

Chapter 314-05 WAC
SPECIAL OCCASION LICENSES

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WAC

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WAC 314-05-020 Special occasion license. (1) Consistent with RCW 66.24.380, a special occasion license allows a nonprofit organization to sell, at a specified date, time, and place:

(a) Spirits, beer, and wine by the individual serving and wine by the bottle for on-premises consumption; and

(b) Spirits, beer, and wine in original, unopened containers for off-premises consumption.

(2) Special occasion licensees may have no more than twelve days of events per calendar year (see RCW 66.24.380(1) for an exception for agricultural fairs).

(3) The fee for the special occasion license is sixty dollars per day, per event. Multiple alcohol service locations at an event are an additional sixty dollars per location.

(4) A special occasion license is a retail liquor license. Non-profit organizations must comply with applicable retail liquor license requirements when operating under the special occasion license.

[Statutory Authority: RCW 66.08.030. WSR 20-20-038, § 314-05-020, filed 9/30/20, effective 10/31/20. Statutory Authority: RCW 66.08.030 and 66.20.010. WSR 17-08-099, § 314-05-020, filed 4/5/17, effective 5/6/17. Statutory Authority: RCW 66.08.030 and 66.08.050. WSR 12-17-006, § 314-05-020, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.030. WSR 09-02-013, § 314-05-020, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 66.08.030, 66.24.375, 66.24.380, 66.28.010. WSR 04-22-078, § 314-05-020, filed 11/2/04, effective 12/3/04.]

WAC 314-05-025 Application process for a special occasion license. (1) Special occasion applications should:

(a) Be submitted at least forty-five days prior to an event where no minors will attend;

(b) Be submitted with an application addendum at least sixty days prior to an event where the applicant requests minors in attendance; or

(c) Applications submitted less than the required forty-five or sixty days prior to the event might not be approved.

(2) Special occasion applications must include:

(a) Documentation verifying that the organization is a registered nonprofit with the Washington secretary of state or with the Internal Revenue Service;

(b) The name of any winery that will be taking orders at the event and accepting payment for wine of its own production to be delivered at a later date; and

(c) Any additional relevant information requested by the board.

(3) Consistent with RCW 66.24.010(8), the board must send a notice to the local authority for each application received. The local

authority has twenty days to respond or request an extension for good cause.

(4) The board may conduct a criminal history check on the organization's officers and/or managers.

(5) Special occasion licenses may be denied for reasons including, but not limited to, those outlined in chapter 314-07 WAC. Denials are subject to the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 66.08.030. WSR 20-20-038, § 314-05-025, filed 9/30/20, effective 10/31/20; WSR 16-01-102, § 314-05-025, filed 12/16/15, effective 1/16/16; WSR 11-23-046, § 314-05-025, filed 11/9/11, effective 12/10/11. Statutory Authority: RCW 66.08.030, 66.24.375, 66.24.380, 66.28.010. WSR 04-22-078, § 314-05-025, filed 11/2/04, effective 12/3/04.]

WAC 314-05-030 Requirements for special occasion license events.

(1) The special occasion license must be posted at each alcohol service area at the event.

(2) Consistent with RCW 66.28.070, all spirits, beer, and wine purchased for the event by the special occasion licensee may only be purchased in the manufacturer's approved container or package from the following:

- (a) A licensed off-premises retailer;
- (b) A distributor;
- (c) A distillery or craft distillery;
- (d) A domestic brewery or microbrewery;
- (e) A winery; or

(f) A certificate of approval holder with a direct shipping to Washington retailer endorsement.

(3) Consistent with RCW 66.28.310, special occasion licensees are allowed to pay for beer, wine, and spirits used for the special occasion event immediately following the end of the event.

(4) Consistent with RCW 66.28.040, alcohol may be donated to special occasion licensees registered as 501(c)(3) and 501(c)(6) for the event as follows:

(a) In state breweries and beer certificate of approval holders may donate beer;

(b) In state wineries and wine certificate of approval holders may donate wine;

(c) An accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor may donate spirits.

(5) Alcohol may not be provided, or advertised as being provided, to the public free of charge at the special occasion event.

(6) Alcohol may not be sold, or advertised as being sold, below the manufacturer's cost at the special occasion event.

(7) If alcohol is auctioned at the event, the final sale price may not be below the manufacturer's cost.

(8) If tickets are sold for the special occasion event and the ticket fee includes alcohol for event attendees, the ticket must be sold directly by the nonprofit organization and may not be sold by a third party. In order to ensure alcohol is not being given away or sold below the manufacturer's cost, if the ticket fee includes alcohol the total ticket fee must be above the manufacturer's cost of the included alcohol.

(9) Consistent with RCW 66.24.375, no portion of the profits from special occasion events may be paid directly or indirectly to members, officers, directors, or trustees of the nonprofit organization except for services performed for the organization.

(10) Wineries, breweries, and distilleries participating in a special occasion event may pay booth fees to the special occasion licensee. Booth fees must be uniform for all participating wineries, breweries, and distilleries.

(11) Breweries may provide installation of draft beer dispensing equipment for a special occasion event.

(12) Pouring or dispensing may be provided at any type of special occasion event by wineries, distilleries, or spirits distributors.

(13) Pouring or dispensing may be provided by breweries at a beer tasting exhibition or judging event. A beer tasting exhibition or judging event must be sponsored by the special occasion licensee and have at least three breweries represented that are pouring samples.

(14) Consistent with RCW 66.24.380, the sale, service, and consumption of alcohol must be confined to a designated area.

(15) If a special occasion event is held at an establishment that has a liquor license:

(a) The special occasion event must be in a designated area of the licensed premises separate from areas open to the general public;

(b) The licensed premises' liquor cannot be sold or served in the designated special occasion event area;

(c) The liquor licensee cannot charge for the liquor purchased and brought by the special occasion licensee for service at the event;

(d) The liquor licensee must sign the special occasion application acknowledging that they will not sell or serve their liquor at the event and giving permission for the special occasion licensee to bring and sell their liquor at the liquor licensed premises; and

(e) The special occasion event cannot be held at a premises where the liquor license will be suspended by the board on the date(s) of the scheduled event.

[Statutory Authority: RCW 66.08.030. WSR 20-20-038, § 314-05-030, filed 9/30/20, effective 10/31/20. Statutory Authority: RCW 66.08.030 and 66.08.050. WSR 12-17-006, § 314-05-030, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.030. WSR 11-23-046, § 314-05-030, filed 11/9/11, effective 12/10/11; WSR 09-02-013, § 314-05-030, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 66.08.030, 66.20.360 through [66.20].380, 66.20.390, 66.24.170, 66.24.206, 66.24.210, 66.24.240, 66.24.244, 66.24.270, 66.24.290, 66.28.170, 66.28.180, and 42.56.270. WSR 07-02-076, § 314-05-030, filed 12/29/06, effective 1/29/07. Statutory Authority: RCW 66.08.030, 66.24.375, 66.24.380, 66.28.010. WSR 04-22-078, § 314-05-030, filed 11/2/04, effective 12/3/04.]

WAC 314-05-035 Advertising and branded promotional items for special occasion events. (1) Special occasion licensees and industry members must comply with RCW 66.28.285 through 66.28.310, regarding the three-tier system, direct and indirect interests between industry members and retailers, undue influence, exclusive agreements, and money advances.

(2) Manufacturers, distributors, or their licensed representatives may use websites and social media to post, repost, or share promotional information or images about events or provide other advertis-

ing services per the requirements outlined in RCW 66.28.310. Manufacturers, distributors, or their licensed representatives may also provide programs or flyers to be disseminated at the event, or may have media coverage of the event.

(3) Industry members may not provide money for advertising or promoting (sponsoring) an event directly to:

(a) The special occasion licensee;

(b) Employees of the special occasion licensee; or

(c) Promoters, event coordinators, or third parties hired by the special occasion licensee.

(4) If a third-party organization is holding an event in which a special occasion licensee participates, industry members may provide money for advertising or promoting (sponsoring) the event directly to the third-party organization only when:

(a) The third-party organization does not hold a special occasion license for the event;

(b) The third-party organization has not been hired by the participating special occasion licensee;

(c) Any advertising money may not be shared with the special occasion licensee; and

(d) The third-party organization has not expressly or implicitly promised, contracted, or otherwise agreed that the industry member's brand will be or will be more likely to be sold by the special occasion licensee, that the industry member's brand will be sold to the total or partial exclusion of any other brand, or that the industry member will be allowed access to the special occasion licensed area for advertising purposes without direct approval from the special occasion licensee and payment of reasonable booth fees to the special occasion licensee.

(5) Industry members may not give alcohol-related promotional items to event attendees in the special occasion licensed area.

(6) Industry members may also provide signage with the industry member's name or brand name of the product. Signage that may be visible to the general public from the public right of way must not:

(a) Exceed a total of four signs affixed to or hanging in a window, or on the outside of the licensed event area, referring to alcoholic beverages, brand names, or manufacturers; and

(b) Exceed sixteen hundred square inches.

(7) Inflatables are not allowed inside the event area unless the area is completely enclosed with no view to the inside from the public right of way.

(8) Industry members must comply with RCW 66.28.310 regarding the provision of and/or the receipt of branded promotional items directly or indirectly to a special occasion licensee.

(9) An industry member is not obligated to provide branded promotional items as a condition for selling alcohol to the special occasion licensee.

(10) Anyone asserting the provision of branded promotional items as allowed in this section has resulted or is more likely than not to result in undue influence or an adverse impact on public health and safety, or is otherwise inconsistent with the criteria of this section, may file a complaint with the board. Upon receipt of a complaint, the board may conduct an investigation.

(a) The board may issue an administrative violation notice to the industry member, the special occasion licensee, or both.

(b) The recipient of the administrative violation notice may request a hearing under chapter 34.05 RCW.

[Statutory Authority: RCW 66.08.030. WSR 20-20-038, § 314-05-035, filed 9/30/20, effective 10/31/20; WSR 16-01-102, § 314-05-035, filed 12/16/15, effective 1/16/16.]