

Chapter 314-11 WAC

GENERAL REQUIREMENTS FOR LICENSEES

WAC

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WAC 314-11-005 What is the purpose of chapter 314-11 WAC? Chapter 314-11 WAC outlines general requirements for liquor licensees, including:

- (1) Licensee areas of responsibility;
- (2) Restrictions against alcohol service to persons under twenty-one years of age and apparently intoxicated persons;
- (3) Persons under twenty-one years of age entering a restricted area;
- (4) Conduct on licensed premises;
- (5) Mandatory signs;
- (6) Hours of operation;
- (7) Keeping liquor on licensed premises; and
- (8) Record keeping requirements.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. WSR 01-06-014, § 314-11-005, filed 2/26/01, effective 3/29/01.]

WAC 314-11-015 What are my responsibilities as a liquor licensee? (1)(a) Liquor licensees are responsible for the operation of their licensed premises in compliance with the liquor laws and rules of the board (Title 66 RCW and Title 314 WAC). Any violations committed or permitted by employees will be treated by the board as violations committed or permitted by the licensee.

(b) The penalties for violations of liquor laws or rules are in: WAC 314-29-015 through 314-29-035, as now or hereafter amended, for licensees; and WAC 314-17-105 and 314-17-110, as now or hereafter amended, for employees who hold mandatory alcohol server training permits. These rules also outline aggravating and mitigating circumstances that may affect what penalty is applied if a licensee or employee violates a liquor law or rule.

(2) Licensees and their employees also have the responsibility to conduct the licensed premises in compliance with the following laws, as they now exist or may later be amended:

- Titles 9 and 9A RCW, the criminal code laws;
- Title 69 RCW, which outlines the laws regarding controlled substances; and
- Titles 70.155, 82.24 RCW, and RCW 26.28.080 which outline laws regarding tobacco.

(3) Licensees have the responsibility to control their conduct and the conduct of employees and patrons on the premises at all times. Except as otherwise provided by law, licensees or employees may not:

(a) Be disorderly or apparently intoxicated on the licensed premises;

(b) Permit any disorderly person to remain on the licensed premises;

(c) Engage in or allow behavior that provokes conduct which presents a threat to public safety;

(d) Consume liquor of any kind while working on the licensed premises; except that:

(i) Entertainers per WAC 314-02-010 may drink while performing under the following conditions:

(A) Alcohol service must be monitored by MAST servers;

(B) Drinks must be served in unlabeled containers;

(C) Entertainers may not advertise any alcohol brands or products;

(D) Entertainers may not promote drink specials; and

(E) If any member of the entertainment group is under twenty-one years of age, alcohol may not be consumed by any member of the group while performing.

(ii) Licensed beer manufacturers and their employees may sample beer of their own manufacture for manufacturing, evaluating or pricing product in areas where the public is not served, so long as the licensee or employee does not become apparently intoxicated;

(iii) Licensed wine manufacturers and their employees may:

(A) Sample wine for manufacturing, evaluating, or pricing product, so long as the licensee or employee does not become apparently intoxicated; and the licensee or employee who is sampling for these purposes is not also engaged in serving alcohol to the public; and

(B) Sample wine of their own manufacture for quality control or consumer education purposes, so long as the licensee or employee does not become apparently intoxicated.

(e) Engage in, or permit any employee or other person to engage in, conduct on the licensed premises which is prohibited by any portion of Titles 9, 9A, or 69 RCW;

(f) Engage in or permit any employee or other person to engage in the consumption of any type of marijuana, usable marijuana, or marijuana-infused products in a liquor licensed business, including outdoor service areas or any part of the property owned or controlled by the licensee;

(g) Permit any person consuming, or who has consumed within the licensed premises, any type of marijuana, usable marijuana, or marijuana-infused products to remain on any part of the licensed premises; or

(h) Sell or serve liquor by means of "drive-in" or by "curb service."

(4) Licensees have the responsibility to control the interaction between the licensee or employee and their patrons. At a minimum, licensees or employees may not:

(a) Solicit any patron to purchase any beverage for the licensee or employee, or allow a person to remain on the premises for such purpose;

(b) Spend time or dance with, or permit any person to spend time or dance with, any patron for direct or indirect compensation by a patron.

(c) See WAC 314-11-050 for further guidelines on prohibited conduct.

[Statutory Authority: RCW 66.08.030, WSR 14-02-002, § 314-11-015, filed 12/18/13, effective 1/18/14; WSR 11-22-035, § 314-11-015, filed 10/26/11, effective 11/26/11. Statutory Authority: RCW 66.08.030 and 66.28.320, WSR 10-01-090, § 314-11-015, filed 12/16/09, effective 1/16/10. Statutory Authority: RCW 66.08.030, 66.12.160, 66.44.010, 66.44.200, 66.44.240, 66.44.270, 66.24.291 [66.44.291], 66.44.310, WSR 04-15-162, § 314-11-015, filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, and 66.44.350, WSR 02-11-054, § 314-11-015, filed 5/9/02, effective 6/9/02. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW, WSR 01-06-014, § 314-11-015, filed 2/26/01, effective 3/29/01.]

WAC 314-11-020 What are the guidelines regarding sales to persons under twenty-one years of age and where persons under twenty-one are allowed on a licensed premises? (1) Per RCW 66.44.270, licensees or employees may not supply liquor to any person under twenty-one years of age, either for his/her own use or for the use of any other person.

(2) Per RCW 66.44.310, licensees or employees may not allow persons under twenty-one years of age to remain in any premises or area of a premises classified as off-limits to persons under twenty-one. (See RCW 66.44.310 (1)(b) regarding nonprofit, private club licensees.)

(3) Per RCW 66.20.180, at the request of any law enforcement officer, a holder of a card of identification must present his/her card of identification if the person is on a portion of a premises that is restricted to persons over twenty-one years of age, or if the person is purchasing liquor, attempting to purchase liquor, consuming liquor, or in the

possession of liquor. If the person fails or refuses to present a card of identification it may be considered a violation of Title 66 RCW and:

(a) The person may not remain on the licensed premises after being asked to leave by a law enforcement officer; and

(b) The person may be detained by a law enforcement officer for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth.

[Statutory Authority: RCW 66.08.030, 66.12.160, 66.44.010, 66.44.200, 66.44.240, 66.44.270, 66.24.291 [66.44.291], 66.44.310, WSR 04-15-162, § 314-11-020, filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, and 66.44.350, WSR 02-11-054, § 314-11-020, filed 5/9/02, effective 6/9/02. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW, WSR 01-06-014, § 314-11-020, filed 2/26/01, effective 3/29/01.]

WAC 314-11-025 What are the forms of acceptable identification? (1) Following are the forms of identification that are acceptable to verify a person's age for the purpose of selling, serving, or allowing a person to possess or consume alcohol:

(a) Driver's license, instruction permit, or identification card of any state, or province of Canada, from a U.S. territory or the District of Columbia, or "identocard" issued by the Washington state department of licensing per RCW 46.20.-117;

(b) United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents, which may include an embedded, digital signature in lieu of a visible signature;

(c) Passport;

(d) Merchant Marine identification card issued by the United States Coast Guard; and

(e) Enrollment card issued by the governing authority of a federally recognized Indian tribe located in Washington, if the enrollment card incorporates security features comparable to those implemented by the department of licensing for Washington driver's licenses.

(2) If the identification document has an expiration date, a person may not use the document after the expiration date to verify his or her age.

[Statutory Authority: RCW 66.08.030 and 66.08.050, WSR 12-17-006, § 314-11-025, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.16.040, WSR 08-03-081, § 314-11-025, filed 1/16/08, effective 2/16/08. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW, WSR 01-06-014, § 314-11-025, filed 2/26/01, effective 3/29/01.]

WAC 314-11-030 What if a person's identification meets the legal requirements but I still have doubts about his or her age? (1) Per RCW 66.20.190 and 66.20.210, if a patron presents proper identification as outlined in WAC 314-11-025 but the licensee or employee still has doubts about the patron's age, the licensee or employee may require the patron to sign a certification card. Certification cards are provided by the board's enforcement and education division.

(2) The certification card must be completely filled out and filed alphabetically by the licensee or employee by the close of business on the day used. Certification cards are subject to examination by any law enforcement officer.

[RCW. 01-06-014, § 314-11-030, filed 2/26/01, effective 3/29/01.]

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, and 66.44.350. WSR 02-11-054, § 314-11-030, filed 5/9/02, effective 6/9/02. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. WSR 01-06-014, § 314-11-030, filed 2/26/01, effective 3/29/01.]

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 314-11-035 What are the rules regarding sales to apparently intoxicated persons? Per RCW 66.44.200, licensees or employees may not supply liquor to any person apparently under the influence of liquor, or allow an apparently intoxicated person to possess or consume liquor on the licensed premises.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, and 66.44.350. WSR 02-11-054, § 314-11-035, filed 5/9/02, effective 6/9/02. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. WSR 01-06-014, § 314-11-035, filed 2/26/01, effective 3/29/01.]

WAC 314-11-040 What duties can an employee under twenty-one years of age perform on a licensed premises? A person must be twenty-one years of age or older to be employed in the sale, handling, or service of liquor, except as provided in this chapter.

(1) Per RCW 66.44.340 and RCW 66.44.350, persons between eighteen and twenty-one years of age may perform the following duties:

| | Duties 18, 19, and 20 year old employees may perform, as long as there is a person twenty-one years of age or older on duty supervising the sale of liquor | Duties 18, 19, and 20 years old employees may not perform |
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| (a) In a grocery store or beer/wine specialty shop: | <ul style="list-style-type: none"> ■ Sell, stock, and handle beer and wine; and ■ Deliver beer and/or wine to a customer's car with the customer (for the purposes of this rule, there is no minimum age requirement for an employee of a grocery store or a beer/wine specialty shop to deliver beer and/or wine to a customer's car with the customer). | Supervise employees who sell, stock, or handle beer and/or wine. |

| | Duties 18, 19, and 20 year old employees may perform, as long as there is a person twenty-one years of age or older on duty supervising the sale of liquor | Duties 18, 19, and 20 years old employees may not perform |
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| (b) In a spirits retail business: | <ul style="list-style-type: none"> ■ As long as there are at least two supervisors at least twenty-one years of age on duty, persons 18, 19, and 20 years old may sell, stock, and handle spirits. ■ Deliver spirits to a customer's car with the customer (for purposes of this rule, there is no minimum age requirement for an employee of a spirits retailer to deliver spirits to a customer's car with the customer). | Supervise employees who sell, stock, or handle spirits. |
| (c) In an establishment that sells liquor for on-premises consumption: | <ul style="list-style-type: none"> ■ Take orders for, serve, and sell liquor in areas classified as open to persons under twenty-one years of age; and ■ Enter areas designated as off-limits to persons under twenty-one years of age to perform duties such as picking up liquor for service in other parts of the establishment; cleaning up, setting up, and arranging tables; delivering messages; serving food; and seating patrons; provided the employee does not remain in the area any longer than is necessary to perform the duties. | Functions of a bartender, including: <ul style="list-style-type: none"> ■ Mixing drinks; ■ Drawing beer or wine from a tap; ■ Pouring beer or wine anywhere except at the patrons table; and ■ Providing an employee spirits, beer by the pitcher or glass, or wine by the carafe or glass for delivery to a customer. |
| (d) In a spirits retail business: | | Supervise employees who sell, stock, or handle spirits. |

(2) Per RCW 66.44.316 and 66.44.318, the following persons that are eighteen, nineteen, or twenty years of age may remain on licensed premises or portions of premises that are restricted from persons under twenty-one years of age, but only during the course of his or her employment:

(a) Persons performing janitorial services during the hours when there is no sale, service, or consumption of liquor on the premises;

(b) Employees of amusement device companies for the purpose of installing, maintaining, repairing, or removing any amusement device;

(c) Security or law enforcement officers and firefighters during the course of their official duties and if they are not the direct employees of the licensee; and

(d) Professional musicians, per WAC 314-11-045.

[Statutory Authority: RCW 66.08.030 and 66.08.050. WSR 12-17-006, § 314-11-040, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.-030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, and 66.44.350. WSR 02-11-054, § 314-11-040, filed 5/9/02, effective 6/9/02. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.-040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. WSR 01-06-014, § 314-11-040, filed 2/26/01, effective 3/29/01.]

WAC 314-11-045 Can musicians under twenty-one years of age entertain on a licensed premises that is restricted to persons twenty-one or older? Per RCW 66.44.316 and 66.44.318, musicians, disc jockeys, and sound or lighting technicians paid by the licensee who are eighteen, nineteen, or twenty years of age may work in a licensed premises or a portion of a licensed premises that is restricted to persons twenty-one years of age or older, under the following conditions:

(1) The eighteen, nineteen, or twenty year-old musicians must remain on the stage or bandstand during their performance, except:

- (a) Strolling musicians; and
- (b) Disc jockeys and sound and lighting technicians may remain in locations as required to actively support the professional musician or disc jockey.

(2) The eighteen, nineteen, or twenty year-old musicians may not consume alcohol, and must have acceptable identification available for inspection at all times.

(3) The eighteen, nineteen, or twenty year-old musicians are permitted on the licensed premises no more than one hour prior to the start of their performance and not more than one hour after their performance, in order to properly set up and secure their equipment.

(4) During breaks, the eighteen, nineteen, or twenty year-old musicians may not remain in an area that is off-limits to persons under twenty-one years of age.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.-310, 66.44.316, 66.44.318, 66.44.340, and 66.44.350. WSR 02-11-054, § 314-11-045, filed 5/9/02, effective 6/9/02. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.-200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. WSR 01-06-014, § 314-11-045, filed 2/26/01, effective 3/29/01.]

WAC 314-11-050 What types of conduct are prohibited on a premises with a liquor license?

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| <p>(1) Licensees may not allow, permit, or encourage employees (including him or herself) to:</p> | <p>(a) Be 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.</p> |
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| <p>(2) Licensees may not allow, permit, or encourage any person (including him or herself) on the licensed premises to:</p> | <p>(a) Perform acts of or acts which simulate, or use artificial devices or inanimate objects which depict;</p> <ul style="list-style-type: none"> • Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law; • The touching, caressing, or fondling of the breast, buttocks, anus or genitals; or • The displaying of the pubic hair, anus, vulva, or genitals. <p>(b) Show any film, still picture, electronic reproduction, or other visual reproduction that depicts pornography, or a sexual act prohibited by law.</p> |
| <p>(3) Notwithstanding the provisions of subsection (4) of this rule, licensees may not encourage any person on the licensed premises to:</p> | <p>(a) Expose to public view any portion of his or her genitals or anus;</p> <p>(b) Touch, caress, or fondle the breasts, buttocks, anus, or genitals of any other person; or</p> <p>(c) Wear or use any device or covering that is exposed to view which simulates the breast, genitals, anus, pubic hair, or any portion thereof.</p> |
| <p>(4) Licensees must ensure any entertainers on the licensed premises perform under the following guidelines:</p> | <p>(a) Entertainers may only expose their breast and/or buttocks if the performer(s) is on a stage at least eighteen inches above the immediate floor level and removed at least six feet from the nearest patron.</p> <p>(b) Performers must be at least six feet away from the nearest patron. This restriction will not be applied to performances of traditional ethnic dancing, provided that all of the following conditions are met:</p> <ul style="list-style-type: none"> (i) The dancers are compensated by the licensee; (ii) At all times, the licensee must maintain and have available for inspection by any liquor enforcement officer a list of all traditional ethnic dancers employed at the licensed premises. The list must be retained for a period of thirty days after termination of employment and must contain the following information for each dancer or entertainer: <ul style="list-style-type: none"> • True name and professional or stage name, if any; • Residence address and phone number; • Terms of the agreement of employment; and • Signature of both the licensee and the dancer or entertainer; (iii) The traditional or ethnic dance performances will be those performed for the enjoyment of the general audience of the licensee and not for individual patrons. |

(5) The occurrence of any of the above acts or conduct, whether permitted by a licensee, employee, or any other person under the control or direction of the licensee or an employee, constitutes good and sufficient cause for cancellation of license privileges.

(6) Nothing in this rule is intended disallow local officials from adopting ordinances that are more restrictive than the requirements outlined in this rule.

(7) 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, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. WSR 01-06-014, § 314-11-050, filed 2/26/01, effective 3/29/01.]

WAC 314-11-055 What are the lighting requirements for a licensed premises? On all portions of the premises where alcohol is served or consumed, licensees must maintain sufficient lighting so that identification may be checked and patrons may be observed for the enforcement of liquor laws and rules.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. WSR 01-06-014, § 314-11-055, filed 2/26/01, effective 3/29/01.]

WAC 314-11-060 What are the mandatory signs a licensee must post on a licensed premises? (1) Notices regarding persons under twenty-one years of age must be posted on the premises as follows:

| Type of licensee | Sign must contain the following language: | Required location of sign |
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| Tavern licensees and spirits, beer, and wine licensees who do not allow persons under twenty-one years of age. | "Persons under twenty-one years of age not permitted on these premises." | Conspicuous location at each entry to premises. |
| Restaurants that do not permit persons under twenty-one years of age on a portion of their premises. | "Persons under twenty-one years of age not permitted in this area." | Conspicuous location at each entry to a restricted area. |

The board will provide the required notices, or licensees may design their own notices as long as they are legible and contain the required language.

(2) **Signs provided by the board warning of the possible danger of birth defects which may be caused as a result of the consumption of alcohol during pregnancy,** must be posted as follows:

| Type of premises | Required location of sign |
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| Premises that serve alcohol for on-premises consumption (does not apply to self-service "mini-bars" in hotel guest rooms). | Posted in plain view at the main entrance to the liquor licensed portion of the establishment, and in the women's public restrooms closest to the licensed area. |
| Airports, convention centers, sports facilities, and other licensed premises that have more than one authorized location for alcohol service and consumption. | Posted in a place that is clearly visible to the majority of patrons entering the liquor licensed portion of the premises. |

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| Grocery store and beer/wine specialty shop licensees. | Posted at one or more of the following locations: <ul style="list-style-type: none"> ■ At each permanent display area of shelving and at coolers displaying alcohol beverages; and/or ■ At the cash register(s) where alcohol is sold; and/or ■ At the main entrance to the licensed premises. |
| Breweries and wineries. | Posted in plain view at: <ul style="list-style-type: none"> ■ The main entrance to areas where alcohol is sold for off-premises consumption, and ■ At the main entrance to all tasting areas. |

(3) **The premises' current and valid master license with appropriate endorsements** must be conspicuously posted on the premises and available for inspection by liquor enforcement officers.

(4) **Tobacco signage** provided by the board must be posted (as outlined in WAC 314-10-020 and 314-10-030 as now or hereafter amended).

(5) **Firearms prohibited** signs provided by the board must be posted in each tavern and lounge (per RCW 9.41.300).

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, and 66.44.350. WSR 02-11-054, § 314-11-060, filed 5/9/02, effective 6/9/02. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. WSR 01-06-014, § 314-11-060, filed 2/26/01, effective 3/29/01.]

WAC 314-11-065 What type of liquor is allowed on a licensed premises? (1) Licensees may only possess and allow persons to consume or possess the type of liquor permitted by the type of liquor license held on the premises; except:

(a) Under authority of a banquet permit (see chapter 314-18 WAC);

(b) Restaurant licensees may allow patrons to bring wine into the premises for consumption with a meal; and

(c) Beer and/or wine restaurant or tavern licensees may keep spirituous liquor on the premises for use in the manufacture of food products, provided that:

(i) All food products manufactured contain one percent or less of alcohol by weight (per RCW 66.12.16.160 [66.12.-160]),

(ii) Customers are made aware that the food products contain liquor, and

(iii) The beer and/or wine restaurant or tavern licensee notifies the local liquor control board enforcement office in writing before they bring spirituous liquor on the premises.

(2) For on-premises liquor licenses, the licensee or employees may not permit the removal of liquor in an open container from the licensed premises, except:

(a) Liquor brought on a licensed premises under authority of a banquet permit may be resealed in its original container and removed at the end of the banquet permit function;

(b) Per RCW 66.24.320 and 66.24.400, wine that is sold with a meal may be recorked or resealed and removed from the premises;

(c) Liquor purchased by registered guests for consumption inside a hotel or motel room may be resealed in its original container and removed from the hotel or motel premises by the guest; and

(d) Liquor removed from a licensed premises that holds a caterer's endorsement, for the purpose of catering an approved event.

[Statutory Authority: RCW 66.08.030, 66.12.160, 66.44.010, 66.44.200, 66.44.240, 66.44.270, 66.24.291 [66.44.291], 66.44.310. WSR 04-15-162, § 314-11-065, filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.-200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, and 66.44.350. WSR 02-11-054, § 314-11-065, filed 5/9/02, effective 6/9/02. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.-040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. WSR 01-06-014, § 314-11-065, filed 2/26/01, effective 3/29/01.]

WAC 314-11-070 During what hours can I sell or serve liquor? (1) Between the hours of 2 a.m. and 6 a.m., licensees or employees may not:

- (a) Sell liquor,
- (b) Offer liquor for sale,
- (c) Deliver liquor (except that beer and/or wine distributors may deliver beer and/or wine to retail licensees between the hours of 2 a.m. and 6 a.m.),
- (d) Permit the removal of liquor from the premises;
- (e) Allow liquor to be consumed on the premises; or
- (f) Possess liquor, except that persons working on the premises may possess liquor between the hours of 2 a.m. and 6 a.m. while in the performance of their official duties.

(2) A local government subdivision may fix later opening hours or earlier closing hours than those specified in this rule, so long as the hours apply to all licensed premises in the local government subdivision's jurisdiction. See WAC 314-12-215(3) for exceptions when a premises is in a board recognized alcohol impact area.

[Statutory Authority: RCW 66.08.030, 66.12.160, 66.44.010, 66.44.200, 66.44.240, 66.44.270, 66.24.291 [66.44.291], 66.44.310. WSR 04-15-162, § 314-11-070, filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.-200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, and 66.44.350. WSR 02-11-054, § 314-11-070, filed 5/9/02, effective 6/9/02. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.-040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. WSR 01-06-014, § 314-11-070, filed 2/26/01, effective 3/29/01.]

WAC 314-11-072 Does my premises have to be open to the general public at all times? Unless otherwise approved by the board, a retail licensed premises must be open to the general public whenever liquor is sold, served, or consumed.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.-310, 66.44.316, 66.44.318, 66.44.340, and 66.44.350. WSR 02-11-054, § 314-11-072, filed 5/9/02, effective 6/9/02.]

WAC 314-11-080 Can liquor be substituted? Liquor licensees or employees may not:

- (a) Tamper, dilute, or fortify any bottle of spirituous liquor;

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(b) Sell or serve any spirituous liquor, beer, or wine other than ordered; or

(c) Substitute a nonalcoholic beverage when an alcoholic beverage has been ordered (see WAC 314-11-035 regarding a licensee's responsibility to not serve liquor to an apparently intoxicated person).

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.-310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. WSR 01-06-014, § 314-11-080, filed 2/26/01, effective 3/29/01.]

WAC 314-11-085 Do I have to sell liquor at a certain price? (1) Liquor licensees must sell beer, wine, and spirits at or above the licensee's acquisition cost.

(2) An exception to this requirement is that on-premises retail licensees may give a customer a drink free of charge under limited circumstances, such as a customer's birthday or to compensate for unsatisfactory products or services. Free liquor may not be used in advertising or as part of a promotion.

[Statutory Authority: RCW 66.08.030 and 66.08.050. WSR 12-17-006, § 314-11-085, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.-030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.-340, 66.44.350, and chapter 66.44 RCW. WSR 01-06-014, § 314-11-085, filed 2/26/01, effective 3/29/01.]

WAC 314-11-090 Does the board have the right to inspect my premises? Per RCW 66.28.090, the following must be available to inspection at all times by the board and any law enforcement officer:

- (1) The licensed premises and any premises connected physically or otherwise to the licensed business;
- (2) Records as outlined in WAC 314-11-095; and
- (3) Liquor on the licensed premises for the purpose of analyzing samples (the licensee will be given a receipt for any product removed from the premises for this purpose).

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.-310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. WSR 01-06-014, § 314-11-090, filed 2/26/01, effective 3/29/01.]

WAC 314-11-095 What records am I required to keep regarding my licensed premises? Licensees are responsible to keep records that clearly reflect all financial transactions and the financial condition of the business.

(1) All industry members and retailers shall keep and maintain the following records on their premises for a three-year period and the records must be made available for inspection if requested by an employee of the liquor control board, or by a person appointed in writing by the board for the purposes of administering or enforcing any provisions of Title 66 RCW or Title 314 WAC:

- (a) Purchase invoices and supporting documents, to include the items and/or services purchased, from whom the items were purchased, and the date of purchase;
- (b) Bank statements and canceled checks for any accounts relating to the licensed business;
- (c) Accounting and tax records related to the licensed business and each true party of interest in the liquor license;
- (d) Records of all financial transactions related to the licensed business, including contracts and/or agreements for

services performed or received that relate to the licensed business;

(e) Records of all items, services, and moneys' worth furnished to and received by a retailer and of all items, services, and moneys' worth provided to a retailer and purchased by a retailer at fair market value;

(f) Records of all industry member financial ownership or interests in a retailer and of all retailer financial ownership interests in an industry member; and

(g) Business entertainment records of industry members or their employees who provide either food, beverages, transportation, tickets or admission fees for or at athletic events or for other forms of entertainment to retail licensees and/or their employees.

(2) See additional rules for recordkeeping requirements specific to breweries and wineries: WAC 314-20-015(2), 314-20-050, 314-24-100, and 314-24-150 (as now or hereafter amended).

[Statutory Authority: RCW 66.08.030 and 66.28.320. WSR 10-01-090, § 314-11-095, filed 12/16/09, effective 1/16/10. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, and 66.44.350. WSR 02-11-054, § 314-11-095, filed 5/9/02, effective 6/9/02. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. WSR 01-06-014, § 314-11-095, filed 2/26/01, effective 3/29/01.]

WAC 314-11-097 Credit on nonliquor food items—Conditions—Recordkeeping. (1) Notwithstanding the provisions of WAC 314-12-140, persons licensed under RCW 66.24.200 as wine distributors and persons licensed under RCW 66.24.250 as beer distributors may sell at wholesale nonliquor food products on thirty days' credit terms to retailers. Complete and separate accounting records shall be maintained for a period of three years on all sales of nonliquor food products.

(2) Nonliquor food products include all food products for human consumption as defined in RCW 82.08.0293 as it exists on July 1, 1987, except that for the purposes of this section bottled water and carbonated beverages, whether liquid or frozen, shall be considered food products.

(3) For the purpose of this section, the period of credit is calculated as the time elapsing between the date of delivery of the product and the date of full legal discharge of the retailer, through the payment of cash or its equivalent, from all indebtedness arising from the transaction.

(4) If the board finds in any instance that any licensee has violated this section by extending or receiving credit in excess of the thirty days as provided for by this section, then all licensees involved shall be held equally responsible for such violation.

[Statutory Authority: RCW 66.08.030 and 66.08.050. WSR 12-17-006, § 314-11-097, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.030 and 66.28.320. WSR 10-01-090, § 314-11-097, filed 12/16/09, effective 1/16/10.]

WAC 314-11-100 Can the board or another government agency seize liquor? Under the provisions of RCW 66.08.030(20), liquor enforcement officers and other peace officers are authorized to seize, confiscate, destroy or otherwise dispose of any liquor that is manufactured, sold, or

offered for sale within the state in violation of the provisions of Title 66 RCW and/or Title 314 WAC.

[Statutory Authority: RCW 66.08.030 and 66.08.050. WSR 12-17-006, § 314-11-100, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. WSR 01-06-014, § 314-11-100, filed 2/26/01, effective 3/29/01.]

WAC 314-11-105 What can the board do with lawfully seized liquor? (1) Per RCW 66.08.030(20) and chapter 66.32 RCW, the board may destroy lawfully seized liquor under the following conditions:

(a) The board must maintain a record of the type, brand, and amount of liquor seized for at least one year.

(b) The lawfully seized liquor may be destroyed only after:

(i) The board's charges of a violation of Title 66 RCW or board regulations have been sustained after an administrative proceeding pursuant to chapter 314-29 WAC as now or hereafter amended, in which the liquor to be destroyed has been the subject of, or evidence in, the administrative proceeding; or

(ii) The board's charges of a violation of Title 66 RCW or board regulations have been admitted or are not contested by the person from whom the liquor was seized and the liquor seized was the subject of the charged violation; or

(iii) The liquor was seized pursuant to lawful arrest and liquor was held as evidence in a criminal proceeding where a final disposition has been reached; or

(iv) When no administrative or judicial proceedings are held, all parties who claim a right, title, or interest in the seized liquor have been given notice and opportunity for a hearing to determine his or her right, title, or interest in the subject liquor. Claims of right, title, or interest in seized liquor must be made to the board, in writing, within thirty days of the date of seizure.

(2) If the liquor lawfully seized is in its original, sealed container, the board may either:

(a) Sell the unopened beer, wine, or spirits to the distributor selling the product at a negotiated price. The bill of sale must be kept for three years; or

(b) Upon written request from a law enforcement agency, provide the liquor to the law enforcement agency for bona fide training.

[Statutory Authority: RCW 66.08.030 and 66.08.050. WSR 12-17-006, § 314-11-105, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. WSR 01-06-014, § 314-11-105, filed 2/26/01, effective 3/29/01.]

WAC 314-11-110 What can government agencies other than the board do with lawfully seized liquor? Under the provisions of chapter 66.32 RCW, government agencies may, after obtaining the approval of the board and under the supervision of the board, dispose of lawfully seized liquor as follows:

(1) The government agency may sell opened containers of lawfully seized liquor back to the spirits, beer, and wine restaurant licensee from whom seized if the licensee is going

out of business and the liquor will be used for the personal use of the licensee.

(2) The government agency may sell unopened beer, wine, or spirits to the distributor selling the beer, wine, or spirits at a negotiated price. A copy of the inventory and bill of sale must be kept for three years.

(3) The government agency may sell unopened salable wine and/or beer to appropriately licensed retailers at a negotiated price under the following conditions:

(a) The product must meet the quality standards set forth by its manufacturer; and

(b) Copies of the inventory and bill of sale must be furnished the board.

(4) The government agency may ship the liquor out of the state of Washington.

[Statutory Authority: RCW 66.08.030 and 66.08.050. WSR 12-17-006, § 314-11-110, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.-030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.-340, 66.44.350, and chapter 66.44 RCW. WSR 01-06-014, § 314-11-110, filed 2/26/01, effective 3/29/01.]