

SHB 2118 - S COMM AMD

By Committee on Commerce & Trade

NOT ADOPTED 04/08/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 66.24.244 and 1998 c 126 s 3 are each amended to read
4 as follows:

5 (1) There shall be a license for microbreweries; fee to be one
6 hundred dollars for production of less than sixty thousand barrels of
7 malt liquor per year.

8 (2) Any microbrewery license under this section may also act as a
9 distributor and/or retailer for beer of its own production. Any
10 microbrewery operating as a distributor and/or retailer under this
11 subsection shall comply with the applicable laws and rules relating to
12 distributors and/or retailers.

13 (3) The board may issue an endorsement to this license allowing for
14 on-premises consumption of beer, wine, or both of other manufacture if
15 purchased from a Washington state-licensed distributor. Each
16 endorsement shall cost two hundred dollars per year, or four hundred
17 dollars per year allowing the sale and service of both beer and wine.

18 (4) The microbrewer obtaining such endorsement must determine, at
19 the time the endorsement is issued, whether the licensed premises will
20 be operated either as a tavern with persons under twenty-one years of
21 age not allowed as provided for in RCW 66.24.330, or as a beer and/or
22 wine restaurant as described in RCW 66.24.320.

23 (5)(a) A microbrewery licensed under this section may apply to the
24 board for an endorsement to sell bottled beer of its own production at
25 retail for off-premises consumption at a qualifying farmers market.
26 The annual fee for this endorsement is seventy-five dollars.

27 (b) For each month during which a microbrewery will sell beer at a
28 qualifying farmers market, the microbrewery must provide the board or
29 its designee a list of the dates, times, and locations at which bottled

1 beer may be offered for sale. This list must be received by the board
2 before the microbrewery may offer beer for sale at a qualifying farmers
3 market.

4 (c) The beer sold at qualifying farmers markets must be produced in
5 Washington.

6 (d) Each approved location in a qualifying farmers market is deemed
7 to be part of the microbrewery license for the purpose of this title.
8 The approved locations under an endorsement granted under this
9 subsection (5) do not constitute the tasting or sampling privilege of
10 a microbrewery. The microbrewery may not store beer at a farmers
11 market beyond the hours that the microbrewery offers bottled beer for
12 sale. The microbrewery may not act as a distributor from a farmers
13 market location.

14 (e) Before a microbrewery may sell bottled beer at a qualifying
15 farmers market, the farmers market must apply to the board for
16 authorization for any microbrewery with an endorsement approved under
17 this subsection (5) to sell bottled beer at retail at the farmers
18 market. This application shall include, at a minimum: (i) A map of
19 the farmers market showing all booths, stalls, or other designated
20 locations at which an approved microbrewery may sell bottled beer; and
21 (ii) the name and contact information for the on-site market managers
22 who may be contacted by the board or its designee to verify the
23 locations at which bottled beer may be sold. Before authorizing a
24 qualifying farmers market to allow an approved microbrewery to sell
25 bottled beer at retail at its farmers market location, the board shall
26 notify the persons or entities of the application for authorization
27 pursuant to RCW 66.24.010 (8) and (9). An authorization granted under
28 this subsection (5)(e) may be withdrawn by the board for any violation
29 of this title or any rules adopted under this title.

30 (f) The board may adopt rules establishing the application and
31 approval process under this section and any additional rules necessary
32 to implement this section.

33 (g) For the purposes of this subsection (5):

34 (i) "Qualifying farmers market" means an entity that sponsors a
35 regular assembly of vendors at a defined location for the purpose of
36 promoting the sale of agricultural products grown or produced in this

1 state directly to the consumer under conditions that meet the following
2 minimum requirements:

3 (A) There are at least five participating vendors who are farmers
4 selling their own agricultural products;

5 (B) The total combined gross annual sales of vendors who are
6 farmers exceeds the total combined gross annual sales of vendors who
7 are processors or resellers;

8 (C) The total combined gross annual sales of vendors who are
9 farmers, processors, or resellers exceeds the total combined gross
10 annual sales of vendors who are not farmers, processors, or resellers;

11 (D) The sale of imported items and secondhand items by any vendor
12 is prohibited; and

13 (E) No vendor is a franchisee.

14 (ii) "Farmer" means a natural person who sells, with or without
15 processing, agricultural products that he or she raises on land he or
16 she owns or leases in this state or in another state's county that
17 borders this state.

18 (iii) "Processor" means a natural person who sells processed food
19 that he or she has personally prepared on land he or she owns or leases
20 in this state or in another state's county that borders this state.

21 (iv) "Reseller" means a natural person who buys agricultural
22 products from a farmer and resells the products directly to the
23 consumer."

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24 On page 1, line 2 of the title, after "markets;" strike the
25 remainder of the title and insert "and amending RCW 66.24.244."

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