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**SUBSTITUTE HOUSE BILL 1628**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Commerce & Labor (originally sponsored by Representatives Heavey, Ferguson, Lisk, McLean, Cooper, Brough, Jones and R. King).

Read first time March 4, 1991.

1            AN ACT Relating to pasteurization in relation to licenses for the  
2 sale of beer; and amending RCW 66.24.320, 66.24.330, 66.24.350, and  
3 66.24.360.

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

5            **Sec. 1.** RCW 66.24.320 and 1987 c 458 s 11 are each amended to read  
6 as follows:

7            There shall be a beer retailer's license to be designated as a  
8 class A license to sell beer at retail, for consumption on the premises  
9 and to sell ((unpasteurized)) beer for consumption off the premises:  
10 PROVIDED, HOWEVER, That ((unpasteurized)) beer ((so)) sold for  
11 consumption off the premises must be in original sealed packages of the  
12 manufacturer or bottler of not less than seven and three-fourths  
13 gallons: AND PROVIDED FURTHER, That ((unpasteurized)) beer may be sold  
14 to a purchaser in a sanitary container brought to the premises by the  
15 purchaser and filled at the tap by the retailer at the time of sale;

1 such license to be issued only to hotels, restaurants, drug stores or  
2 soda fountains, dining places on boats and airplanes, to clubs, and at  
3 sports arenas or race tracks during recognized professional athletic  
4 events. The annual fee for said license, if issued in cities and  
5 towns, shall be graduated according to the population thereof as  
6 follows:

7	Cities and towns	Fee
8	Less than 20,000	\$ 205
9	20,000 or over	\$ 355

10 The annual fee for such license, if issued outside of cities and  
11 towns, shall be two hundred five dollars: PROVIDED, HOWEVER, That the  
12 annual license fee for such license, if issued to dining places on  
13 vessels not exceeding one thousand gross tons, plying on inland waters  
14 of the state of Washington on regular schedules, shall be two hundred  
15 five dollars.

16 **Sec. 2.** RCW 66.24.330 and 1987 c 458 s 12 are each amended to read  
17 as follows:

18 There shall be a beer retailer's license to be designated as a  
19 class B license to sell beer at retail, for consumption on the premises  
20 and to sell ((unpasteurized)) beer for consumption off the premises:  
21 PROVIDED, HOWEVER, That ((unpasteurized)) beer ((so)) sold for  
22 consumption off the premises must be in original sealed packages of the  
23 manufacturer or bottler of not less than seven and three-fourths  
24 gallons: AND PROVIDED FURTHER, That ((unpasteurized)) beer may be sold  
25 to a purchaser in a sanitary container brought to the premises by the  
26 purchaser and filled at the tap by the retailer at the time of sale;  
27 such license to be issued only to a person operating a tavern. The

1 annual fee for said license, if issued in cities and towns, shall be  
2 graduated according to the population thereof as follows:

3	Cities and towns	Fees
4	Less than 20,000	\$ 205
5	20,000 or over	\$ 355

6 The annual fee for such license, if issued outside of cities and  
7 towns, shall be two hundred five dollars.

8 **Sec. 3.** RCW 66.24.350 and 1981 1st ex.s. c 5 s 40 are each amended  
9 to read as follows:

10 There shall be a beer retailer's license to be designated as class  
11 D license to sell ((pasteurized)) beer by the opened bottle at retail,  
12 for consumption upon the premises only, such license to be issued to  
13 hotels, restaurants, dining places on boats and aeroplanes, clubs, drug  
14 stores, or soda fountains, and such other places where the sale of beer  
15 is not the principal business conducted; fee one hundred twenty-five  
16 dollars per annum.

17 **Sec. 4.** RCW 66.24.360 and 1987 c 46 s 1 are each amended to read  
18 as follows:

19 There shall be a beer retailer's license to be designated as class  
20 E license to sell ((pasteurized)) beer at retail in bottles and  
21 original packages, not to be consumed upon the premises where sold, at  
22 any store other than the state liquor stores(~~(; fee)~~). Licensees  
23 holding a class E license may not sell malt liquor in kegs or other  
24 containers capable of holding four gallons or more of liquid. The  
25 license fee shall be seventy-five dollars per annum for each store:  
26 PROVIDED, That a holder of a class A or a class B license shall be  
27 entitled to the privileges permitted in this section by paying an  
28 annual fee of twenty-five dollars for each store. Licensees under this

1 section whose business is primarily the sale of beer and/or wine at  
2 retail may provide, free or for a charge, single-serving samples of two  
3 ounces or less to customers for the purpose of sales promotion.  
4 Sampling activities of licensees under this section shall be subject to  
5 RCW 66.28.010 and 66.28.040 and the cost of sampling under this section  
6 may not be borne, directly or indirectly, by any manufacturer,  
7 importer, or wholesaler of liquor.

8 For the purpose of this section, "~~((pasteurized))~~ beer" includes,  
9 in addition to the usual and customary meaning, bottle conditioned beer  
10 which has been fermented partially or completely in the container in  
11 which it is sold to the retail customer and which may contain residual  
12 active yeast. The bottles and original packages in which such bottle  
13 conditioned beer may be sold under this section shall not exceed one  
14 hundred seventy ounces in capacity.