

- 308-173-270 Core curriculum in approved training programs. [Statutory Authority: RCW 18.88.080. 90-20-018 (Order 091), § 308-173-270, filed 9/21/90, effective 10/22/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-841-490.
- 308-173-275 Physical resources for approved education programs. [Statutory Authority: RCW 18.88.080. 90-20-018 (Order 091), § 308-173-275, filed 9/21/90, effective 10/22/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-841-500.
- 308-173-280 Administrative procedures for approved nursing assistant training programs. [Statutory Authority: RCW 18.88.080. 90-20-018 (Order 091), § 308-173-280, filed 9/21/90, effective 10/22/90.] Decodified by 91-07-049 (Order 116B), filed 3/18/91, effective 4/18/91. Statutory Authority: RCW 18.88A.060. Recodified as WAC 246-841-510.

**WAC 308-173-210 through 308-173-280 Decodified.** See Disposition Table at beginning of this chapter.

## Title 314 WAC LIQUOR CONTROL BOARD

### Chapters

- 314-12** General—Applicable to all licensees.  
**314-16** Retail licensees.  
**314-18** Banquet permits.  
**314-20** Beer—Brewers, holders, importers, etc.  
**314-24** Domestic wineries and domestic wine wholesalers.  
**314-26** Unsalable beer and wine.  
**314-38** Permits.  
**314-64** Liquor samples.

### Chapter 314-12 WAC

#### GENERAL—APPLICABLE TO ALL LICENSEES

#### WAC

- 314-12-035 Furnishing of information and/or documentation to the board.  
 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc.  
 314-12-141 Courses of instruction.

**WAC 314-12-035 Furnishing of information and/or documentation to the board.** (1) In order to facilitate the administration and/or enforcement of RCW 66.24.010, licensees, applicants for licenses, or the agents or representatives thereof shall, upon request by the board, furnish to the board copies of all documents affecting the ownership and/or proposed operation of the premises licensed or sought to be licensed. These documents may be required with the original license application, with any application for transfer of license, and at such other times as may be requested by the board. Licensees, applicants for licenses, or the agents or representatives thereof, shall furnish along with these documents a signed written summary of any oral agreements which

affect the ownership and/or proposed operation of the premises licensed, or sought to be licensed. Failure or refusal to furnish said requested documentation will be good and sufficient cause for denial of any application in support of which the documentation was requested, and will be good and sufficient cause for revocation of any license held by a licensee who fails or refuses to furnish the said requested documentation.

(2) Written information and/or documentation requested by the board from any person for the purpose of administering and/or enforcing RCW 66.24.010, any person furnishing written information and/or documentation requested by the board may be required to submit an affidavit on a form prescribed by the board, which shall be signed by the person submitting the information, given under oath subject to the penalties of perjury, and certifying that all information and/or documentation being furnished is true, accurate and complete.

[Statutory Authority: RCW 66.08.030. 91-22-114, § 314-12-035, filed 11/6/91, effective 12/7/91. Statutory Authority: RCW 66.08-.030 and 66.98.070. 82-04-032 (Order 99, Resolution No. 108), § 314-12-035, filed 1/27/82.]

**WAC 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc.** (1) No contract shall be made or entered into whereby any retail licensee agrees to handle any particular brand or brands of liquor to the exclusion of any other brand or brands of liquor.

(2) No contract shall be made or entered into for the future delivery of liquor to any retail licensee: *Provided*, That this regulation shall not be construed as prohibiting the placing and accepting of orders for the purchase and delivery of liquor which are made in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(3) No manufacturer, wholesaler, or importer, or his employee, shall directly or indirectly solicit, give or offer to, or receive from any retail licensee, any employee thereof, or an applicant for a license, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever; nor shall any retail licensee, employee thereof, or an applicant for a license, directly or indirectly, solicit, receive from, or give or offer to any manufacturer, wholesaler or importer, or his employee, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever, except such services as are authorized in this regulation. It shall be a violation of this section for:

(a) Any retail licensee who has paid for beer or wine with a check which was dishonored upon presentation to thereafter refuse to make good on the check by immediate payment in cash.

(b) Any retail licensee to purchase beer and/or wine from any source after having received notice that a previous check given in payment for beer and/or wine has been dishonored until that dishonored check has been made good in cash.

(4) Pursuant to RCW 66.28.010 a manufacturer, wholesaler, importer, or his licensed agent may perform the following services for a retailer:

(a) Build, rotate, and restock displays, utilizing filled cases, filled bottles or filled cans of his own brands only, from stock or inventory owned by the retailer. Rotate, rearrange or replenish bottles or cans of his own brands on shelves or in the refrigerators but is prohibited from rearranging or moving displays of his products in such a manner as to cover up, hide or reduce the space of display of the products of any other manufacturer, wholesaler or importer; Provided, however, manufacturers, wholesalers, importers or any employees thereof may move or handle in any manner any products of any other manufacturer, importer or wholesaler on the premises of any retail licensee when reasonable notice is given to other interested manufacturers, wholesalers or their agents and such activity occurs during normal business hours or upon hours that are mutually agreed.

(b) Provide price cards and may also price goods of his own brands in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(c) Provide point of sale advertising material and brand signs.

(d) Such services may be rendered only upon the specific approval of the retail licensee. Displays and advertising material installed or supplied for use on a retailer's premises must be in conformity with the board's advertising rules as set forth in chapter 314-52 WAC.

(5) No manufacturer, wholesaler, importer, or [any] employee thereof shall, directly or indirectly, give, furnish, rent or lend to, or receive from, any retail licensee any equipment, fixtures, supplies or property of any kind, nor shall any retail licensee, directly or indirectly, receive, lease or borrow from, or give or offer to, any manufacturer, wholesaler or importer any equipment, fixtures, supplies or property of any kind. Sales authorized in this regulation shall be made on a cash on delivery basis only.

(6) No manufacturer or wholesaler or employee thereof shall sell to any retail licensee or solicit from any such licensee any order for any liquor tied in with, or contingent upon, the retailer's purchase of some other beverage, alcoholic or otherwise, or any other merchandise, property or service.

(7) In selling equipment, fixtures, supplies or commodities other than liquor, no manufacturer, wholesaler or importer shall grant to retail licensees, nor shall such licensees accept, more favorable prices than those extended to nonlicensed retailers. The price thereof shall be in conformity with the open market price in the locality where sold. In no event shall credit be extended to any retail licensee.

(8) Any manufacturer, wholesaler or importer who sells what is commonly referred to as heavy equipment and fixtures, such as counters, back bars, stools, chairs, tables, sinks, refrigerators or cooling boxes and similar articles, shall immediately after making any such sales have on file and available for inspection in accordance with WAC 314-20-050 a copy of the invoice covering each such sale, which invoice shall contain a complete

description of the articles sold, the purchase price of each unit sold together with the total amount of the sale, transportation costs and services rendered in connection with the installation of such articles. Such invoice shall list the date of such sale and affirm that full cash payment for such articles was received from the retailer as provided in subsection (5) of this section.

(9) If the board finds in any instance that any licensee has violated this regulation, then all licenses involved shall be held equally responsible for such violation.

Note: WAC 314-12-140 is not intended to be a relaxation in any respect of section 90 of the Liquor Act (RCW 66.28.010). As a word of caution to persons desiring to avail themselves of the opportunity to sell to retail licensees fixtures, equipment and supplies subject to the conditions and restrictions provided in section 90 of the act and the foregoing regulation, notice is hereby given that, if at any time such privilege is abused or experience proves that as a matter of policy it should be further curtailed or eliminated completely, the board will be free to impose added restrictions or to limit all manufacturers and wholesalers solely to the sale of liquor when dealing with retail licensees. WAC 314-12-140 shall not be considered as granting any vested right to any person, and persons who engage in the business of selling to retail licensees property or merchandise of any nature voluntarily assume the risk of being divested of that privilege and they will undertake such business subject to this understanding. The board also cautions that certain trade practices are prohibited by rulings issued under the Federal Alcohol Administration Act by the United States Bureau of Alcohol, Tobacco and Firearms, and WAC 314-12-140 is not intended to conflict with such rulings or other requirements of federal law or regulations.

[Statutory Authority: RCW 66.08.030(2), 92-02-014, § 314-12-140, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 66.28-.010, 87-04-018 (Order 211, Resolution No. 220), § 314-12-140, filed 1/27/87. Statutory Authority: RCW 66.28.010 and 66.08.030 (2)(l), 86-09-019 (Order 181, Resolution No. 190), § 314-12-140, filed 4/9/86. Statutory Authority: RCW 66.08.030, 86-04-003 (Order 167, Resolution No. 176), § 314-12-140, filed 1/23/86. Statutory Authority: RCW 66.08.030 and 66.98.070, 84-22-060 (Order 150, Resolution No. 159), § 314-12-140, filed 11/7/84; Order 46, § 314-12-140, Rule 13, filed 6/9/76; Rule 13, filed 6/13/63.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 314-12-141 Courses of instruction.** Breweries, wineries and wholesalers conducting courses of instruction as authorized by RCW 66.28.150 may provide alcohol at no charge to licensees of the board, their employees, and invited guests who have a legitimate business interest in the manufacturing, importing, wholesaling and retailing of liquor.

[Statutory Authority: RCW 66.08.030, 91-19-071, § 314-12-141, filed 9/16/91, effective 10/17/91.]

## Chapter 314-16 WAC RETAIL LICENSEES

### WAC

- 314-16-125 Suggestive, lewd and/or obscene conduct on licensed premises.  
314-16-250 Retail sale of malt liquor in kegs.

**WAC 314-16-125 Suggestive, lewd and/or obscene conduct on licensed premises.** The following acts or conduct on licensed premises are prohibited:

(1) To employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

(2) To employ or use the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in subsection (1) above.

(3) To encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

(4) To permit any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.

(5) To permit any person to perform acts of or acts which simulate:

(a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(b) The touching, caressing or fondling of the breast, buttocks, anus or genitals.

(c) The displaying of the pubic hair, anus, vulva or genitals.

(6) Subject to subsection (5) herein, to permit entertainers whose breast and/or buttocks are exposed to view to perform elsewhere on the licensed premises except upon a stage at least eighteen inches above the immediate floor level and removed at least six feet from the nearest patron.

(7) Subject to subsection (5) herein, to permit any dancer-entertainer to perform on the licensed premises except when removed at least six feet from the nearest patron. This subsection shall not be applied to performances of traditional ethnic dancing such as belly dancing, flamenco dancing, Hawaiian, or Tahitian dancing, etc., performed in restaurant, hotel, or club licensed premises, provided that the following conditions are met:

(a) That the licensee shall have applied for and received written approval of the board for such activity.

(b) That the dancers shall be compensated by the licensee.

(c) The licensee shall keep and have available for inspection by the board, or any peace officer, at all reasonable times, a list of all traditional ethnic dancers employed at the licensed premises. Such list shall be retained for a period of thirty days after termination of employment and shall designate the following information with respect to each entertainer:

- (i) True name and professional or stage name, if any;
- (ii) Residence address and phone number;
- (iii) Social Security number;
- (iv) Terms of the agreement of employment; and
- (v) Signature of both the licensee and the dancer.

(d) That a person employed as a traditional ethnic dancer at a licensed premises shall not act as an employee in any other public capacity such as a waiter, waitress, host/hostess, etc., in connection with the sale or service of liquor at that licensed premises.

(e) The dance performances authorized by this subsection shall be those performed for the enjoyment of the general audience of the licensee and not for individual patrons.

(8) To permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.

(9) To permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.

(10) To permit the showing of any lewd or obscene film, still pictures, electronic reproduction, or other lewd or obscene visual reproductions, which films, electronic reproductions, still pictures, or other visual reproductions depict:

(a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(b) Any person being touched, caressed or fondled on the anus or genitals.

(c) Scenes wherein a person displays the vulva or the anus or the genitals.

(d) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

(11) Nothing in this rule is intended to modify the provisions of RCW 66.28.080 concerning city or county dancing or music permits.

(12) Notwithstanding any of the provisions of this rule, no licensee shall employ, use the services of, or permit upon his licensed premises, any entertainment or person whose attire or conduct is in violation of any city or county ordinance.

(13) The occurrence of any of the above acts or conduct, whether permitted on the part of a licensee or his employees or agents or any other persons under the control or direction of the licensee or his employees or agents, shall constitute good and sufficient cause for cancellation of license privileges.

(14) If any provision of this rule or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are severable.

[Statutory Authority: RCW 66.08.030, 91-19-098 and 92-01-105, § 314-16-125, filed 9/18/91 and 12/18/91, effective 10/19/91 and 1/18/92. Statutory Authority: RCW 66.08.030 and 66.98.070, 82-22-069 (Order 115, Resolution No. 124), § 314-16-125, filed 11/2/82; 81-23-039 (Order 83, Resolution No. 92), § 314-16-125, filed 11/18/81; Order 34, § 314-16-125, filed 6/24/75.]

**WAC 314-16-250 Retail sale of malt liquor in kegs.**

(1) Any licensee who sells or offers for sale kegs or other containers holding four gallons or more of malt liquor to

consumers for off-premises consumption who are not licensed under chapter 66.24 RCW shall require the purchaser to:

(a) Provide one piece of identification pursuant to RCW 66.16.040.

(b) Sign a sworn statement, contained on the keg registration declaration and receipt form, under penalty of perjury that:

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

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

(iii) The purchaser will not remove, obliterate, or allow to be removed or obliterated, the keg registration declaration and receipt form affixed to the container.

(c) State the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located.

(2) The keg registration declaration and receipt form provided by the board must be properly completed for sales of kegs for off-premises consumption.

(a) The form shall contain:

(i) The name and address of the purchaser[;][.]

(ii) The type and number of the identification presented by the purchaser pursuant to RCW 66.16.040[;][.]

(iii) A sworn statement, signed by the purchaser under penalty of perjury, that the purchaser is twenty-one years of age or older; will not allow persons under twenty-one years of age to consume the malt liquor purchased; and that [the] purchaser will not remove or obliterate the keg registration tag affixed to the keg or allow its removal or obliteration.

(iv) The particular address where the malt liquor will be consumed, and the date on which it will be consumed.

(b) Where the purchaser obtains more than one keg for off-premises consumption at the same location and on the same date, only one keg registration declaration and receipt form must contain all required information. All other keg registration declaration and receipt forms for that particular transaction must contain the registration number from the fully completed form as a reference and be signed by the purchaser. Such keg registration declaration and receipt forms which contain the reference number of a fully completed form and have been signed by the purchaser constitute a valid and properly completed keg registration and declaration receipt.

(3) The seller shall comply with all provisions of the keg registration law as [provided] [adopted] in sections 229 through 234 chapter 271, Laws of 1989.

(4) For the purpose of tracing the kegs and purchaser responsibility it shall be the responsibility of the seller to affix the properly completed and signed keg registration declaration and receipt form to all containers of four gallons or more of malt liquor prior to the container leaving the premises of the seller.

(5) The licensee must retain a copy of the keg registration declaration and receipt, which shall be retained on the licensed premises for a period of one year unless otherwise authorized in writing by the board. The records shall be available for inspection and copying by any liquor enforcement officer or other law enforcement officer.

(6) The keg registration declaration and receipt affixed to the keg may serve as the purchaser's receipt.

(7) Kegs or other containers holding four gallons or more of malt liquor shall be purchased for off-premises consumption only from an authorized retail source and shall, at all times, have a properly completed keg registration declaration and receipt form affixed thereon when sold for off-premises consumption. Possession of a keg or other container which holds four gallons or more of malt liquor, other than on the seller's premises, without a properly completed keg registration and declaration form either affixed thereon or in possession of the person with the keg(s) shall be a violation of this title.

[Statutory Authority: RCW 66.08.030. 91-19-070, § 314-16-250, filed 9/16/91, effective 10/17/91. Statutory Authority: RCW 66.08-.030 and 66.98.070. 89-17-037 (Order 283, Resolution No. 292), § 314-16-250, filed 8/9/89, effective 9/9/89.]

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

## Chapter 314-18 WAC BANQUET PERMITS

WAC

314-18-060 Liquor to be served and consumed—Restrictions.

**WAC 314-18-060 Liquor to be served and consumed—Restrictions.** (1) Class H discount liquor cannot be sold, served, or consumed under or by authority of a banquet permit. Liquor to be served will be purchased from an authorized retail source only.

(2) Licensees and/or commercial caterers shall not pay for or advance the moneys to purchase the liquor for the event for which the banquet permit application has been made, but they may transport the prepaid liquor purchased by the applicant to whom the banquet permit was issued.

(3) No banquet permittee may buy or accept delivery of liquor from any manufacturer, brewer, wholesaler, distiller, winery, importer, or agent thereof.

(4) It is not necessary for a banquet permit applicant to purchase liquor at the time the permit is issued, and individuals attending a banquet function may bring their own liquor.

[Statutory Authority: RCW 66.08.030. 92-01-080, § 314-18-060, filed 12/16/91, effective 1/16/92. Statutory Authority: RCW 66.08-.030 and 66.98.070. 82-16-100 (Orders 110 and 112, Resolution Nos. 119 and 121), § 314-18-060, filed 8/4/82.]

## Chapter 314-20 WAC

## BEER--BREWERS, HOLDERS, IMPORTERS, ETC.

## WAC

314-20-020 Beer labels--Certificate of label approval required--Labels to be submitted.

**WAC 314-20-020 Beer labels--Certificate of label approval required--Labels to be submitted.** (1) Every bottle or can containing beer intended for sale in the state of Washington shall bear a label in compliance with RCW 66.28.120. No beer shall be imported or sold within the state of Washington until the licensed brewery, or certificate of approval holder, shall have obtained from the board a certificate of label approval for such beer.

(2) A request for certificate of label approval must be submitted on a form[(s)] prescribed by the board which is one copy of the federal certificate of label approval for such beer, issued by the Bureau of Alcohol, Tobacco[,] and Firearms, U.S. Treasury Department.

(3) Any change in label or product which requires re-issuance of federal certificate of label approval, must also be submitted to the board, in accordance with the foregoing provisions of this regulation.

(4) No label shall be used that is misleading.

(5) Every producer, importer, or wholesaler of beer shall, upon request of the board or its authorized representative, furnish[,] without cost to the board, samples of any brand of beer upon its premises for the purpose of analysis in order to determine whether the beer conforms to commercial standards.

[Statutory Authority: RCW 66.08.030 and 66.28.160. 91-08-022, § 314-20-020, filed 3/27/91, effective 4/27/91. Statutory Authority: RCW 66.08.030. 90-18-008, § 314-20-020, filed 8/24/90, effective 1/1/92; 89-02-015 (Order 275, Resolution No. 284), § 314-20-020, filed 12/28/88. Statutory Authority: RCW 66.08.030 and 66.28.120. 88-14-131 (Order 255, Resolution No. 264), § 314-20-020, filed 7/6/88. Statutory Authority: RCW 66.28.120 and 66.28.110. 87-21-036 (Order 230, Resolution No. 239), § 314-20-020, filed 10/13/87. Statutory Authority: RCW 66.28.120. 87-08-015 (Order 215, Resolution No. 224), § 314-20-020, filed 3/24/87; Order 42, § 314-20-020, filed 11/6/75; Order 19, § 314-20-020, filed 8/10/72; Rule 38, filed 6/13/63.]

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

## Chapter 314-24 WAC

## DOMESTIC WINERIES AND DOMESTIC WINE WHOLESALEERS

## WAC

314-24-230 Class W8--Private wine shipper's license.  
314-24-240 Conditions on delivery.  
314-24-250 Labeling requirements for W8 private wine shippers.

**WAC 314-24-230 Class W8--Private wine shipper's license.** There shall be a license, designated as a class W8 license, to authorize the licensee to ship up to two cases of wine of its own manufacture annually to any resident of the state of Washington who is over the

age of twenty-one years without payment of Washington's state liquor taxes and markup. The fee for such license shall be \$25 annually.

(1) Wine received as authorized by this rule shall be free of markup and state taxes as otherwise required by RCW 66.12.120 if the state from which the wine is received allows its residents to receive wine from the state of Washington without imposition of state tax, markup, or charges.

(2) All holders of a winery certificate of approval designated as a W7 license as authorized by RCW 66.24.206 and WAC 314-22-010, shall be deemed to hold class W8 license privileges without further application or payment of fee, *provided*, the holder meets all legal requirements for private wine shipments.

(3) A wine manufacturer located outside the state of Washington which is licensed by its resident state to manufacture wine therein may apply for a class W8 license from the board, if the manufacturer's resident state allows Washington wineries licensed under RCW 66.24.170 an equal reciprocal shipping privilege.

[Statutory Authority: RCW 66.08.030 and 1991 c 149. 91-21-132, § 314-24-230, filed 10/23/91, effective 11/23/91.]

**WAC 314-24-240 Conditions on delivery.** (1) No person who receives wine pursuant to this rule shall resell any of the wine received.

(2) The licensee may not advertise or solicit consumers within the state of Washington to engage in reciprocal wine shipments.

(3) It is the responsibility of the licensee to contract only with private carriers who employ delivery agents that will (a) verify the age of the receiver of the wine upon delivery and (b) verify that the receiver of the wine does not appear intoxicated at the time of delivery.

(4) The licensee will report to the board, on or before the thirtieth day of January of each year all such shipments into Washington when a class W8 license has been in effect for all or any portion of the preceding year. All such reports will be on forms prescribed by the board.

(5) The board may suspend or revoke any wine shipper's W8 license if the licensee fails to comply with all requirements of Title 66 RCW and WAC 314-24 or any rules of the board.

[Statutory Authority: RCW 66.08.030 and 1991 c 149. 91-21-132, § 314-24-240, filed 10/23/91, effective 11/23/91.]

**WAC 314-24-250 Labeling requirements for W8 private wine shippers.** (1) All holders of a class W8 private wine shipper's license shall label all wine cases or outside shipping packages with the following language: "ALCOHOLIC BEVERAGE. Do not deliver to anyone under 21 years old or who is visibly intoxicated. If reasonable doubt of age exists, verify age and RECORD driver's license number or other photo ID."

(2) The language required in section (1) must be clearly visible and readable at the time of delivery.

[Statutory Authority: RCW 66.08.030 and 1991 c 149. 91-21-132, § 314-24-250, filed 10/23/91, effective 11/23/91.]

**Chapter 314-26 WAC  
UNSALEABLE BEER AND WINE**

## WAC

314-26-010 Procedures for tax refunds.

**WAC 314-26-010 Procedures for tax refunds.** The board may refund the tax on beer imposed by RCW 66.24.290, and the tax on wine imposed by RCW 66.24.210, when such taxpaid products have been deemed to be unsalable due to freight damage or other causes prior to sale to consumers, and are destroyed within the state. Such tax refunds are subject to the following conditions:

(1) Notify local liquor enforcement officer in advance for destruction of more than fifty cases of wine or two hundred cases of beer

(2) Record shall be kept for the liquor auditor showing (a) the reason for the destruction, (b) an inventory of products destroyed and (c) a completed copy of "REFUND BEER TAX" (LIQ 710) or "WINE WHOLESALERS...SALES TO MILITARY, out of state &/OR CLAIMS" (LIQ 700) which was mailed to the board within 30 days of the destruction.

(3) It shall be a violation of this title for any licensee to: (a) destroy amounts of beer or wine over those stated in section (1) without having first notified the local liquor enforcement officer, or (b) fail to mail a destruction form to the board within 30 days of the destruction and (c) fail to keep a copy of the destruction at the licensed premises and available for inspection by board employees for a period of two years.

[Statutory Authority: RCW 66.08.030. 91-19-070, § 314-26-010, filed 9/16/91, effective 10/17/91; 88-13-118 (Order 253, Resolution No. 262), § 314-26-010, filed 6/22/88; Order 40, § 314-26-010, (Rule 83.5), filed 8/21/75.]

**Chapter 314-38 WAC  
PERMITS**

## WAC

314-38-040 Beverage alcohol raffle permit—Fee.

**WAC 314-38-040 Beverage alcohol raffle permit—Fee.** (1) Any organization authorized to conduct a raffle under RCW 9.46.0315 may raffle beverage alcohol upon obtaining a raffle permit from the board. The fee for a raffle permit shall be ten dollars for a one-time raffle permit or twenty-five dollars for an annual permit.

(2) An application for a raffle permit shall be on a form prescribed by the board and filed with the board at the headquarters office in Olympia thirty days in advance of the commencement of ticket sales.

(3) An application for a raffle permit must contain the following information:

(a) The full name of the bona fide charitable or bona fide nonprofit organization with verification of qualification as prescribed in RCW 9.46.0209;

(b) Name, address, and phone number of the organization officer in charge of the raffle

(c) The date the raffle ticket sales will commence;

(d) The date, time and exact location of the drawing;

(e) A description of the beverage alcohol being raffled including its estimated value;

(f) And the source of the alcohol to be raffled.

(4) An organization officer must certify that:

(a) Only organization members may purchase tickets or be awarded prizes;

(b) The organization meets the qualifications of a bona fide charitable or bona fide nonprofit organization as provided in RCW 9.46.0209;

(c) The organization will not sell more than \$5,000 dollars worth of raffle tickets in a calendar year;

(d) The organization will not sell raffle tickets to anyone under twenty one years of age when alcohol is awarded as a prize.

(5) Alcohol to be raffled must have all applicable Washington State taxes paid and may only be:

(a) Purchased at retail or

(b) Donated by a private citizen.

(6) Upon application being filed and fee paid the board may issue a raffle permit. The raffle permit will state the:

(a) Organization name,

(b) Address,

(c) Date and time of the drawing,

(d) Effective dates of the raffle permit.

(e) And a description of the alcohol to be raffled.

(7) The raffle permit shall be posted at the location of the drawing prior to and during the drawing. The organization or person in charge of the raffle shall; when requested by any representative or agent of the board and/or any law enforcement officer; exhibit to such person the raffle permit and shall allow such person to inspect the raffle items at any time.

[Statutory Authority: RCW 66.08.030. 92-01-079, § 314-38-040, filed 12/16/91, effective 1/16/92.]

**Chapter 314-64 WAC  
LIQUOR SAMPLES**

## WAC

314-64-030 Repealed.  
314-64-050 Accounting for board samples.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS  
CHAPTER**

314-64-030 Procedures for chemical analysis. [Statutory Authority: RCW 66.08.030. 88-14-001 (Order 252, Resolution No. 261), § 314-64-030, filed 6/23/88. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-04-035 (Order 95, Resolution No. 104), § 314-64-030, filed 1/28/82; Order 57, § 314-64-030, filed 7/28/77, effective 9/1/77; Order 40, § 314-64-030, filed 8/21/75.] Repealed by 91-19-070, filed 9/16/91, effective 10/17/91. Statutory Authority: RCW 66.08.030.

**WAC 314-64-030 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 314-64-050 Accounting for board samples.** Samples shall be accounted for as follows:

(1) Malt liquor, wine or spirits submitted to the board for the purpose of negotiating the sale of liquor to the board.

(a) Upon receipt of the samples by the liquor purchasing agent in Olympia, the liquor purchasing agent, or his designee, shall prepare a multiple-copy receiving and disposition report for said samples, clearly identifying them as "samples for the purpose of negotiating the sale of liquor to the board."

(b) If more than the amount authorized in WAC 314-64-040 is received, the liquor purchasing agent, or his designee, shall prepare a separate receiving report for the excess samples and dispose of them as provided in WAC 314-64-040(7).

(c) The liquor purchasing agent, or his designee, shall sign the multiple-copy receiving and disposition report in the applicable section, indicating his receipt of the samples.

(d) The liquor purchasing agent, or his designee, shall distribute the signed multiple-copies of the receiving and disposition reports as follows: The original to be retained by the liquor purchasing agent, one copy to each member of the board, and one copy to the liquor control board controller.

(e) The purchasing agent, or his designee, shall provide an analysis report form, as required in WAC 314-64-040(6) for each sample. The receiving and disposition reports and analysis report forms shall be numbered consecutively, and shall correspond one with the other.

(f) The liquor purchasing agent shall deliver a copy of the receiving and disposition report and the analysis report forms with the samples, to members of the board, or their designees, and/or to the liquor purchasing agent, or his designee, for examination, testing and reporting as provided in WAC 314-64-040 (4), (5) and (6).

(g) Members of the board, or their designees, and/or the liquor purchasing agent, or his designee, shall sign the receiving and disposition report in the applicable section, indicating receipt of the samples.

(h) The purchasing agent shall distribute the signed receiving and disposition report as follows: The original to the member of the board, or his designee, or the liquor purchasing agent, or his designee, to whom the sample was delivered; one copy to the liquor control board controller, and one copy to be retained by the liquor purchasing agent.

(i) Members of the board, or their designees, and/or the liquor purchasing agent, or his designee, shall examine, test and report on the sample, as provided in WAC 314-64-040 (4), (5), and (6), complete the analysis report form, and distribute the form as follows: The original to the liquor purchasing agent, one copy to the liquor control board controller, and one copy to be retained by the member of the board, or his designee, and/or the liquor purchasing agent, or his designee who examined and tested the sample.

(j) The liquor control board controller shall maintain the official copies of the receiving and disposition reports, together with the matching analysis report forms, and, where applicable, the destruction notices.

[Statutory Authority: RCW 66.08.030, 91-19-070, § 314-64-050, filed 9/16/91, effective 10/17/91; 88-14-001 (Order 252, Resolution No. 261), § 314-64-050, filed 6/23/88. Statutory Authority: RCW 66.08.030 and 66.98.070, 82-04-035 (Order 95, Resolution No. 104), § 314-64-050, filed 1/28/82; Order 40, § 314-64-050, filed 8/21/75.]

## Title 315 WAC

### LOTTERY COMMISSION

#### Chapters

315-04	Licensing procedure.
315-06	General lottery rules.
315-10	Instant games—General rules.
315-11	Instant game rules—Specific rules.
315-12	Public records disclosure.
315-33	Quinto rules.
315-33A	Quinto rules.

#### Chapter 315-04 WAC

##### LICENSING PROCEDURE

#### WAC

315-04-190	Compensation.
315-04-205	Reapplication following license denial or revocation.

**WAC 315-04-190 Compensation.** (1) Lottery retailers shall be entitled to a five percent discount from the retail price of the instant game tickets established by rule for each game.

(2) Lottery retailers authorized to sell on-line tickets shall be entitled to a five percent discount from the total of gross on-line ticket sales less on-line ticket cancellations.

(3) Lottery retailers may receive additional compensation through programs including but not limited to additional discounts, retailer games, retailer awards, and retailer bonuses.

(a) The commission must approve each such program prior to its implementation.

(b) The director shall establish and publish the procedures necessary to implement any such program approved by the commission prior to initiation of the program.

(4) The lottery, when selling instant or on-line tickets, as a lottery retailer, may use the proceeds from the five percent discount from the retail price of the tickets sold to pay fees or other charges associated with those sales.

[Statutory Authority: RCW 67.70.040, 91-20-062, § 315-04-190, filed 9/25/91, effective 10/26/91; 87-17-012 (Order 103), § 315-04-190, filed 8/10/87; 87-05-005 (Order 99), § 315-04-190, filed 2/6/87; 86-12-001 (Order 91), § 315-04-190, filed 5/22/86; 86-01-060 (Order 83), § 315-04-190, filed 12/16/85; 84-21-013 (Order 66), § 315-04-190, filed 10/5/84; 84-01-004 (Order 42), § 315-04-190, filed 12/8/83. Statutory Authority: RCW 67.70.040 and 67.70.050, 83-05-029 (Order 14), § 315-04-190, filed 2/10/83. Statutory Authority: 1982 2nd ex.s. c 7. 82-21-039 (Order 4), § 315-04-190, filed 10/15/82.]