this act shall not exceed  
39 one hundred fifty.

1 (2) The limitations in subsection (1) of this section do not  
2 apply to an off-site tasting room authorized under section 3 of this  
3 act that has been granted a license under RCW 66.24.400.

4 NEW SECTION. **Sec. 7.** A new section is added to chapter 66.24  
5 RCW to read as follows:

6 Nothing in this chapter prohibits a distillery licensed under RCW  
7 66.24.140 or 66.24.145, or an off-site tasting room licensed under  
8 section 3 of this act, from obtaining a license under RCW 66.24.400  
9 for the same premises.

10 **Sec. 8.** RCW 66.28.040 and 2016 c 235 s 15 are each amended to  
11 read as follows:

12 (1) Except as permitted by the board under RCW 66.20.010, or as  
13 allowed under this title, no domestic brewery, microbrewery,  
14 distributor, distiller, domestic winery, importer, rectifier,  
15 certificate of approval holder, or other manufacturer of liquor may,  
16 within the state of Washington, give to any person any liquor(~~+~~  
17 ~~but~~) without charge.

18 (2) Nothing in this section nor in RCW 66.28.305 prevents a  
19 domestic brewery, microbrewery, distributor, domestic winery,  
20 distiller, certificate of approval holder, or importer from  
21 furnishing samples of beer, wine, or spirituous liquor to authorized  
22 licensees for the purpose of negotiating a sale, in accordance with  
23 regulations adopted by the liquor and cannabis board, provided that  
24 the samples are subject to taxes imposed by RCW 66.24.290 and  
25 66.24.210(~~+~~).

26 (3) Nothing in this section prevents a domestic brewery,  
27 microbrewery, domestic winery, distillery, certificate of approval  
28 holder, or distributor from furnishing beer, wine, or spirituous  
29 liquor for instructional purposes under RCW 66.28.150(~~+~~).

30 (4) Nothing in this section prevents a domestic winery,  
31 certificate of approval holder, or distributor from furnishing wine  
32 without charge, subject to the taxes imposed by RCW 66.24.210, to a  
33 not-for-profit group organized and operated solely for the purpose of  
34 enology or the study of viticulture which has been in existence for  
35 at least six months and that uses wine so furnished solely for such  
36 educational purposes or a domestic winery, or an out-of-state  
37 certificate of approval holder, from furnishing wine without charge  
38 or a domestic brewery, or an out-of-state certificate of approval

1 holder, from furnishing beer without charge, subject to the taxes  
2 imposed by RCW 66.24.210 or 66.24.290, or a domestic distiller  
3 licensed under RCW 66.24.140 or an accredited representative of a  
4 distiller, manufacturer, importer, or distributor of spirituous  
5 liquor licensed under RCW 66.24.310, from furnishing spirits without  
6 charge, to a nonprofit charitable corporation or association exempt  
7 from taxation under 26 U.S.C. Sec. 501(c)(3) or (6) of the internal  
8 revenue code of 1986 for use consistent with the purpose or purposes  
9 entitling it to such exemption((†)).

10 (5) Nothing in this section prevents a domestic brewery or  
11 microbrewery from serving beer without charge, on the brewery  
12 premises((†)).

13 (6) Nothing in this section prevents donations of wine for the  
14 purposes of RCW 66.12.180((†)).

15 (7) Nothing in this section prevents a domestic winery from  
16 serving wine without charge, on the winery premises((†and)).

17 (8) Nothing in this section prevents a ((craft distillery from  
18 serving spirits, on the distillery premises subject to RCW  
19 66.24.145)) distillery licensed under RCW 66.24.140 or 66.24.145, or  
20 an off-site tasting room authorized under section 3 of this act, from  
21 providing, without charge, samples of spirits, including spirits  
22 adulterated with other alcohol entitled to be served to customers on  
23 the distillery premises or at an off-site tasting room.

24 **Sec. 9.** RCW 66.24.630 and 2017 c 96 s 4 are each amended to read  
25 as follows:

26 (1) There is a spirits retail license to: Sell spirits in  
27 original containers to consumers for consumption off the licensed  
28 premises and to permit holders; sell spirits in original containers  
29 to retailers licensed to sell spirits for consumption on the  
30 premises, for resale at their licensed premises according to the  
31 terms of their licenses, although no single sale may exceed twenty-  
32 four liters, unless the sale is by a licensee that was a contract  
33 liquor store manager of a contract liquor store at the location of  
34 its spirits retail licensed premises from which it makes such sales;  
35 and export spirits.

36 (2) For the purposes of this title, a spirits retail license is a  
37 retail license, and a sale by a spirits retailer is a retail sale  
38 only if not for resale. Nothing in this title authorizes sales by on-

1 sale licensees to other retail licensees. The board must establish by  
2 rule an obligation of on-sale spirits retailers to:

3 (a) Maintain a schedule by stock-keeping unit of all their  
4 purchases of spirits from spirits retail licensees, including  
5 combination spirits, beer, and wine licensees holding a license  
6 issued pursuant to RCW 66.24.035, indicating the identity of the  
7 seller and the quantities purchased; and

8 (b) Provide, not more frequently than quarterly, a report for  
9 each scheduled item containing the identity of the purchasing on-  
10 premises licensee and the quantities of that scheduled item purchased  
11 since any preceding report to:

12 (i) A distributor authorized by the distiller to distribute a  
13 scheduled item in the on-sale licensee's geographic area; or

14 (ii) A distiller acting as distributor of the scheduled item in  
15 the area.

16 (3)(a) Except as otherwise provided in (c) of this subsection,  
17 the board may issue spirits retail licenses only for premises  
18 comprising at least ten thousand square feet of fully enclosed retail  
19 space within a single structure, including storerooms and other  
20 interior auxiliary areas but excluding covered or fenced exterior  
21 areas, whether or not attached to the structure, and only to  
22 applicants that the board determines will maintain systems for  
23 inventory management, employee training, employee supervision, and  
24 physical security of the product substantially as effective as those  
25 of stores currently operated by the board with respect to preventing  
26 sales to or pilferage by underage or inebriated persons.

27 (b) License issuances and renewals are subject to RCW 66.24.010  
28 and the regulations adopted thereunder, including without limitation  
29 rights of cities, towns, county legislative authorities, the public,  
30 churches, schools, and public institutions to object to or prevent  
31 issuance of local liquor licenses. However, existing grocery premises  
32 licensed to sell beer and/or wine are deemed to be premises "now  
33 licensed" under RCW 66.24.010(9)(a) for the purpose of processing  
34 applications for spirits retail licenses.

35 (c) The board may not deny a spirits retail license to an  
36 otherwise qualified contract liquor store at its contract location or  
37 to the holder of former state liquor store operating rights sold at  
38 auction under RCW 66.24.620 on the grounds of location, nature, or  
39 size of the premises to be licensed. The board may not deny a spirits  
40 retail license to applicants that are not contract liquor stores or

1 operating rights holders on the grounds of the size of the premises  
2 to be licensed, if such applicant is otherwise qualified and the  
3 board determines that:

4 (i) There is no spirits retail license holder in the trade area  
5 that the applicant proposes to serve;

6 (ii) The applicant meets, or upon licensure will meet, the  
7 operational requirements established by the board by rule; and

8 (iii) The licensee has not committed more than one public safety  
9 violation within the three years preceding application.

10 (d) A retailer authorized to sell spirits for consumption on or  
11 off the licensed premises may accept delivery of spirits at its  
12 licensed premises, at another licensed premises as designated by the  
13 retailer, or at one or more warehouse facilities registered with the  
14 board, which facilities may also warehouse and distribute nonliquor  
15 items, and from which the retailer may deliver to its own licensed  
16 premises and, pursuant to sales permitted under subsection (1) of  
17 this section:

18 (i) To other retailer premises licensed to sell spirits for  
19 consumption on the licensed premises;

20 (ii) To other registered facilities; or

21 (iii) To lawful purchasers outside the state. The facilities may  
22 be registered and utilized by associations, cooperatives, or  
23 comparable groups of retailers, including at least one retailer  
24 licensed to sell spirits.

25 (e) For purposes of negotiating volume discounts, a group of  
26 individual retailers authorized to sell spirits for consumption off  
27 the licensed premises may accept delivery of spirits at their  
28 individual licensed premises or at any one of the individual  
29 licensee's premises, or at a warehouse facility registered with the  
30 board.

31 (4) (a) Except as otherwise provided in RCW 66.24.632, or in (b)  
32 of this subsection, each spirits retail licensee must pay to the  
33 board, for deposit into the liquor revolving fund, a license issuance  
34 fee equivalent to seventeen percent of all spirits sales revenues  
35 under the license, exclusive of taxes collected by the licensee and  
36 of sales of items on which a license fee payable under this section  
37 has otherwise been incurred. The board must establish rules setting  
38 forth the timing of such payments and reporting of sales dollar  
39 volume by the licensee, with payments required quarterly in arrears.  
40 The first payment is due October 1, 2012.

1 (b) This subsection (4) does not apply to craft distilleries for  
2 sales of spirits of the craft distillery's own production.

3 (5) In addition to the payment required under subsection (4) of  
4 this section, each licensee must pay an annual license renewal fee of  
5 one hundred sixty-six dollars. The board must periodically review and  
6 adjust the renewal fee as may be required to maintain it as  
7 comparable to annual license renewal fees for licenses to sell beer  
8 and wine not for consumption on the licensed premises. If required by  
9 law at the time, any increase of the annual renewal fee becomes  
10 effective only upon ratification by the legislature.

11 (6) As a condition to receiving and renewing a spirits retail  
12 license the licensee must provide training as prescribed by the board  
13 by rule for individuals who sell spirits or who manage others who  
14 sell spirits regarding compliance with laws and regulations regarding  
15 sale of spirits, including without limitation the prohibitions  
16 against sale of spirits to individuals who are underage or visibly  
17 intoxicated. The training must be provided before the individual  
18 first engages in the sale of spirits and must be renewed at least  
19 every five years. The licensee must maintain records documenting the  
20 nature and frequency of the training provided. An employee training  
21 program is presumptively sufficient if it incorporates a "responsible  
22 vendor program" adopted by the board.

23 (7) The maximum penalties prescribed by the board in WAC  
24 314-29-020 through 314-29-040 relating to fines and suspensions are  
25 doubled for violations relating to the sale of spirits by spirits  
26 retail licensees.

27 (8)(a) The board must adopt regulations concerning the adoption  
28 and administration of a compliance training program for spirits  
29 retail licensees, to be known as a "responsible vendor program," to  
30 reduce underage drinking, encourage licensees to adopt specific best  
31 practices to prevent sales to minors, and provide licensees with an  
32 incentive to give their employees ongoing training in responsible  
33 alcohol sales and service.

34 (b) Licensees who join the responsible vendor program under this  
35 section and maintain all of the program's requirements are not  
36 subject to the doubling of penalties provided in this section for a  
37 single violation in any period of twelve calendar months.

38 (c) The responsible vendor program must be free, voluntary, and  
39 self-monitoring.



1 (d) To participate in the responsible vendor program, licensees  
2 must submit an application form to the board. If the application  
3 establishes that the licensee meets the qualifications to join the  
4 program, the board must send the licensee a membership certificate.

5 (e) A licensee participating in the responsible vendor program  
6 must at a minimum:

7 (i) Provide ongoing training to employees;

8 (ii) Accept only certain forms of identification for alcohol  
9 sales;

10 (iii) Adopt policies on alcohol sales and checking  
11 identification;

12 (iv) Post specific signs in the business; and

13 (v) Keep records verifying compliance with the program's  
14 requirements.

15 (f)(i) A spirits retail licensee that also holds a grocery store  
16 license under RCW 66.24.360 or a beer and/or wine specialty shop  
17 license under RCW 66.24.371 may, upon board approval and pursuant to  
18 board rules, transition to a combination spirits, beer, and wine  
19 license pursuant to RCW 66.24.035.

20 (ii) An applicant that would qualify for a spirits retail license  
21 under this section and that qualifies for a combination spirits,  
22 beer, and wine license pursuant to RCW 66.24.035 may apply for a  
23 license pursuant to RCW 66.24.035 instead of applying for a spirits  
24 retail license under this section.

25 **Sec. 10.** RCW 66.28.310 and 2019 c 149 s 1 are each amended to  
26 read as follows:

27 (1)(a) Nothing in RCW 66.28.305 prohibits an industry member from  
28 providing retailers branded promotional items which are of nominal  
29 value, singly or in the aggregate. Such items include but are not  
30 limited to: Trays, lighters, blotters, postcards, pencils, coasters,  
31 menu cards, meal checks, napkins, clocks, mugs, glasses, bottles or  
32 can openers, corkscrews, matches, printed recipes, shirts, hats,  
33 visors, and other similar items. Branded promotional items:

34 (i) Must be used exclusively by the retailer or its employees in  
35 a manner consistent with its license;

36 (ii) Must bear imprinted advertising matter of the industry  
37 member only, except imprinted advertising matter of the industry  
38 member can include the logo of a professional sports team which the  
39 industry member is licensed to use;

1 (iii) May be provided by industry members only to retailers and  
2 their employees and may not be provided by or through retailers or  
3 their employees to retail customers; and

4 (iv) May not be targeted to or appeal principally to youth.

5 (b) An industry member is not obligated to provide any such  
6 branded promotional items, and a retailer may not require an industry  
7 member to provide such branded promotional items as a condition for  
8 selling any alcohol to the retailer.

9 (c) Any industry member or retailer or any other person asserting  
10 that the provision of branded promotional items as allowed in (a) of  
11 this subsection has resulted or is more likely than not to result in  
12 undue influence or an adverse impact on public health and safety, or  
13 is otherwise inconsistent with the criteria in (a) of this subsection  
14 may file a complaint with the board. Upon receipt of a complaint the  
15 board may conduct such investigation as it deems appropriate in the  
16 circumstances. If the investigation reveals the provision of branded  
17 promotional items has resulted in or is more likely than not to  
18 result in undue influence or has resulted or is more likely than not  
19 to result in an adverse impact on public health and safety or is  
20 otherwise inconsistent with (a) of this subsection the board may  
21 issue an administrative violation notice to the industry member, to  
22 the retailer, or both. The recipient of the administrative violation  
23 notice may request a hearing under chapter 34.05 RCW.

24 (2) Nothing in RCW 66.28.305 prohibits:

25 (a) An industry member from providing to a special occasion  
26 licensee and a special occasion licensee from receiving services for:

27 (i) Installation of draft beer dispensing equipment or  
28 advertising;

29 (ii) Advertising, pouring, or dispensing of beer or wine at a  
30 beer or wine tasting exhibition or judging event; or

31 (iii) Pouring or dispensing of spirits by a licensed domestic  
32 distiller or the accredited representative of a distiller,  
33 manufacturer, importer, or distributor of spirituous liquor licensed  
34 under RCW 66.24.310; or

35 (b) Special occasion licensees from paying for beer, wine, or  
36 spirits immediately following the end of the special occasion event;  
37 or

38 (c) Wineries, breweries, or distilleries that are participating  
39 in a special occasion event from paying reasonable booth fees to the  
40 special occasion licensee.

1 (3) Nothing in RCW 66.28.305 prohibits industry members from  
2 performing, and retailers from accepting the service of building,  
3 rotating, and restocking displays and stockroom inventories; rotating  
4 and rearranging can and bottle displays of their own products;  
5 providing point of sale material and brand signs; pricing case goods  
6 of their own brands; and performing such similar business services  
7 consistent with board rules, or personal services as described in  
8 subsection (5) of this section.

9 (4) Nothing in RCW 66.28.305 prohibits:

10 (a) Industry members from listing on their internet web sites  
11 information related to retailers who sell or promote their products,  
12 including direct links to the retailers' internet web sites;

13 (b) Retailers from listing on their internet web sites  
14 information related to industry members whose products those  
15 retailers sell or promote, including direct links to the industry  
16 members' web sites;

17 (c) Manufacturers, distributors, or their licensed  
18 representatives from using web sites or social media accounts in  
19 their name to post, repost, or share promotional information or  
20 images about events featuring a product of the manufacturer's own  
21 production or a product sold by the distributor, held at an on-  
22 premises licensed liquor retailer's location or a licensed special  
23 occasion event. The promotional information may include links to  
24 purchase event tickets. Manufacturers, distributors, or their  
25 licensed representatives may not pay a third party to enhance  
26 viewership of a specific post. Industry members, or their licensed  
27 representatives, are not obligated to post, repost, or share  
28 information or images on a web site or on social media. A licensed  
29 liquor retailer may not require an industry member or their licensed  
30 representative to post, repost, or share information or images on a  
31 web site or on social media as a condition for selling any alcohol to  
32 the retailer or participating in a retailer's event; or

33 (d) Industry members and retailers from producing, jointly or  
34 together with regional, state, or local industry associations,  
35 brochures and materials promoting tourism in Washington state which  
36 contain information regarding retail licensees, industry members, and  
37 their products.

38 (5) Nothing in RCW 66.28.305 prohibits the performance of  
39 personal services offered from time to time by a domestic winery or  
40 certificate of approval holder to retailers when the personal

1 services are (a) conducted at a licensed premises, and (b) intended  
2 to inform, educate, or enhance customers' knowledge or experience of  
3 the manufacturer's products. The performance of personal services may  
4 include participation and pouring, bottle signing events, and other  
5 similar informational or educational activities at the premises of a  
6 retailer holding a spirits, beer, and wine restaurant license, a wine  
7 and/or beer restaurant license, a specialty wine shop license, a  
8 special occasion license, a grocery store license with a tasting  
9 endorsement, or a private club license. A domestic winery or  
10 certificate of approval holder is not obligated to perform any such  
11 personal services, and a retail licensee may not require a domestic  
12 winery or certificate of approval holder to conduct any personal  
13 service as a condition for selling any alcohol to the retail  
14 licensee, or as a condition for including any product of the domestic  
15 winery or certificate of approval holder in any tasting conducted by  
16 the licensee. Except as provided in RCW 66.28.150, the cost of  
17 sampling may not be borne, directly or indirectly, by any domestic  
18 winery or certificate of approval holder or any distributor. Nothing  
19 in this section prohibits wineries, breweries, microbreweries,  
20 certificate of approval holders, and retail licensees from  
21 identifying the producers on private labels authorized under RCW  
22 66.24.400, 66.24.425, 66.24.450, 66.24.360, and 66.24.371.

23 (6) Nothing in RCW 66.28.305 prohibits an industry member from  
24 entering into an arrangement with any holder of a sports  
25 entertainment facility license or an affiliated business for brand  
26 advertising at the licensed facility or promoting events held at the  
27 sports entertainment facility as authorized under RCW 66.24.570.

28 (7) Nothing in RCW 66.28.305 prohibits the performance of  
29 personal services offered from time to time by a domestic brewery,  
30 microbrewery, or beer certificate of approval holder to grocery store  
31 licensees with a tasting endorsement when the personal services are  
32 (a) conducted at a licensed premises in conjunction with a tasting  
33 event, and (b) intended to inform, educate, or enhance customers'  
34 knowledge or experience of the manufacturer's products. The  
35 performance of personal services may include participation and  
36 pouring, bottle signing events, and other similar informational or  
37 educational activities. A domestic brewery, microbrewery, or beer  
38 certificate of approval holder is not obligated to perform any such  
39 personal services, and a grocery store licensee may not require the

1 performance of any personal service as a condition for including any  
2 product in any tasting conducted by the licensee.

3 (8) Nothing in RCW 66.28.305 prohibits an arrangement between a  
4 domestic winery and a restaurant licensed under RCW 66.24.320 or  
5 66.24.400 to waive a corkage fee.

6 (9) Nothing in this section prohibits professional sports teams  
7 who hold a retail liquor license or their agents from accepting bona  
8 fide liquor advertising from manufacturers, importers, distributors,  
9 or their agents for use in the sporting arena. Professional sports  
10 teams who hold a retail liquor license or their agents may license  
11 the manufacturer, importer, distributor, or their agents to use the  
12 name and trademarks of the professional sports team in their  
13 advertising and promotions, under the following conditions:

14 (a) Such advertising must be paid for by said manufacturer,  
15 importer, distributor, or their agent at the published advertising  
16 rate or at a reasonable fair market value.

17 (b) Such advertising may carry with it no express or implied  
18 offer on the part of the manufacturer, importer, distributor, or  
19 their agent, or promise on the part of the retail licensee whose  
20 operation is directly or indirectly part of the sporting arena, to  
21 stock or list any particular brand of liquor to the total or partial  
22 exclusion of any other brand.

23 (10) Nothing in RCW 66.28.305 prohibits a licensed domestic  
24 brewery or microbrewery from providing branded promotional items  
25 which are of nominal value, singly or in the aggregate, to a  
26 nonprofit charitable corporation or association exempt from taxation  
27 under 26 U.S.C. Sec. 501(c)(3) of the internal revenue code as it  
28 existed on July 24, 2015, for use consistent with the purpose or  
29 purposes entitling it to such exemption.

30 (11) Nothing in RCW 66.28.305 prohibits a distillery, craft  
31 distillery, or spirits certificate of approval holder from providing  
32 branded promotional items of nominal value, singly or in the  
33 aggregate, to a nonprofit charitable corporation or association  
34 exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the  
35 federal internal revenue code of 1986, as amended, as of the  
36 effective date of this section, for use consistent with the purpose  
37 or purposes entitling it to such exemption.

38 **Sec. 11.** RCW 42.56.270 and 2019 c 394 s 10, 2019 c 344 s 14, and  
39 2019 c 212 s 12 are each reenacted and amended to read as follows:

1 The following financial, commercial, and proprietary information  
2 is exempt from disclosure under this chapter:

3 (1) Valuable formulae, designs, drawings, computer source code or  
4 object code, and research data obtained by any agency within five  
5 years of the request for disclosure when disclosure would produce  
6 private gain and public loss;

7 (2) Financial information supplied by or on behalf of a person,  
8 firm, or corporation for the purpose of qualifying to submit a bid or  
9 proposal for (a) a ferry system construction or repair contract as  
10 required by RCW 47.60.680 through 47.60.750; (b) highway construction  
11 or improvement as required by RCW 47.28.070; or (c) alternative  
12 public works contracting procedures as required by RCW 39.10.200  
13 through 39.10.905;

14 (3) Financial and commercial information and records supplied by  
15 private persons pertaining to export services provided under chapters  
16 43.163 and 53.31 RCW, and by persons pertaining to export projects  
17 under RCW 43.23.035;

18 (4) Financial and commercial information and records supplied by  
19 businesses or individuals during application for loans or program  
20 services provided by chapters 43.325, 43.163, 43.160, 43.330, and  
21 43.168 RCW, or during application for economic development loans or  
22 program services provided by any local agency;

23 (5) Financial information, business plans, examination reports,  
24 and any information produced or obtained in evaluating or examining a  
25 business and industrial development corporation organized or seeking  
26 certification under chapter 31.24 RCW;

27 (6) Financial and commercial information supplied to the state  
28 investment board by any person when the information relates to the  
29 investment of public trust or retirement funds and when disclosure  
30 would result in loss to such funds or in private loss to the  
31 providers of this information;

32 (7) Financial and valuable trade information under RCW 51.36.120;

33 (8) Financial, commercial, operations, and technical and research  
34 information and data submitted to or obtained by the clean Washington  
35 center in applications for, or delivery of, program services under  
36 chapter 70.95H RCW;

37 (9) Financial and commercial information requested by the public  
38 stadium authority from any person or organization that leases or uses  
39 the stadium and exhibition center as defined in RCW 36.102.010;

1 (10)(a) Financial information, including but not limited to  
2 account numbers and values, and other identification numbers supplied  
3 by or on behalf of a person, firm, corporation, limited liability  
4 company, partnership, or other entity related to an application for a  
5 horse racing license submitted pursuant to RCW 67.16.260(1)(b),  
6 marijuana producer, processor, or retailer license, liquor license,  
7 gambling license, or lottery retail license;

8 (b) Internal control documents, independent auditors' reports and  
9 financial statements, and supporting documents: (i) Of house-banked  
10 social card game licensees required by the gambling commission  
11 pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted  
12 by tribes with an approved tribal/state compact for class III gaming;

13 (c) Valuable formulae or financial or proprietary commercial  
14 information records received during a consultative visit or while  
15 providing consultative services to a licensed marijuana business in  
16 accordance with RCW 69.50.561;

17 (11) Proprietary data, trade secrets, or other information that  
18 relates to: (a) A vendor's unique methods of conducting business; (b)  
19 data unique to the product or services of the vendor; or (c)  
20 determining prices or rates to be charged for services, submitted by  
21 any vendor to the department of social and health services or the  
22 health care authority for purposes of the development, acquisition,  
23 or implementation of state purchased health care as defined in RCW  
24 41.05.011;

25 (12)(a) When supplied to and in the records of the department of  
26 commerce:

27 (i) Financial and proprietary information collected from any  
28 person and provided to the department of commerce pursuant to RCW  
29 43.330.050(8); and

30 (ii) Financial or proprietary information collected from any  
31 person and provided to the department of commerce or the office of  
32 the governor in connection with the siting, recruitment, expansion,  
33 retention, or relocation of that person's business and until a siting  
34 decision is made, identifying information of any person supplying  
35 information under this subsection and the locations being considered  
36 for siting, relocation, or expansion of a business;

37 (b) When developed by the department of commerce based on  
38 information as described in (a)(i) of this subsection, any work  
39 product is not exempt from disclosure;

1 (c) For the purposes of this subsection, "siting decision" means  
2 the decision to acquire or not to acquire a site;

3 (d) If there is no written contact for a period of sixty days to  
4 the department of commerce from a person connected with siting,  
5 recruitment, expansion, retention, or relocation of that person's  
6 business, information described in (a)(ii) of this subsection will be  
7 available to the public under this chapter;

8 (13) Financial and proprietary information submitted to or  
9 obtained by the department of ecology or the authority created under  
10 chapter 70.95N RCW to implement chapter 70.95N RCW;

11 (14) Financial, commercial, operations, and technical and  
12 research information and data submitted to or obtained by the life  
13 sciences discovery fund authority in applications for, or delivery  
14 of, grants under (~~chapter 43.350~~) RCW 43.330.502, to the extent  
15 that such information, if revealed, would reasonably be expected to  
16 result in private loss to the providers of this information;

17 (15) Financial and commercial information provided as evidence to  
18 the department of licensing as required by RCW 19.112.110 or  
19 19.112.120, except information disclosed in aggregate form that does  
20 not permit the identification of information related to individual  
21 fuel licensees;

22 (16) Any production records, mineral assessments, and trade  
23 secrets submitted by a permit holder, mine operator, or landowner to  
24 the department of natural resources under RCW 78.44.085;

25 (17)(a) Farm plans developed by conservation districts, unless  
26 permission to release the farm plan is granted by the landowner or  
27 operator who requested the plan, or the farm plan is used for the  
28 application or issuance of a permit;

29 (b) Farm plans developed under chapter 90.48 RCW and not under  
30 the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject  
31 to RCW 42.56.610 and 90.64.190;

32 (18) Financial, commercial, operations, and technical and  
33 research information and data submitted to or obtained by a health  
34 sciences and services authority in applications for, or delivery of,  
35 grants under RCW 35.104.010 through 35.104.060, to the extent that  
36 such information, if revealed, would reasonably be expected to result  
37 in private loss to providers of this information;

38 (19) Information gathered under chapter 19.85 RCW or RCW  
39 34.05.328 that can be identified to a particular business;



1 (20) Financial and commercial information submitted to or  
2 obtained by the University of Washington, other than information the  
3 university is required to disclose under RCW 28B.20.150, when the  
4 information relates to investments in private funds, to the extent  
5 that such information, if revealed, would reasonably be expected to  
6 result in loss to the University of Washington consolidated endowment  
7 fund or to result in private loss to the providers of this  
8 information;

9 (21) Market share data submitted by a manufacturer under RCW  
10 70.95N.190(4);

11 (22) Financial information supplied to the department of  
12 financial institutions, when filed by or on behalf of an issuer of  
13 securities for the purpose of obtaining the exemption from state  
14 securities registration for small securities offerings provided under  
15 RCW 21.20.880 or when filed by or on behalf of an investor for the  
16 purpose of purchasing such securities;

17 (23) Unaggregated or individual notices of a transfer of crude  
18 oil that is financial, proprietary, or commercial information,  
19 submitted to the department of ecology pursuant to RCW  
20 90.56.565(1)(a), and that is in the possession of the department of  
21 ecology or any entity with which the department of ecology has shared  
22 the notice pursuant to RCW 90.56.565;

23 (24) Financial institution and retirement account information,  
24 and building security plan information, supplied to the liquor and  
25 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and  
26 69.50.345, when filed by or on behalf of a licensee or prospective  
27 licensee for the purpose of obtaining, maintaining, or renewing a  
28 license to produce, process, transport, or sell marijuana as allowed  
29 under chapter 69.50 RCW;

30 (25) Marijuana transport information, vehicle and driver  
31 identification data, and account numbers or unique access identifiers  
32 issued to private entities for traceability system access, submitted  
33 by an individual or business to the liquor and cannabis board under  
34 the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and  
35 69.50.345 for the purpose of marijuana product traceability.  
36 Disclosure to local, state, and federal officials is not considered  
37 public disclosure for purposes of this section;

38 (26) Financial and commercial information submitted to or  
39 obtained by the retirement board of any city that is responsible for  
40 the management of an employees' retirement system pursuant to the

1 authority of chapter 35.39 RCW, when the information relates to  
2 investments in private funds, to the extent that such information, if  
3 revealed, would reasonably be expected to result in loss to the  
4 retirement fund or to result in private loss to the providers of this  
5 information except that (a) the names and commitment amounts of the  
6 private funds in which retirement funds are invested and (b) the  
7 aggregate quarterly performance results for a retirement fund's  
8 portfolio of investments in such funds are subject to disclosure;

9 (27) Proprietary financial, commercial, operations, and technical  
10 and research information and data submitted to or obtained by the  
11 liquor and cannabis board in applications for marijuana research  
12 licenses under RCW 69.50.372, or in reports submitted by marijuana  
13 research licensees in accordance with rules adopted by the liquor and  
14 cannabis board under RCW 69.50.372;

15 (28) Trade secrets, technology, proprietary information, and  
16 financial considerations contained in any agreements or contracts,  
17 entered into by a licensed marijuana business under RCW 69.50.395,  
18 which may be submitted to or obtained by the state liquor and  
19 cannabis board;

20 (29) Financial, commercial, operations, and technical and  
21 research information and data submitted to or obtained by the Andy  
22 Hill cancer research endowment program in applications for, or  
23 delivery of, grants under chapter 43.348 RCW, to the extent that such  
24 information, if revealed, would reasonably be expected to result in  
25 private loss to providers of this information;

26 (30) Proprietary information filed with the department of health  
27 under chapter 69.48 RCW; (~~and~~)

28 (31) Records filed with the department of ecology under chapter  
29 70.375 RCW that a court has determined are confidential valuable  
30 commercial information under RCW 70.375.130; and

31 (32) Unaggregated financial, proprietary, or commercial  
32 information submitted to or obtained by the liquor and cannabis board  
33 in applications for licenses under RCW 66.24.140 or 66.24.145, or in  
34 any reports or remittances submitted by a person licensed under RCW  
35 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis  
36 board under chapter 66.08 RCW.

37 NEW SECTION. Sec. 12. A new section is added to chapter 66.24  
38 RCW to read as follows:

39 The board may adopt rules to implement this act.

1        NEW SECTION.    **Sec. 13.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 14.**    Sections 3, 5, 6, 7, and 10 of this act  
6 take effect January 1, 2021.

Passed by the Senate March 10, 2020.

Passed by the House March 5, 2020.

Approved by the Governor March 31, 2020.

Filed in Office of Secretary of State March 31, 2020.

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