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**SUBSTITUTE SENATE BILL 5682**

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**State of Washington**

**59th Legislature**

**2005 Regular Session**

**By** Senate Committee on Labor, Commerce, Research & Development  
(originally sponsored by Senators Keiser, Deccio, Rasmussen and Kohl-  
Welles)

READ FIRST TIME 02/21/05.

1 AN ACT Relating to sampling activities of licensees under Title 66  
2 RCW; amending RCW 66.24.360 and 66.24.371; and adding a new section to  
3 chapter 66.08 RCW.

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

5 **Sec. 1.** RCW 66.24.360 and 2003 c 167 s 8 are each amended to read  
6 as follows:

7 There shall be a beer and/or wine retailer's license to be  
8 designated as a grocery store license to sell beer, strong beer, and/or  
9 wine at retail in bottles, cans, and original containers, not to be  
10 consumed upon the premises where sold, at any store other than the  
11 state liquor stores.

12 (1) Licensees obtaining a written endorsement from the board may  
13 also sell malt liquor in kegs or other containers capable of holding  
14 less than five and one-half gallons of liquid.

15 (2) The annual fee for the grocery store license is one hundred  
16 fifty dollars for each store.

17 (3)(a) Licensees under this section may provide, free or for a  
18 charge, single-serving samples of two ounces or less, but no more than  
19 a total of eight ounces, per customer for the purpose of sales

1 promotion if: (i) The primary commercial activity of the licensees is  
2 the sale of grocery products; and (ii) the licensees operate fully  
3 enclosed retail areas encompassing at least twelve thousand square  
4 feet. Sampling activities of licensees under this section are subject  
5 to RCW 66.28.010 and 66.28.040 and the cost of sampling under this  
6 section may not be borne, directly or indirectly, by any manufacturer,  
7 importer, or distributor of liquor.

8 (b) The service area and facilities must be located within the  
9 licensee's fully enclosed retail area, and must be of a size and design  
10 such that the licensee can observe and control persons in the area to  
11 ensure that persons under twenty-one years of age and apparently  
12 intoxicated persons cannot possess or consume alcohol. Customers must  
13 remain in the service area while consuming samples.

14 (4) The board shall issue a restricted grocery store license  
15 authorizing the licensee to sell beer and only table wine, if the board  
16 finds upon issuance or renewal of the license that the sale of strong  
17 beer or fortified wine would be against the public interest. In  
18 determining the public interest, the board shall consider at least the  
19 following factors:

20 (a) The likelihood that the applicant will sell strong beer or  
21 fortified wine to persons who are intoxicated;

22 (b) Law enforcement problems in the vicinity of the applicant's  
23 establishment that may arise from persons purchasing strong beer or  
24 fortified wine at the establishment; and

25 (c) Whether the sale of strong beer or fortified wine would be  
26 detrimental to or inconsistent with a government-operated or funded  
27 alcohol treatment or detoxification program in the area.

28 If the board receives no evidence or objection that the sale of  
29 strong beer or fortified wine would be against the public interest, it  
30 shall issue or renew the license without restriction, as applicable.  
31 The burden of establishing that the sale of strong beer or fortified  
32 wine by the licensee would be against the public interest is on those  
33 persons objecting.

34 ~~((+4))~~ (5) Licensees holding a grocery store license must maintain  
35 a minimum three thousand dollar inventory of food products for human  
36 consumption, not including pop, beer, strong beer, or wine.

37 ~~((+5))~~ (6) Upon approval by the board, the grocery store licensee

1 may also receive an endorsement to permit the international export of  
2 beer, strong beer, and wine.

3 (a) Any beer, strong beer, or wine sold under this endorsement must  
4 have been purchased from a licensed beer or wine distributor licensed  
5 to do business within the state of Washington.

6 (b) Any beer, strong beer, and wine sold under this endorsement  
7 must be intended for consumption outside the state of Washington and  
8 the United States and appropriate records must be maintained by the  
9 licensee.

10 (c) A holder of this special endorsement to the grocery store  
11 license shall be considered not in violation of RCW 66.28.010.

12 (d) Any beer, strong beer, or wine sold under this license must be  
13 sold at a price no less than the acquisition price paid by the holder  
14 of the license.

15 (e) The annual cost of this endorsement is five hundred dollars and  
16 is in addition to the license fees paid by the licensee for a grocery  
17 store license.

18 **Sec. 2.** RCW 66.24.371 and 2003 c 167 s 9 are each amended to read  
19 as follows:

20 (1) There shall be a beer and/or wine retailer's license to be  
21 designated as a beer and/or wine specialty shop license to sell beer,  
22 strong beer, and/or wine at retail in bottles, cans, and original  
23 containers, not to be consumed upon the premises where sold, at any  
24 store other than the state liquor stores. Licensees obtaining a  
25 written endorsement from the board may also sell malt liquor in kegs or  
26 other containers capable of holding less than five and one-half gallons  
27 of liquid. The annual fee for the beer and/or wine specialty shop  
28 license is one hundred dollars for each store.

29 (2) Licensees under this section may provide, free or for a charge,  
30 single-serving samples of two ounces or less (~~(to customers)~~), but no  
31 more than a total of eight ounces, per customer for the purpose of  
32 sales promotion. Sampling activities of licensees under this section  
33 are subject to RCW 66.28.010 and 66.28.040 and the cost of sampling  
34 under this section may not be borne, directly or indirectly, by any  
35 manufacturer, importer, or distributor of liquor.

36 (3) The board shall issue a restricted beer and/or wine specialty  
37 shop license, authorizing the licensee to sell beer and only table

1 wine, if the board finds upon issuance or renewal of the license that  
2 the sale of strong beer or fortified wine would be against the public  
3 interest. In determining the public interest, the board shall consider  
4 at least the following factors:

5 (a) The likelihood that the applicant will sell strong beer or  
6 fortified wine to persons who are intoxicated;

7 (b) Law enforcement problems in the vicinity of the applicant's  
8 establishment that may arise from persons purchasing strong beer or  
9 fortified wine at the establishment; and

10 (c) Whether the sale of strong beer or fortified wine would be  
11 detrimental to or inconsistent with a government-operated or funded  
12 alcohol treatment or detoxification program in the area.

13 If the board receives no evidence or objection that the sale of  
14 strong beer or fortified wine would be against the public interest, it  
15 shall issue or renew the license without restriction, as applicable.  
16 The burden of establishing that the sale of strong beer or fortified  
17 wine by the licensee would be against the public interest is on those  
18 persons objecting.

19 (4) Licensees holding a beer and/or wine specialty shop license  
20 must maintain a minimum three thousand dollar wholesale inventory of  
21 beer, strong beer, and/or wine.

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

24 The board may adopt rules to implement this act. The rules shall  
25 include a requirement that employees of licensees under RCW 66.24.360  
26 and 66.24.371 who are involved in sampling activities complete a  
27 board-approved limited alcohol server training program that addresses  
28 only those subjects reasonably related to the licensees' sampling  
29 activities.

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