
SENATE BILL 5791

State of Washington **55th Legislature** **1997 Regular Session**

By Senators Deccio, Bauer, McDonald, Haugen, Schow, Thibaudeau and Kohl

Read first time 02/12/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the regulation of liquor sales in designated
2 restricted liquor zones; amending RCW 66.04.010, 66.24.010, 66.24.360,
3 and 66.24.370; adding new sections to chapter 66.24 RCW; and creating
4 a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that certain areas of
7 the state have continuous problems with certain individuals who abuse
8 liquor. These individuals create undesirable impacts on communities by
9 placing increased demands upon emergency service, medical care
10 resources, health and sanitation facilities, public and private
11 institutions providing treatment and detoxification services, and
12 public areas such as parks and sidewalks. These problems place burdens
13 upon the budgets and human resources of the areas and impact the
14 business community adversely. The legislature seeks to provide
15 additional management tools to state and local governmental agencies
16 confronted by these problems and involved in seeking solutions.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 66.24 RCW
18 to read as follows:

1 Municipalities and counties may designate by ordinance restricted
2 liquor zones. When making a designation, a municipality or a county
3 must find that the zone suffers serious impacts from liquor sales.
4 Impact may include, but is not limited to, increased law enforcement
5 problems, increased demand for medical care, impairment of the use and
6 enjoyment of public spaces and private property, and impacts on alcohol
7 treatment services. The local jurisdiction shall provide the board
8 with any documentation and evidence used in creating a restricted
9 liquor zone.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 66.24 RCW
11 to read as follows:

12 (1) The board may adopt rules that restrict the off-premises sales
13 of beer or wine within areas that have been designated by municipal or
14 county ordinance to be restricted liquor zones pursuant to section 2 of
15 this act. Such restrictions may include, but are not limited to: (a)
16 Restrictions on hours of sale of beer or wine for off-premises
17 consumption; (b) prohibitions of sale of fortified wine or products
18 designated as restricted by the board; and (c) restrictions on
19 container sizes of beer and wine sold for off-premises consumption.

20 (2) If the board has not adopted rules pursuant to subsection (1)
21 of this section, the board shall condition issuance or renewal of
22 licenses for off-premises sale of beer or wine located within
23 restricted liquor zones. The board shall issue or renew an E, F, Fr,
24 or E-Fr license subject to the conditions of an agreement between the
25 licensee or license applicant and the affected municipality or county
26 to minimize the establishment's negative impact on the public health,
27 safety, or welfare, or, if there is no agreement, on such conditions as
28 will minimize the negative impact of the establishment. Such
29 conditions may include, but are not limited to, restrictions on hours
30 of sale of beer or wine for off-premises consumption, prohibitions of
31 sale of fortified wine and products designated as restricted by the
32 board, and restrictions on container sizes of beer and wine sold for
33 off-premises consumption. In determining which conditions are
34 necessary, the board shall give substantial weight to the
35 recommendations of the municipality or county.

36 **Sec. 4.** RCW 66.04.010 and 1991 c 192 s 1 are each amended to read
37 as follows:

1 In this title, unless the context otherwise requires:

2 (1) "Alcohol" is that substance known as ethyl alcohol, hydrated
3 oxide of ethyl, or spirit of wine, which is commonly produced by the
4 fermentation or distillation of grain, starch, molasses, or sugar, or
5 other substances including all dilutions and mixtures of this
6 substance. The term "alcohol" does not include alcohol in the
7 possession of a manufacturer or distiller of alcohol fuel, as described
8 in RCW 66.12.130, which is intended to be denatured and used as a fuel
9 for use in motor vehicles, farm implements, and machines or implements
10 of husbandry.

11 (2) "Beer" means any malt beverage or malt liquor as these terms
12 are defined in this chapter.

13 (3) "Brewer" means any person engaged in the business of
14 manufacturing beer and malt liquor.

15 (4) "Board" means the liquor control board, constituted under this
16 title.

17 (5) "Club" means an organization of persons, incorporated or
18 unincorporated, operated solely for fraternal, benevolent, educational,
19 athletic or social purposes, and not for pecuniary gain.

20 (6) "Consume" includes the putting of liquor to any use, whether by
21 drinking or otherwise.

22 (7) "Dentist" means a practitioner of dentistry duly and regularly
23 licensed and engaged in the practice of his profession within the state
24 pursuant to chapter 18.32 RCW.

25 (8) "Distiller" means a person engaged in the business of
26 distilling spirits.

27 (9) "Druggist" means any person who holds a valid certificate and
28 is a registered pharmacist and is duly and regularly engaged in
29 carrying on the business of pharmaceutical chemistry pursuant to
30 chapter 18.64 RCW.

31 (10) "Drug store" means a place whose principal business is, the
32 sale of drugs, medicines and pharmaceutical preparations and maintains
33 a regular prescription department and employs a registered pharmacist
34 during all hours the drug store is open.

35 (11) "Employee" means any person employed by the board, including
36 a vendor, as hereinafter in this section defined.

37 (12) "Fund" means 'liquor revolving fund.'

38 (13) "Hotel" means every building or other structure kept, used,
39 maintained, advertised or held out to the public to be a place where

1 food is served and sleeping accommodations are offered for pay to
2 transient guests, in which twenty or more rooms are used for the
3 sleeping accommodation of such transient guests and having one or more
4 dining rooms where meals are served to such transient guests, such
5 sleeping accommodations and dining rooms being conducted in the same
6 building and buildings, in connection therewith, and such structure or
7 structures being provided, in the judgment of the board, with adequate
8 and sanitary kitchen and dining room equipment and capacity, for
9 preparing, cooking and serving suitable food for its guests: PROVIDED
10 FURTHER, That in cities and towns of less than five thousand
11 population, the board shall have authority to waive the provisions
12 requiring twenty or more rooms.

13 (14) "Imprisonment" means confinement in the county jail.

14 (15) "Liquor" includes the four varieties of liquor herein defined
15 (alcohol, spirits, wine and beer), and all fermented, spirituous,
16 vinous, or malt liquor, or combinations thereof, and mixed liquor, a
17 part of which is fermented, spirituous, vinous or malt liquor, or
18 otherwise intoxicating; and every liquid or solid or semisolid or other
19 substance, patented or not, containing alcohol, spirits, wine or beer,
20 and all drinks or drinkable liquids and all preparations or mixtures
21 capable of human consumption, and any liquid, semisolid, solid, or
22 other substance, which contains more than one percent of alcohol by
23 weight shall be conclusively deemed to be intoxicating. Liquor does
24 not include confections or food products that contain one percent or
25 less of alcohol by weight.

26 (16) "Manufacturer" means a person engaged in the preparation of
27 liquor for sale, in any form whatsoever.

28 (17) "Malt beverage" or "malt liquor" means any beverage such as
29 beer, ale, lager beer, stout, and porter obtained by the alcoholic
30 fermentation of an infusion or decoction of pure hops, or pure extract
31 of hops and pure barley malt or other wholesome grain or cereal in pure
32 water containing not more than eight percent of alcohol by weight, and
33 not less than one-half of one percent of alcohol by volume. For the
34 purposes of this title, any such beverage containing more than eight
35 percent of alcohol by weight shall be referred to as "strong beer."

36 (18) "Package" means any container or receptacle used for holding
37 liquor.

38 (19) "Permit" means a permit for the purchase of liquor under this
39 title.

1 (20) "Person" means an individual, copartnership, association, or
2 corporation.

3 (21) "Physician" means a medical practitioner duly and regularly
4 licensed and engaged in the practice of his profession within the state
5 pursuant to chapter 18.71 RCW.

6 (22) "Prescription" means a memorandum signed by a physician and
7 given by him to a patient for the obtaining of liquor pursuant to this
8 title for medicinal purposes.

9 (23) "Public place" includes streets and alleys of incorporated
10 cities and towns; state or county or township highways or roads;
11 buildings and grounds used for school purposes; public dance halls and
12 grounds adjacent thereto; those parts of establishments where beer may
13 be sold under this title, soft drink establishments, public buildings,
14 public meeting halls, lobbies, halls and dining rooms of hotels,
15 restaurants, theatres, stores, garages and filling stations which are
16 open to and are generally used by the public and to which the public is
17 permitted to have unrestricted access; railroad trains, stages, and
18 other public conveyances of all kinds and character, and the depots and
19 waiting rooms used in conjunction therewith which are open to
20 unrestricted use and access by the public; publicly owned bathing
21 beaches, parks, and/or playgrounds; and all other places of like or
22 similar nature to which the general public has unrestricted right of
23 access, and which are generally used by the public.

24 (24) "Regulations" means regulations made by the board under the
25 powers conferred by this title.

26 (25) "Restaurant" means any establishment provided with special
27 space and accommodations where, in consideration of payment, food,
28 without lodgings, is habitually furnished to the public, not including
29 drug stores and soda fountains.

30 (26) "Sale" and "sell" include exchange, barter, and traffic; and
31 also include the selling or supplying or distributing, by any means
32 whatsoever, of liquor, or of any liquid known or described as beer or
33 by any name whatever commonly used to describe malt or brewed liquor or
34 of wine, by any person to any person; and also include a sale or
35 selling within the state to a foreign consignee or his agent in the
36 state. "Sale" and "sell" shall not include the giving, at no charge,
37 of a reasonable amount of liquor by a person not licensed by the board
38 to a person not licensed by the board, for personal use only. "Sale"
39 and "sell" also does not include a raffle authorized under RCW

1 9.46.0315: PROVIDED, That the nonprofit organization conducting the
2 raffle has obtained the appropriate permit from the board.

3 (27) "Soda fountain" means a place especially equipped with
4 apparatus for the purpose of dispensing soft drinks, whether mixed or
5 otherwise.

6 (28) "Spirits" means any beverage which contains alcohol obtained
7 by distillation, including wines exceeding twenty-four percent of
8 alcohol by volume.

9 (29) "Store" means a state liquor store established under this
10 title.

11 (30) "Tavern" means any establishment with special space and
12 accommodation for sale by the glass and for consumption on the
13 premises, of beer, as herein defined.

14 (31) "Vendor" means a person employed by the board as a store
15 manager under this title.

16 (32) "Winery" means a business conducted by any person for the
17 manufacture of wine for sale, other than a domestic winery.

18 (33) "Domestic winery" means a place where wines are manufactured
19 or produced within the state of Washington.

20 (34) "Wine" means any alcoholic beverage obtained by fermentation
21 of fruits (grapes, berries, apples, et cetera) or other agricultural
22 product containing sugar, to which any saccharine substances may have
23 been added before, during or after fermentation, and containing not
24 more than twenty-four percent of alcohol by volume, including sweet
25 wines fortified with wine spirits, such as port, sherry, muscatel and
26 angelica, not exceeding twenty-four percent of alcohol by volume and
27 not less than one-half of one percent of alcohol by volume. For
28 purposes of this title, any beverage containing no more than fourteen
29 percent of alcohol by volume when bottled or packaged by the
30 manufacturer shall be referred to as "table wine," and any beverage
31 containing alcohol in an amount more than fourteen percent by volume
32 when bottled or packaged by the manufacturer shall be referred to as
33 "fortified wine." The board may identify specific wine products having
34 an alcohol content of less than fourteen percent, that are the
35 beverages of choice for chronic public inebriates, to be considered
36 "fortified wines" for purposes of restricting sales for off-premises
37 consumption by certain licensees. This identification does not change
38 the taxable status of the product, but may be used to control
39 distribution of the product within established restricted liquor zones.

1 However, "fortified wine" shall not include: (a) Wines that are both
2 sealed or capped by cork closure and aged two years or more; and (b)
3 wines that contain more than fourteen percent alcohol by volume solely
4 as a result of the natural fermentation process and that have not been
5 produced with the addition of wine spirits, brandy, or alcohol.

6 This subsection shall not be interpreted to require that any wine
7 be labeled with the designation "table wine" or "fortified wine."

8 (35) "Beer wholesaler" means a person who buys beer from a brewer
9 or brewery located either within or beyond the boundaries of the state
10 for the purpose of selling the same pursuant to this title, or who
11 represents such brewer or brewery as agent.

12 (36) "Wine wholesaler" means a person who buys wine from a vintner
13 or winery located either within or beyond the boundaries of the state
14 for the purpose of selling the same not in violation of this title, or
15 who represents such vintner or winery as agent.

16 **Sec. 5.** RCW 66.24.010 and 1995 c 232 s 1 are each amended to read
17 as follows:

18 (1) Every license shall be issued in the name of the applicant, and
19 the holder thereof shall not allow any other person to use the license.

20 (2) For the purpose of considering any application for a license,
21 the board may cause an inspection of the premises to be made, and may
22 inquire into all matters in connection with the construction and
23 operation of the premises. For the purpose of reviewing any
24 application for a license and for considering the denial, suspension or
25 revocation of any license, the liquor control board may consider any
26 prior criminal conduct of the applicant and the provisions of RCW
27 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The
28 board may, in its discretion, grant or refuse the license applied for.
29 Authority to approve an uncontested or unopposed license may be granted
30 by the board to any staff member the board designates in writing.
31 Conditions for granting such authority shall be adopted by rule. No
32 retail license of any kind may be issued to:

33 (a) A person who has not resided in the state for at least one
34 month prior to making application, except in cases of licenses issued
35 to dining places on railroads, boats, or aircraft;

36 (b) A copartnership, unless all of the members thereof are
37 qualified to obtain a license, as provided in this section;

1 (c) A person whose place of business is conducted by a manager or
2 agent, unless such manager or agent possesses the same qualifications
3 required of the licensee;

4 (d) A corporation, unless it was created under the laws of the
5 state of Washington or holds a certificate of authority to transact
6 business in the state of Washington.

7 (3) The board may, in its discretion, subject to the provisions of
8 RCW 66.08.150, suspend or cancel any license; and all rights of the
9 licensee to keep or sell liquor thereunder shall be suspended or
10 terminated, as the case may be. The board may request the appointment
11 of administrative law judges under chapter 34.12 RCW who shall have
12 power to administer oaths, issue subpoenas for the attendance of
13 witnesses and the production of papers, books, accounts, documents, and
14 testimony, examine witnesses, and to receive testimony in any inquiry,
15 investigation, hearing, or proceeding in any part of the state, under
16 such rules and regulations as the board may adopt.

17 Witnesses shall be allowed fees and mileage each way to and from
18 any such inquiry, investigation, hearing, or proceeding at the rate
19 authorized by RCW 34.05.446, as now or hereafter amended. Fees need
20 not be paid in advance of appearance of witnesses to testify or to
21 produce books, records, or other legal evidence.

22 In case of disobedience of any person to comply with the order of
23 the board or a subpoena issued by the board, or any of its members, or
24 administrative law judges, or on the refusal of a witness to testify to
25 any matter regarding which he or she may be lawfully interrogated, the
26 judge of the superior court of the county in which the person resides,
27 on application of any member of the board or administrative law judge,
28 shall compel obedience by contempt proceedings, as in the case of
29 disobedience of the requirements of a subpoena issued from said court
30 or a refusal to testify therein.

31 (4) Upon receipt of notice of the suspension or cancellation of a
32 license, the licensee shall forthwith deliver up the license to the
33 board. Where the license has been suspended only, the board shall
34 return the license to the licensee at the expiration or termination of
35 the period of suspension. The board shall notify all vendors in the
36 city or place where the licensee has its premises of the suspension or
37 cancellation of the license; and no employee may allow or cause any
38 liquor to be delivered to or for any person at the premises of that
39 licensee.

1 (5)(a) At the time of the original issuance of a class H license,
2 the board shall prorate the license fee charged to the new licensee
3 according to the number of calendar quarters, or portion thereof,
4 remaining until the first renewal of that license is required.

5 (b) Unless sooner canceled, every license issued by the board shall
6 expire at midnight of the thirtieth day of June of the fiscal year for
7 which it was issued. However, if the board deems it feasible and
8 desirable to do so, it may establish, by rule pursuant to chapter 34.05
9 RCW, a system for staggering the annual renewal dates for any and all
10 licenses authorized by this chapter. If such a system of staggered
11 annual renewal dates is established by the board, the license fees
12 provided by this chapter shall be appropriately prorated during the
13 first year that the system is in effect. The standards for renewing a
14 license shall be the same as the standards for originally issuing a
15 license, except as otherwise provided by a specific provision of this
16 chapter or other statute.

17 (6) Every license issued under this section shall be subject to all
18 conditions and restrictions imposed by this title or by the regulations
19 in force from time to time. All conditions and restrictions imposed by
20 the board in the issuance of an individual license shall be listed on
21 the face of the individual license along with the trade name, address,
22 and expiration date.

23 (7) Every licensee shall post and keep posted its license, or
24 licenses, in a conspicuous place on the premises.

25 (8) Before the board shall either issue a license to an original
26 applicant or renew an existing license, it shall give notice of such
27 application to the chief executive officer of the incorporated city or
28 town, if the application be for a license within an incorporated city
29 or town, or to the county legislative authority, if the application be
30 for a license outside the boundaries of incorporated cities or towns;
31 and such incorporated city or town, through the official or employee
32 selected by it, or the county legislative authority or the official or
33 employee selected by it, shall have the right to file with the board
34 within twenty days after date of transmittal of such notice, written
35 objections against the applicant or against the premises for which the
36 license is asked, and shall include with such objections a statement of
37 all facts upon which such objections are based, and in case written
38 objections are filed, may request and the liquor control board may in
39 its discretion hold a formal hearing subject to the applicable

1 provisions of Title 34 RCW. If objections are made to renewal of a
2 license to a licensee located within a restricted liquor zone, the
3 liquor control board shall hold a formal hearing under Title 34 RCW.
4 Upon the granting of a license under this title the board shall send a
5 duplicate of the license or written notification to the chief executive
6 officer of the incorporated city or town in which the license is
7 granted, or to the county legislative authority if the license is
8 granted outside the boundaries of incorporated cities or towns.

9 (9) Before the board issues any license to any applicant, it shall
10 give (a) due consideration to the location of the business to be
11 conducted under such license with respect to the proximity of churches,
12 schools, and public institutions and (b) written notice by certified
13 mail of the application to churches, schools, and public institutions
14 within five hundred feet of the premises to be licensed. The board
15 shall issue no beer retailer license class A, B, D, or E or wine
16 retailer license class C or F or class H license covering any premises
17 not now licensed, if such premises are within five hundred feet of the
18 premises of any tax-supported public elementary or secondary school
19 measured along the most direct route over or across established public
20 walks, streets, or other public passageway from the outer property line
21 of the school grounds to the nearest public entrance of the premises
22 proposed for license, and if, after receipt by the school or public
23 institution of the notice as provided in this subsection, the board
24 receives written notice, within twenty days after posting such notice,
25 from an official representative or representatives of the school within
26 five hundred feet of said proposed licensed premises, indicating to the
27 board that there is an objection to the issuance of such license
28 because of proximity to a school. For the purpose of this section,
29 church shall mean a building erected for and used exclusively for
30 religious worship and schooling or other activity in connection
31 therewith. No liquor license may be issued or reissued by the board to
32 any motor sports facility or licensee operating within the motor sports
33 facility unless the motor sports facility enforces a program reasonably
34 calculated to prevent alcohol or alcoholic beverages not purchased
35 within the facility from entering the facility and such program is
36 approved by local law enforcement agencies. It is the intent under
37 this subsection that a retail license shall not be issued by the board
38 where doing so would, in the judgment of the board, adversely affect a
39 private school meeting the requirements for private schools under Title

1 28A RCW, which school is within five hundred feet of the proposed
2 licensee. The board shall fully consider and give substantial weight
3 to objections filed by private schools. If a license is issued despite
4 the proximity of a private school, the board shall state in a letter
5 addressed to the private school the board's reasons for issuing the
6 license.

7 (10) The restrictions set forth in subsection (9) of this section
8 shall not prohibit the board from authorizing the assumption of
9 existing licenses now located within the restricted area by other
10 persons or licenses or relocations of existing licensed premises within
11 the restricted area. In no case may the licensed premises be moved
12 closer to a church or school than it was before the assumption or
13 relocation.

14 (11) Nothing in this section prohibits the board, in its
15 discretion, from issuing a temporary retail or wholesaler license to an
16 applicant assuming an existing retail or wholesaler license to continue
17 the operation of the retail or wholesaler premises during the period
18 the application for the license is pending and when the following
19 conditions exist:

20 (a) The licensed premises has been operated under a retail or
21 wholesaler license within ninety days of the date of filing the
22 application for a temporary license;

23 (b) The retail or wholesaler license for the premises has been
24 surrendered pursuant to issuance of a temporary operating license;

25 (c) The applicant for the temporary license has filed with the
26 board an application to assume the retail or wholesaler license at such
27 premises to himself or herself; and

28 (d) The application for a temporary license is accompanied by a
29 temporary license fee established by the board by rule.

30 A temporary license issued by the board under this section shall be
31 for a period not to exceed sixty days. A temporary license may be
32 extended at the discretion of the board for an additional sixty-day
33 period upon payment of an additional fee and upon compliance with all
34 conditions required in this section.

35 Refusal by the board to issue or extend a temporary license shall
36 not entitle the applicant to request a hearing. A temporary license
37 may be canceled or suspended summarily at any time if the board
38 determines that good cause for cancellation or suspension exists. RCW
39 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

1 Application for a temporary license shall be on such form as the
2 board shall prescribe. If an application for a temporary license is
3 withdrawn before issuance or is refused by the board, the fee which
4 accompanied such application shall be refunded in full.

5 **Sec. 6.** RCW 66.24.360 and 1993 c 21 s 1 are each amended to read
6 as follows:

7 (1) There shall be a beer retailer's license to be designated as a
8 class E license to sell beer at retail in bottles and original
9 packages, not to be consumed upon the premises where sold, at any store
10 other than the state liquor stores. Licensees holding only an E
11 license may also sell malt liquor in kegs or other containers capable
12 of holding less than five and one-half gallons of liquid. The annual
13 fee for the license is seventy-five dollars for each store: PROVIDED,
14 That a holder of a class A or a class B license shall be entitled to
15 the privileges permitted in this section by paying an annual fee of
16 twenty-five dollars for each store. Licensees under this section whose
17 business is primarily the sale of beer and/or wine at retail may
18 provide, free or for a charge, single-serving samples of two ounces or
19 less to customers for the purpose of sales promotion. Sampling
20 activities of licensees under this section shall be subject to RCW
21 66.28.010 and 66.28.040 and the cost of sampling under this section may
22 not be borne, directly or indirectly, by any manufacturer, importer, or
23 wholesaler of liquor.

24 For the purpose of this section, "beer" includes, in addition to
25 the usual and customary meaning, bottle conditioned beer which has been
26 fermented partially or completely in the container in which it is sold
27 to the retail customer and which may contain residual active yeast.
28 The bottles and original packages in which such bottle conditioned beer
29 may be sold under this section shall not exceed one hundred seventy
30 ounces in capacity.

31 (2) The board shall issue a restricted class E license, imposing a
32 restriction on the size of beer containers that may be sold and on the
33 hours of alcohol sales, if the board finds upon issuance or renewal of
34 the license that the unrestricted sale of beer for off-premises
35 consumption would be against the public interest. In determining the
36 public interest, the board shall consider at least the following
37 factors:

1 (a) Law enforcement problems in the vicinity of the applicant's
2 establishment that may arise from the unrestricted sale of beer;

3 (b) Increased demand for medical care;

4 (c) Whether the unrestricted sale of beer for off-premises
5 consumption would be detrimental to or inconsistent with an alcohol
6 treatment or detoxification program in the area;

7 (d) Whether the full use and enjoyment of public spaces and private
8 property in the vicinity of the applicant's establishment are impaired
9 by excessive consumption of large containers of beer and related
10 intoxicated behavior; and

11 (e) The likelihood that large containers of beer sold by the
12 applicant's establishment will be consumed in public or by persons who
13 are intoxicated.

14 If the board receives no evidence or objection that the
15 unrestricted sale of beer would be against the public interest, it
16 shall issue or renew the license without restriction, as applicable.
17 The board shall give substantial weight to the recommendations of the
18 municipality or county in which the establishment is located.

19 **Sec. 7.** RCW 66.24.370 and 1992 c 42 s 1 are each amended to read
20 as follows:

21 (1) There shall be a wine retailer's license to be designated as
22 class F license to sell, subject to subsection (2) of this section,
23 table and fortified wine in bottles and original packages, not to be
24 consumed on the premises where sold, at any store other than the state
25 liquor stores: PROVIDED, Such licensee shall pay to the state liquor
26 stores for wines purchased from such stores the current retail price;
27 fee seventy-five dollars per annum: PROVIDED, FURTHER, That a holder
28 of a class A or class B license shall be entitled to the privileges
29 permitted in this section by paying an annual fee of twenty-five
30 dollars for each store.

31 (2) The board shall issue a restricted class F license,
32 ~~((authorizing the licensee to sell only table wine))~~ prohibiting the
33 sale of fortified wine, if the board finds upon issuance or renewal of
34 the license that the sale of fortified wine would be against the public
35 interest. In determining the public interest, the board shall consider
36 at least the following factors:

37 (a) ~~((The likelihood that the applicant will sell fortified wine to~~
38 ~~persons who are intoxicated;~~

1 ~~(b))~~ Law enforcement problems in the vicinity of the applicant's
2 establishment that may arise from persons purchasing fortified wine
3 ~~((at the establishment))~~; ~~((and~~

4 ~~(e))~~ (b) Increased demand for medical care;

5 (c) Whether the sale of fortified wine would be detrimental to or
6 inconsistent with ~~((a government operated or funded))~~ an alcohol
7 treatment or detoxification program in the area;

8 (d) Whether full use and enjoyment of the public spaces and private
9 property in the vicinity of the applicant's establishment are impaired
10 by excessive consumption of fortified wine or wine products designated
11 as restricted by the board and related intoxicated behavior; and

12 (e) The likelihood that fortified wine or wine products designated
13 as restricted by the board sold by the applicant's establishment will
14 be consumed in public or by persons who are intoxicated.

15 If the board receives no evidence or objection that the sale of
16 fortified wine would be against the public interest, it shall issue or
17 renew the license without restriction, as applicable. ~~((The burden of~~
18 ~~establishing that the sale of fortified wine by the licensee would be~~
19 ~~against the public interest is on those persons objecting)) The board
20 shall give substantial weight to the recommendations of the
21 municipality or county in which the establishment is located.~~

22 (3) Licensees under this section whose business is primarily the
23 sale of wine at retail may provide, free or for a charge, single-
24 serving samples of two ounces or less to customers for the purpose of
25 sales promotion.

26 NEW SECTION. Sec. 8. A new section is added to chapter 66.24 RCW
27 to read as follows:

28 Notwithstanding RCW 34.05.473, an initial order by an
29 administrative law judge denying renewal of a license becomes effective
30 upon entry. However, a party may file a motion with the board seeking
31 a stay or other temporary remedy. The board shall not grant such
32 relief unless it finds that: (1) The licensee is likely to prevail
33 when the board finally disposes of the matter; (2) without relief the
34 licensee will suffer irreparable injury; (3) the grant of relief to the
35 applicant will not substantially harm other parties to the proceedings;

1 and (4) the threat to the public health, safety, or welfare is not
2 sufficiently serious to justify the agency action in the circumstances.

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