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**SENATE BILL 6122**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Senators Conway and Stanford

AN ACT Relating to alcohol delivery; amending RCW 66.20.310 and 66.24.710; adding a new section to chapter 66.24 RCW; and adding a new section to chapter 66.28 RCW.

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

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

(1) There is a third-party alcohol delivery service license for the delivery of alcoholic beverages from retail liquor licensees to consumers. The annual fee for the license is $2,500.

(2) The board may make rules to implement this section, and any other necessary rules concerning alcohol delivery for the purpose of preventing any unlawful use of alcohol delivery.

**Sec.**  RCW 66.20.310 and 2023 c 279 s 3 are each amended to read as follows:

(1)(a) There is an alcohol server permit, known as a class 12 permit, for:

(i) A manager;

(ii) A bartender selling or mixing alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility; or

(iii) An ((~~employee~~)) individual conducting alcohol deliveries for a licensee that delivers alcohol under RCW 66.24.710 or section 1 of this act.

(b) There is an alcohol server permit, known as a class 13 permit, for a person who only serves alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(c) As provided by rule by the board, a class 13 permit holder may be allowed to act as a bartender without holding a class 12 permit.

(2)(a) Effective January 1, 1997, except as provided in (d) of this subsection, every alcohol server employed, under contract or otherwise, at a retail licensed premise must be issued a class 12 or class 13 permit.

(b) Every class 12 and class 13 permit issued must be issued in the name of the applicant and no other person may use the permit of another permit holder. The holder must present the permit upon request to inspection by a representative of the board or a peace officer. The class 12 or class 13 permit is valid for employment at any retail licensed premises described in (a) of this subsection.

(c) Except as provided in (d) of this subsection, no licensee holding a license as authorized by this section and RCW 66.20.300, 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.690, 66.24.450, 66.24.570, 66.24.600, 66.24.610, 66.24.650, 66.24.655, and 66.24.680 may employ or accept the services of any person without the person first having a valid class 12 or class 13 permit.

(d) Within sixty days of initial employment, every person whose duties include the compounding, sale, service, or handling of liquor must have a class 12 or class 13 permit.

(e) No person may perform duties that include the sale or service of alcoholic beverages on a retail licensed premises without possessing a valid alcohol server permit.

(f) Every person whose duties include the delivery of alcohol authorized under RCW 66.24.710 must have a class 12 permit before engaging in alcohol delivery. A delivery employee whose duties include the delivery of alcohol authorized under RCW 66.24.710 must complete an approved class 12 permit course that includes a curriculum component that covers best practices for delivery of alcohol.

(3) A permit issued by a training entity under this section is valid for employment at any retail licensed premises described in subsection (2)(a) of this section for a period of five years unless suspended by the board.

(4) The board may suspend or revoke an existing permit if any of the following occur:

(a) The applicant or permittee has been convicted of violating any of the state or local intoxicating liquor laws of this state or has been convicted at any time of a felony; or

(b) The permittee has performed or permitted any act that constitutes a violation of this title or of any rule of the board.

(5) The suspension or revocation of a permit under this section does not relieve a licensee from responsibility for any act of the employee or agent while employed upon the retail licensed premises. The board may, as appropriate, revoke or suspend either the permit of the employee who committed the violation or the license of the licensee upon whose premises the violation occurred, or both the permit and the license.

(6)(a) After January 1, 1997, it is a violation of this title for any retail licensee or agent of a retail licensee as described in subsection (2)(a) of this section to employ in the sale or service of alcoholic beverages, any person who does not have a valid alcohol server permit or whose permit has been revoked, suspended, or denied.

(b) It is a violation of this title for a person whose alcohol server permit has been denied, suspended, or revoked to accept employment in the sale or service of alcoholic beverages.

(7) Grocery stores licensed under RCW 66.24.360, the primary commercial activity of which is the sale of grocery products and for which the sale and service of beer and wine for on-premises consumption with food is incidental to the primary business, and employees of such establishments, are exempt from RCW 66.20.300 through 66.20.350, except for employees whose duties include serving during tasting activities under RCW 66.24.363.

**Sec.**  RCW 66.24.710 and 2023 c 279 s 1 are each amended to read as follows:

(1)((~~(a) Except as provided in (b) of this subsection, the~~)) The following licensees may sell alcohol products at retail for takeout or delivery or both under liquor and cannabis board licenses and endorsements: Beer and wine restaurants; spirits, beer, and wine restaurants; taverns; domestic wineries; domestic breweries and microbreweries; distilleries; snack bars; nonprofit arts licensees; and caterers.

((~~(b) No alcohol products may be sold by delivery under this section after July 1, 2025.~~))

(2) Spirits, beer, and wine restaurant licensees may sell premixed cocktails for takeout and((~~, until July 1, 2025,~~)) for delivery. The board may establish by rule the manner in which premixed cocktails for off-premises consumption must be provided. This subsection does not authorize the sale of bottles of spirits by licensees for off-premises consumption.

(3) Spirits, beer, and wine restaurant licensees may sell wine by the glass or premixed wine and spirits cocktails for takeout and((~~, until July 1, 2025,~~)) delivery. Beer and wine restaurant licensees may sell wine or premixed wine drinks by the glass for takeout and((~~, until July 1, 2025,~~)) delivery. The board may establish by rule the manner in which wine by the glass and premixed cocktails for off-premises consumption must be provided.

(4) Licensees that were authorized by statute or rule before January 1, 2020, to sell growlers for on-premises consumption may sell growlers for off-premises consumption through takeout or((~~, until July 1, 2025,~~)) delivery. Sale of growlers under this subsection must meet federal alcohol and tobacco tax and trade bureau requirements.

(5)(a) Licensees must obtain from the board an endorsement to their license in order to conduct activities authorized under subsections (1) through (4) of this section. The board may adopt rules governing the manner in which the activities authorized under this section must be conducted. Licensees must not be charged a fee in order to obtain an endorsement required under this section.

(b)(i) Alcohol delivery under this section must be performed by an employee of an alcohol delivery endorsement holder, or an individual hired by a third-party delivery service licensed under section 1 of this act, who is 21 years of age or older and possesses a class 12 permit, in accordance with RCW 66.20.310.

(ii) Delivery services conducted by beer and wine restaurant licensees and spirits, beer, and wine restaurant licensees under this section must be accompanied by a purchased meal prepared and sold by the license holder.

(c) Alcohol sold for takeout by beer and wine restaurant licensees and spirits, beer, and wine restaurant licensees under this section must be accompanied by a purchased meal prepared and sold by the license holder.

(d) Any alcohol product sold for takeout or delivery under this section must be in a factory sealed container or a tamper-resistant container.

(6) Beer and wine specialty shops licensed under RCW 66.24.371 and domestic breweries and microbreweries may sell prefilled growlers for off-premises consumption through takeout and((~~, until July 1, 2025,~~)) delivery, provided that prefilled growlers are sold the same day they are prepared for sale and not stored overnight for sale on future days.

(7) The board must adopt or revise current rules to allow for outdoor service of alcohol by on-premises licensees holding licenses issued by the board for the following license types: Beer and wine restaurants; spirits, beer, and wine restaurants; taverns; domestic wineries; domestic breweries and microbreweries; distilleries; snack bars; and private clubs licensed under RCW 66.24.450 and 66.24.452. The board may adopt requirements providing for clear accountability at locations where multiple licensees use a shared space for serving customers.

(8) Upon delivery of any alcohol product authorized to be delivered under this section, the signature of the person age 21 or over receiving the delivery must be obtained. The person performing the delivery must verify the age of the person receiving the delivery by checking a valid form of identification approved by the board. The customer ordering, paying, and receiving the alcohol must be:

(a) The same person;

(b) Over the age of 21; and

(c) Show no signs of impairment.

(9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) ((~~"Board" means the liquor and cannabis board.~~

~~(b)~~)) "Growlers" means sanitary containers brought to the premises by the purchaser or furnished by the licensee and filled by the retailer at the time of sale.

(b) "Third-party delivery service" means any website, mobile application, internet, or other service that facilitates the sale and same-day delivery of alcoholic beverages from spirits, beer, and wine retail licensees to consumers.

NEW SECTION. **Sec.**  A new section is added to chapter 66.28 RCW to read as follows:

(1) The board must create, regulate, and adopt provisions for a responsible alcohol delivery program. Provisions of the program may include:

(a) Reduced penalties and fines for businesses participating in good standing in the responsible alcohol delivery program; and

(b) Penalty mitigation opportunities for businesses engaging in board-approved controlled purchase programs, such as in-house compliance checks, with mandatory results reporting to the board.

(2) The criteria for program qualifications may include:

(a) Supplemental company training for delivery drivers, including training on delivery procedures and mobile application use; and

(b) Mandatory policies and procedures on returning alcohol if the purchaser does not meet the requirements of RCW 66.24.710(8).

(3) The board must create mandatory rechecks within 90 days of a business failing any compliance check required by the board under this section.

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