

CERTIFICATION OF ENROLLMENT

SENATE BILL 5128

53rd Legislature
1993 Regular Session

Passed by the Senate February 16, 1993
YEAS 39 NAYS 9

President of the Senate

Passed by the House April 6, 1993
YEAS 98 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5128** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5128

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By Senators Moore, Newhouse, Snyder and Amondson

Read first time 01/14/93. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to registration for kegs or other similar
2 containers for malt liquor; and amending RCW 66.24.360, 66.28.200, and
3 66.28.220.

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

5 **Sec. 1.** RCW 66.24.360 and 1991 c 42 s 4 are each amended to read
6 as follows:

7 There shall be a beer retailer's license to be designated as
8 ~~((a+))~~ a class E license to sell beer at retail in bottles and
9 original packages, not to be consumed upon the premises where sold, at
10 any store other than the state liquor stores. Licensees holding only
11 an E license may ~~((not))~~ also sell malt liquor in kegs or other
12 containers capable of holding ~~((four))~~ less than five and one-half
13 gallons ~~((or more))~~ of liquid. The annual fee for the license is
14 seventy-five dollars for each store: PROVIDED, That a holder of a
15 class A or a class B license shall be entitled to the privileges
16 permitted in this section by paying an annual fee of twenty-five
17 dollars for each store. Licensees under this section whose business is
18 primarily the sale of beer and/or wine at retail may provide, free or
19 for a charge, single-serving samples of two ounces or less to customers

1 for the purpose of sales promotion. Sampling activities of licensees
2 under this section shall be subject to RCW 66.28.010 and 66.28.040 and
3 the cost of sampling under this section may not be borne, directly or
4 indirectly, by any manufacturer, importer, or wholesaler of liquor.

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

12 **Sec. 2.** RCW 66.28.200 and 1989 c 271 s 229 are each amended to
13 read as follows:

14 ((Only)) Licensees holding a class A or B license in combination
15 with a class E license may sell malt liquor in kegs or other containers
16 capable of holding four gallons or more of liquid. Any person who
17 sells or offers for sale the contents of kegs or other containers
18 containing four gallons or more of malt liquor, or leases kegs or other
19 containers that will hold four gallons of malt liquor, to consumers who
20 are not licensed under chapter 66.24 RCW shall do the following for any
21 transaction involving the container:

22 (1) Require the purchaser of the malt liquor to sign a declaration
23 and receipt for the keg or other container or beverage in substantially
24 the form provided in RCW 66.28.220;

25 (2) Require the purchaser to provide one piece of identification
26 pursuant to RCW 66.16.040;

27 (3) Require the purchaser to sign a sworn statement, under penalty
28 of perjury, that:

29 (a) The purchaser is of legal age to purchase, possess, or use malt
30 liquor;

31 (b) The purchaser will not allow any person under the age of
32 twenty-one years to consume the beverage except as provided by RCW
33 66.44.270;

34 (c) The purchaser will not remove, obliterate, or allow to be
35 removed or obliterated, the identification required under RCW 66.28.220
36 to be affixed to the container;

1 (4) Require the purchaser to state the particular address where the
2 malt liquor will be consumed, or the particular address where the keg
3 or other container will be physically located; and

4 (5) Require the purchaser to maintain a copy of the declaration and
5 receipt next to or adjacent to the keg or other container, in no event
6 a distance greater than five feet, and visible without a physical
7 barrier from the keg, during the time that the keg or other container
8 is in the purchaser's possession or control.

9 **Sec. 3.** RCW 66.28.220 and 1989 c 271 s 231 are each amended to
10 read as follows:

11 The board shall adopt rules requiring retail licensees to affix
12 appropriate identification on all containers of four gallons or more of
13 malt liquor for the purpose of tracing the purchasers of such
14 containers. The rules may provide for identification to be done on a
15 state-wide basis or on the basis of smaller geographical areas.

16 The board shall develop and make available forms for the
17 declaration and receipt required by RCW 66.28.200. The board may
18 charge class E licensees for the costs of providing the forms and that
19 money collected for the forms shall be deposited into the liquor
20 revolving fund for use by the board, without further appropriation, to
21 continue to administer the cost of the keg registration program.

22 It is unlawful for any person to sell or offer for sale kegs or
23 other containers containing four gallons or more of malt liquor to
24 consumers who are not licensed under chapter 66.24 RCW if the kegs or
25 containers are not identified in compliance with rules adopted by the
26 board.

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