SUBSTITUTE HOUSE BILL 1515

State of Washington 69th Legislature 2025 Regular Session

By House Consumer Protection & Business (originally sponsored by Representatives Reed, Walen, Berry, Cortes, Peterson, Richards, Ryu, Macri, Hill, and Scott)

READ FIRST TIME 02/21/25.

- 1 AN ACT Relating to modernizing the regulation of alcohol service
- 2 in public spaces; amending RCW 66.24.710, 66.08.030, 66.44.100, and
- 3 66.24.690; creating new sections; prescribing penalties; and
- 4 providing an expiration date.

2026.

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- 5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 6 NEW SECTION. Sec. 1. (1) The legislature finds that updating 7 and modernizing the regulation of alcohol service in public spaces by 8 building upon the regulatory framework established in agency rules 9 governing this activity will benefit the citizens of Washington, the restaurant and hospitality industry, nonprofit organizations, as well 10 11 as local and state government in Washington, and will help prepare 12 Washington to successfully host a major international sports event in
- 14 (2) The legislature intends that passage and implementation of 15 this act will allow for event environments that emphasize safe crowd 16 management of high volumes of people, a pleasant event experience 17 that maximizes mobility for event guests, especially families, and 18 maintains safe operations that ensure alcohol is not accessed or 19 consumed by persons under age 21, overservice is prevented, and 20 alcohol does not leave the premises.

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(3) Therefore, from the effective date of this section until December 31, 2026, the legislature intends to authorize local governments to request from the liquor and cannabis board, and for the board to reasonably approve, that expanded outdoor alcohol service in public spaces be allowed for liquor licensees in their jurisdictions, and, from the effective date of this section until December 31, 2027, to authorize local governments to request from the liquor and cannabis board, and for the board to reasonably approve, that expanded outdoor and indoor alcohol service in public spaces be allowed for liquor licensees operating during events in an approved area or areas of a city, town, county, or port authority that is a designated fan zone or host city, subject to the requirements of this act.

- NEW SECTION. Sec. 2. (1) (a) Beginning on the effective date of this section until December 31, 2026, and subject to (d) of this subsection (1), a city, town, county, or port authority may request, and the board may approve, expanded outdoor alcohol service for liquor licensees within the whole city, town, county, or port authority, or within a specific area or areas of the city, town, county, or port authority as provided in (b) and (c) of this subsection (1). If requested by a county, the approval may only be for unincorporated areas of the county.
 - (b) For licensees identified in (c) of this subsection (1) who have requested approval from and been authorized by the board's licensing division to conduct outdoor alcohol service, and who are located within an area of a city, town, or county that has been approved by the board for expanded outdoor alcohol service, the following authorizations and requirements apply until December 31, 2026:
- 30 (i) All outdoor alcohol service areas may be enclosed, at the 31 licensee's discretion, by means of a permanent or movable barrier or 32 by means of a permanent fence-free demarcation;
 - (ii) For an outdoor alcohol service area enclosed by means of a permanent or movable barrier of a minimum height specified by the board, the permanent or movable barrier is not required to meet minimum height requirements on sloped site conditions;
- 37 (iii) The openings into and out of an outdoor alcohol service 38 area may be up to a maximum distance apart as determined appropriate 39 by the applicable city, town, or county;

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(iv) Licensees may share use of an outdoor alcohol service area with other licensees and licensees may share use of an outdoor alcohol service area with businesses that do not engage in the sale or service of alcohol, subject to requirements of the board. All participating licensees are jointly responsible for any violation or enforcement issues unless it can be demonstrated that the violation or enforcement issue was due to one or more licensee's specific conduct or action, in which case the violation or enforcement applies only to those identified licensees; and

- (v) An employee of the licensee must be assigned to, but is not required to be in, the outdoor alcohol service area at all times that patrons are present. A direct line of sight is not required from inside the licensed premises to the outdoor alcohol service area.
- (c) The authorization in this subsection (1) is available to the following liquor licensees: Beer and wine restaurants; spirits, beer, and wine restaurants; taverns; domestic wineries; domestic breweries and microbreweries; distilleries; and snack bars.
- (d) A city, town, county, or port authority that requests and is approved for expanded outdoor alcohol service shall provide, and document the provision of:
- (i) Adequate local resources, including law enforcement patrols in the area, during times that outdoor alcohol service is offered under the authorization in this subsection (1), to ensure safe operations of activities and the safety of the community; and
- (ii) Services to keep the area of the jurisdiction in which the activities occur clean and free of litter or other remnants of the use of public spaces for expanded outdoor alcohol service.
- (2) (a) A city, town, county, or port authority that is designated as a fan zone or host city by an international self-regulatory governing body of a sports association, or by a nonprofit organization authorized by such an entity, may request, and the board may approve, expanded alcohol service during events in an area or areas of the jurisdiction, as provided in (b) through (f) of this subsection (2). No more than 50 events per year, up to seven of which may be multiday events, may be authorized for each individual local government jurisdiction under this subsection (2).
- (b) Multiple licensees located in an area or areas of a jurisdiction approved under this subsection (2) may share an alcohol service area encompassing the entire approved area or areas, or part of the approved area or areas, during an event, so long as:

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1 (i) The board approves of the event perimeter enclosing the 2 alcohol service area;

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- (ii) Security and physical barriers are provided at all entry points to the event;
- (iii) The city, town, county, or port authority through a designated official notifies the board within a minimum time required by the board in rule before the event begins;
- (iv) Signage is conspicuously posted during the event notifying the public that the area is in use as an expanded alcohol service area and public notice of the upcoming use of the area as an expanded alcohol service area was conspicuously posted at least seven days in advance; and
- (v) All participating licensees submit a joint operating plan to the board for approval, in a format designated by the board, that describes: (A) How the licensees will prevent the sale and service of alcohol to persons under 21 years of age and those who appear to be intoxicated; (B) the ratio of alcohol service staff and security staff to the anticipated number of attendees, subject to a ratio requirement that may be set by the board; (C) training provided to staff who serve, regulate, or supervise the service of alcohol including that alcohol server training is required for all such staff; (D) the licensees' policy on the number of alcoholic beverages that will be served to an individual patron during one transaction, subject to a limit determined by the board; (E) an explanation of the alcoholic beverage containers that will be used to ensure they are significantly different from containers used from nonalcoholic beverages; (F) the barriers or demarcations to be used for an alcohol service area or event perimeter; and (G) other information required by the board in rule.
- (c) At the board's discretion, violations of (b)(iii) or (iv) of this subsection can be cause for denial of approval of events conducted under this subsection and violations of (b)(iv) of this subsection can also be cause for denial of a license of the participating licensees or denial of participation in future events under this section.
- (d) Multiple licensees located in an area or areas of a city, town, county, or port authority that have been approved under (a) of this subsection (2) may share an indoor alcohol service area at certain times authorized by the city, town, county, or port authority through a designated official, so long as:

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- 1 (i) The city, town, county, or port authority through a 2 designated official notifies the board at least seven days in advance 3 of the date licensees intend to begin operating the shared indoor 4 alcohol service area;
- 5 (ii) The city, town, county, or port authority ensures security 6 and physical barriers are provided at all entry points to the indoor 7 alcohol service area; and
- 8 (iii) The licensees submit a joint operating plan to the board 9 for approval meeting the requirements of (b)(v) of this subsection 10 (2).

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- (e) With respect to multiple licensees sharing an alcohol service area as authorized under (b) or (d) of this subsection (2), all participating licensees are jointly responsible for any violation or enforcement issues unless it can be demonstrated that the violation or enforcement issue was due to one or more licensee's specific conduct or action, in which case the violation or enforcement applies only to those identified licensees.
- (f) During the times a licensee is operating under the authorization in subsection (2) of this section, the licensee may:
- (i) Operate without a permit from their local jurisdiction that may otherwise be required to allow the business to use the public space as an alcohol service area;
- (ii) Share an alcohol service area with another licensee: (A) Without individually requesting approval from the board's licensing division; and (B) regardless of whether the licensees' property parcels or buildings are located in direct physical proximity to one another; and
- (iii) Sell and serve alcohol to customers from an alcohol service area without offering food service menu options, except that any required food service must still be provided within the licensed premises, and in any preexisting alcohol service area operated by the licensee under the board's rules that does not rely on the authorization in this section, if the preexisting alcohol service area remains in place during an event.
- (3) The authorization in subsection (2) of this section is available to: Beer and wine restaurants; spirits, beer, and wine restaurants; taverns; domestic wineries; domestic breweries and microbreweries; distilleries; snack bars; and special community event licensees under section 3 of this act.

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- (4) A caterer's license shall be issued to an eligible applicant under RCW 66.24.690 for an event open to the public and held in an area or areas approved under subsection (2) of this section in a city, town, county, or port authority, even if the sponsor of the event for which catering services are being provided is not a society or organization as defined in RCW 66.24.375, if license and regulatory requirements are otherwise met.
- 8 (5) The definitions in this subsection apply throughout this 9 section unless the context clearly requires otherwise.
 - (a) "Alcohol service area" means an area in which liquor may be sold, served, and consumed as authorized under this title and rules of the board.
 - (b) "Board" means the liquor and cannabis board.

- NEW SECTION. Sec. 3. (1) (a) There is a retailer's license to be designated as a special community event license to be issued to a not-for-profit society or organization to sell spirits, beer, and wine by the individual serving for on-premises consumption at a specified event, at a specified date and place, in a city, town, or county meeting the requirements of (b) of this subsection (1); fee \$60 per day.
 - (b) A license under this section is available only for the holder to operate during events in an area or areas of a city, town, county, or port authority that is approved by the liquor and cannabis board under section 2(2) of this act. The not-for-profit society or organization is not limited in the number of calendar days per year of sales under a special community event license.
 - (2) The licensee may sell spirits, beer, and/or wine in original, unopened containers for off-premises consumption if permission is obtained from the liquor and cannabis board before the event. Any spirits, beer, and wine sold by the licensee for off-premises consumption may not be opened or consumed within the publicly owned civic campus.
- (3) Sales, service, and consumption of spirits, beer, and wine is allowed in all alcohol service areas at events approved under section 2(2) of this act, including an alcohol service area encompassing the entire area or areas of the city, town, county, or port authority approved under section 2(2) of this act.
- 38 (4) In accordance with section 2(2) of this act, signage must be conspicuously posted at an event location notifying the public:

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- 1 (a) At least seven days in advance of a licensee operating under 2 this section that the area will be used as an expanded alcohol 3 service area; and
 - (b) During all times a licensee is operating under this section that the area is in use as an expanded alcohol service area.

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- (5) Liquor sold under this special community event license must be purchased from a licensee of the liquor and cannabis board.
- 8 (6) Any violation of this section is a class 1 civil infraction 9 under chapter 7.80 RCW. At the liquor and cannabis board's 10 discretion, repeat violations at an event authorized under section 11 2(2) of this act within a two-year period can be cause for denial of 12 a license under this section or participation in future events.
- 13 **Sec. 4.** RCW 66.24.710 and 2023 c 279 s 1 are each amended to 14 read as follows:
 - (1) (a) Except as provided in (b) of this subsection, 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.
- 22 (b) No alcohol products may be sold by delivery under this 23 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.
- 37 (4) Licensees that were authorized by statute or rule before 38 January 1, 2020, to sell growlers for on-premises consumption may 39 sell growlers for off-premises consumption through takeout or, until

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July 1, 2025, delivery. Sale of growlers under this subsection must meet federal alcohol and tobacco tax and trade bureau requirements.

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- (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.
- 9 (b)(i) Alcohol delivery under this section must be performed by 10 an employee of an alcohol delivery endorsement holder who is 21 years 11 of age or older and possesses a class 12 permit, in accordance with 12 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)) Subject to sections 2 and 3 of this act, the board 30 31 must adopt or revise current rules to allow for outdoor service of 32 alcohol by on-premises licensees holding licenses issued by the board 33 for the following license types: Beer and wine restaurants; spirits, beer, and wine restaurants; taverns; domestic wineries; domestic 34 breweries and microbreweries; distilleries; snack bars; ((and)) 35 private clubs licensed under RCW 66.24.450 and 66.24.452; and special 36 community event licensees under section 3 of this act. The board may 37 adopt requirements providing for clear accountability at locations 38 39 where multiple licensees use a shared space for serving customers, 40 and at locations where a licensee or licensees use a shared space

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- 1 with another business or businesses that do not engage in the sale or service of alcohol under section 2 of this act.
 - 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.
 - (9) ((The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.
 - (a) "Board" means the liquor and cannabis board.

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- (b) "Growlers")) For the purposes of this section, "growlers" 9 means sanitary containers brought to the premises by the purchaser or 10 11 furnished by the licensee and filled by the retailer at the time of 12 sale.
- 13 Sec. 5. RCW 66.08.030 and 2014 c 63 s 2 are each amended to read as follows: 14
- The power of the board to ((make regulations)) adopt rules under 15 16 chapter 34.05 RCW extends to:
 - (1) Prescribing the duties of the employees of the board, and regulating their conduct in the discharge of their duties;
 - (2) Prescribing an official seal and official labels and stamps and determining the manner in which they must be attached to every package of liquor sold or sealed under this title, including the prescribing of different official seals or different official labels for different classes of liquor;
 - (3) Prescribing forms to be used for purposes of this title or the regulations, and the terms and conditions to be contained in permits and licenses issued under this title, and the qualifications for receiving a permit or license issued under this title, including a criminal history record information check. The board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The board must require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation;
 - (4) Prescribing the fees payable in respect of permits and licenses issued under this title for which no fees are prescribed in this title, and prescribing the fees for anything done or permitted to be done under the regulations;

p. 9 SHB 1515 (5) Prescribing the kinds and quantities of liquor which may be kept on hand by the holder of a special permit for the purposes named in the permit, regulating the manner in which the same is kept and disposed of, and providing for the inspection of the same at any time at the instance of the board;

- (6) Regulating the sale of liquor kept by the holders of licenses which entitle the holder to purchase and keep liquor for sale;
- (7) Prescribing the records of purchases or sales of liquor kept by the holders of licenses, and the reports to be made thereon to the board, and providing for inspection of the records so kept;
- (8) Prescribing the kinds and quantities of liquor for which a prescription may be given, and the number of prescriptions which may be given to the same patient within a stated period;
- (9) Prescribing the manner of giving and serving notices required by this title or the regulations, where not otherwise provided for in this title;
- (10) Regulating premises in which liquor is kept for export from the state, or from which liquor is exported, prescribing the books and records to be kept therein and the reports to be made thereon to the board, and providing for the inspection of the premises and the books, records and the liquor so kept;
- (11) Prescribing the conditions and qualifications requisite for the obtaining of club licenses and the books and records to be kept and the returns to be made by clubs, prescribing the manner of licensing clubs in any municipality or other locality, and providing for the inspection of clubs;
- (12) ((Prescribing)) Subject to sections 2 and 3 of this act, prescribing the conditions, accommodations, and qualifications requisite for the obtaining of licenses to sell beer, wines, and spirits, and regulating the sale of beer, wines, and spirits thereunder;
- (13) Specifying and regulating the time and periods when, and the manner, methods and means by which manufacturers must deliver liquor within the state; and the time and periods when, and the manner, methods and means by which liquor may lawfully be conveyed or carried within the state;
- (14) Providing for the making of returns by brewers of their sales of beer shipped within the state, or from the state, showing the gross amount of such sales and providing for the inspection of

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brewers' books and records, and for the checking of the accuracy of any such returns;

- (15) Providing for the making of returns by the wholesalers of beer whose breweries are located beyond the boundaries of the state;
- (16) Providing for the making of returns by any other liquor manufacturers, showing the gross amount of liquor produced or purchased, the amount sold within and exported from the state, and to whom so sold or exported, and providing for the inspection of the premises of any such liquor manufacturers, their books and records, and for the checking of any such return;
- (17) Providing for the giving of fidelity bonds by any or all of the employees of the board. However, the premiums therefor must be paid by the board;
- (18) Providing for the shipment of liquor to any person holding a permit and residing in any unit which has, by election pursuant to this title, prohibited the sale of liquor therein;
- (19) Prescribing methods of manufacture, conditions of sanitation, standards of ingredients, quality and identity of alcoholic beverages manufactured, sold, bottled, or handled by licensees and the board; and conducting from time to time, in the interest of the public health and general welfare, scientific studies and research relating to alcoholic beverages and the use and effect thereof;
- (20) Seizing, confiscating and destroying all alcoholic beverages manufactured, sold or offered for sale within this state which do not conform in all respects to the standards prescribed by this title or the regulations of the board. However, nothing herein contained may be construed as authorizing the ((liquor)) board to prescribe, alter, limit or in any way change the present law as to the quantity or percentage of alcohol used in the manufacturing of wine or other alcoholic beverages;
- (21) Monitoring and regulating the practices of license holders as necessary in order to prevent the theft and illegal trafficking of liquor pursuant to RCW 66.28.350; and
- 35 (22) Imposing reasonable requirements on licensees' operations of 36 alcohol service areas and the sale, service, and consumption of 37 alcohol, consistent with RCW 66.24.710 and sections 2 and 3 of this 38 act.

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1 **Sec. 6.** RCW 66.44.100 and 1999 c 189 s 3 are each amended to read as follows:

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Except as permitted by this title, <u>including as allowed under</u> sections 2 and 3 of this act, no person shall open the package containing liquor or consume liquor in a public place. Every person who violates any provision of this section shall be guilty of a class 3 civil infraction under chapter 7.80 RCW.

- 8 **Sec. 7.** RCW 66.24.690 and 2021 c 6 s 19 are each amended to read 9 as follows:
- 10 (1) There shall be a caterer's license to sell spirits, beer, and wine, by the individual serving, at retail, for consumption on the 11 premises at an event location that is either owned, leased, or 12 13 operated either by the caterer or the sponsor of the event for which catering services are being provided. If the event is open to the 14 15 public, except as provided in section 2(4) of this act, it must be 16 sponsored by a society or organization as defined in RCW 66.24.375. If attendance at the event is limited to members or invited quests of 17 the sponsoring individual, society, or organization, the requirement 18 that the sponsor must be a society or organization as defined in RCW 19 66.24.375 is waived. The licensee must serve food as required by 20 21 rules of the board.
- (2) (a) The annual fee is two hundred dollars for the beer license, two hundred dollars for the wine license, or four hundred dollars for a combination beer and wine license. The annual fee for a combined beer, wine, and spirits license is one thousand dollars.
 - (b) The annual fees in (a) of this subsection are waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:
- 29 (i) Licenses that expire during the 12-month waiver period under 30 this subsection (2)(b); and
- 31 (ii) Licenses issued to persons previously licensed under this 32 section at any time during the 12-month period prior to the 12-month 33 waiver period under this subsection (2)(b).
- 34 (c) The waivers in (b) of this subsection do not apply to any 35 licensee that:
- 36 (i) Had their license suspended by the board for health and 37 safety violations of state COVID-19 guidelines; or
- 38 (ii) Received an order of immediate restraint or citation from 39 the department of labor and industries for allowing an employee to

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perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

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- (d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.
- (3) The holder of this license shall notify the board or its designee of the date, time, place, and location of any catered event at which liquor will be served, sold, or consumed. The board shall create rules detailing notification requirements. Upon request, the licensee shall provide to the board all necessary or requested information concerning the individual, society, or organization that will be holding the catered function at which the caterer's liquor license will be utilized.
- 18 (4) The holder of this license may, under conditions established 19 by the board, store liquor on other premises operated by the licensee 20 so long as the other premises are owned or controlled by a leasehold 21 interest by that licensee.
- 22 (5) The holder of this license is prohibited from catering events 23 at locations that are already licensed to sell liquor under this 24 chapter.
- 25 (6) The holder of this license is responsible for all sales, 26 service, and consumption of alcohol at the location of the catered 27 event.
- NEW SECTION. Sec. 8. A city, town, county, or port authority 28 identified in section 2(2) of this act that has requested and been 29 30 approved for expanded alcohol service and that authorization, must report to the legislature and the liquor and 31 cannabis board by January 1, 2027, and include a description of the 32 activities conducted, the benefits realized, and challenges 33 34 encountered, while this legislation was in effect.
- NEW SECTION. Sec. 9. (1) By September 1, 2026, a city, town, county, or port authority that has requested and been approved by the liquor and cannabis board for expanded alcohol service under section 2 (1) or (2) of this act, and that uses the authorization, shall

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conduct a public engagement review by contacting local organizations, individual residents, businesses, and others in the local community where expanded alcohol sales and service occurred or is occurring, to gain a balanced understanding of how the activities were or are being experienced by people in the community. The public engagement review required by this section must include examining:

- (a) Whether adequate local resources, including law enforcement patrols in the area, were or are provided during times that expanded alcohol service was or is offered, to ensure community safety;
- (b) Whether services were or are provided to keep the area of the jurisdiction in which the activities occurred or are occurring clean and free of litter or other remnants of the use of public spaces for expanded alcohol service; and
- (c) The costs and benefits to the community of expanded alcohol sales and service perceived by residents throughout the community.
- (2) A city, town, county, or port authority conducting a review under this section shall submit the results in a report to the liquor and cannabis board by September 1, 2026. The board shall review the information received from cities, towns, counties, and port authorities and information about complaints and enforcement activities associated with expanded alcohol service conducted under section 2 of this act. By January 1, 2027, the board shall report to the appropriate committees of the legislature and the governor describing the outcomes of authorized activities, information received from cities, towns, counties, and port authorities, and policy options for extending, modifying, or allowing the expiration of the authorization for expanded alcohol service in public spaces.
- NEW SECTION. Sec. 10. This act expires December 31, 2027.

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