
SENATE BILL 5467

State of Washington 52nd Legislature 1991 Regular Session

By Senators Moore, Matson, McMullen, Newhouse and Vognild.

Read first time February 1, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to labeling and advertising restrictions
2 established by the liquor control board; amending RCW 66.08.030 and
3 66.08.060; adding a new section to chapter 66.08 RCW; and creating a
4 new section.

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

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
7 encourage the legitimate commercial activities conducted by the liquor
8 industry in this state, including commercial activity that occurs
9 inside as well as outside state borders. Therefore, it is the intent
10 of the legislature to prevent the construction of barriers and to
11 remove existing barriers, specifically those related to the labeling
12 and advertisement of alcoholic beverages, which impede the commercial
13 activities of the liquor industry in this state.

1 **Sec. 2.** RCW 66.08.030 and 1977 ex.s. c 115 s 1 are each amended to
2 read as follows:

3 (1) For the purpose of carrying into effect the provisions of this
4 title according to their true intent or of supplying any deficiency
5 therein, the board may make such regulations not inconsistent with the
6 spirit of this title as are deemed necessary or advisable. All
7 regulations so made shall be a public record and shall be filed in the
8 office of the code reviser, and thereupon shall have the same force and
9 effect as if incorporated in this title. Such regulations, together
10 with a copy of this title, shall be published in pamphlets and shall be
11 distributed as directed by the board.

12 (2) Without thereby limiting the generality of the provisions
13 contained in subsection (1), it is declared that the power of the board
14 to make regulations in the manner set out in that subsection shall
15 extend to

16 (a) regulating the equipment and management of stores and
17 warehouses in which state liquor is sold or kept, and prescribing the
18 books and records to be kept therein and the reports to be made thereon
19 to the board;

20 (b) prescribing the duties of the employees of the board, and
21 regulating their conduct in the discharge of their duties;

22 (c) governing the purchase of liquor by the state and the
23 furnishing of liquor to stores established under this title;

24 (d) determining the classes, varieties, and brands of liquor to be
25 kept for sale at any store;

26 (e) prescribing, subject to RCW 66.16.080, the hours during which
27 the state liquor stores shall be kept open for the sale of liquor;

28 (f) providing for the issuing and distributing of price lists
29 showing the price to be paid by purchasers for each variety of liquor
30 kept for sale under this title;

1 (g) prescribing an official seal and official labels and stamps and
2 determining the manner in which they shall be attached to every package
3 of liquor sold or sealed under this title, including the prescribing of
4 different official seals or different official labels for different
5 classes of liquor;

6 (h) providing for the payment by the board in whole or in part of
7 the carrying charges on liquor shipped by freight or express;

8 (i) prescribing forms to be used for purposes of this title or the
9 regulations, and the terms and conditions to be contained in permits
10 and licenses issued under this title;

11 (j) prescribing the fees payable in respect of permits and licenses
12 issued under this title for which no fees are prescribed in this title,
13 and prescribing the fees for anything done or permitted to be done
14 under the regulations;

15 (k) prescribing the kinds and quantities of liquor which may be
16 kept on hand by the holder of a special permit for the purposes named
17 in the permit, regulating the manner in which the same shall be kept
18 and disposed of, and providing for the inspection of the same at any
19 time at the instance of the board;

20 (l) regulating the sale of liquor kept by the holders of licenses
21 which entitle the holder to purchase and keep liquor for sale;

22 (m) prescribing the records of purchases or sales of liquor kept by
23 the holders of licenses, and the reports to be made thereon to the
24 board, and providing for inspection of the records so kept;

25 (n) prescribing the kinds and quantities of liquor for which a
26 prescription may be given, and the number of prescriptions which may be
27 given to the same patient within a stated period;

28 (o) prescribing the manner of giving and serving notices required
29 by this title or the regulations, where not otherwise provided for in
30 this title;

1 (p) regulating premises in which liquor is kept for export from the
2 state, or from which liquor is exported, prescribing the books and
3 records to be kept therein and the reports to be made thereon to the
4 board, and providing for the inspection of the premises and the books,
5 records and the liquor so kept;

6 (q) prescribing the conditions and qualifications requisite for the
7 obtaining of club licenses and the books and records to be kept and the
8 returns to be made by clubs, prescribing the manner of licensing clubs
9 in any municipality or other locality, and providing for the inspection
10 of clubs;

11 (r) prescribing the conditions, accommodations and qualifications
12 requisite for the obtaining of licenses to sell beer and wines, and
13 regulating the sale of beer and wines thereunder;

14 (s) specifying and regulating the time and periods when, and the
15 manner, methods and means by which manufacturers shall deliver liquor
16 within the state; and the time and periods when, and the manner,
17 methods and means by which liquor may lawfully be conveyed or carried
18 within the state;

19 (t) providing for the making of returns by brewers of their sales
20 of beer shipped within the state, or from the state, showing the gross
21 amount of such sales and providing for the inspection of brewers' books
22 and records, and for the checking of the accuracy of any such returns;

23 (u) providing for the making of returns by the wholesalers of beer
24 whose breweries are located beyond the boundaries of the state;

25 (v) providing for the making of returns by any other liquor
26 manufacturers, showing the gross amount of liquor produced or
27 purchased, the amount sold within and exported from the state, and to
28 whom so sold or exported, and providing for the inspection of the
29 premises of any such liquor manufacturers, their books and records, and
30 for the checking of any such return;

1 (w) providing for the giving of fidelity bonds by any or all of the
2 employees of the board: PROVIDED, That the premiums therefor shall be
3 paid by the board;

4 (x) providing for the shipment by mail or common carrier of liquor
5 to any person holding a permit and residing in any unit which has, by
6 election pursuant to this title, prohibited the sale of liquor therein;

7 (y) prescribing methods of manufacture, conditions of sanitation,
8 standards of ingredients, quality and identity of alcoholic beverages
9 manufactured, sold, bottled, or handled by licensees and the board; and
10 conducting from time to time, in the interest of the public health and
11 general welfare, scientific studies and research relating to alcoholic
12 beverages and the use and effect thereof;

13 (z) seizing, confiscating and destroying all alcoholic beverages
14 manufactured, sold or offered for sale within this state which do not
15 conform in all respects to the standards prescribed by this title or
16 the regulations of the board(~~(:—PROVIDED, Nothing herein contained)~~).
17 Subsection (2) of this section shall not be construed as authorizing
18 the liquor board to prescribe, alter, limit or in any way change the
19 present law as to the quantity or percentage of alcohol used in the
20 manufacturing of wine or other alcoholic beverages.

21 NEW SECTION. Sec. 3. A new section is added to chapter 66.08 RCW
22 to read as follows:

23 The board shall not establish rules that impede interstate commerce
24 or require state-specific labeling.

25 **Sec. 4.** RCW 66.08.060 and 1933 ex.s. c 62 s 43 are each amended to
26 read as follows:

27 The board shall not advertise liquor in any form or through any
28 medium whatsoever. The board shall not have the power to adopt (~~any~~

1 ~~and all reasonable~~) regulations as to the kind, character, and
2 location of liquor advertising (~~of liquor~~) unless specifically
3 directed to do so by the legislature.