
HOUSE BILL 2626

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Hope and Reykdal

Read first time 01/19/12. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to sales and samplings by manufacturers of liquor;
2 amending RCW 66.24.150, 66.28.295, 66.28.040, and 66.28.040; adding a
3 new section to chapter 66.24 RCW; providing an effective date; and
4 providing an expiration date.

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

6 **Sec. 1.** RCW 66.24.150 and 1997 c 321 s 2 are each amended to read
7 as follows:

8 (1) There shall be a license to manufacturers of liquor, including
9 all kinds of manufacturers except those licensed as distillers,
10 domestic brewers, microbreweries, wineries, and domestic wineries,
11 authorizing such licensees to manufacture, import, sell, and export
12 liquor from the state; fee five hundred dollars per annum.

13 (2) A manufacturer licensed under this section may sell liquor of
14 its own production for consumption off the premises, up to two liters
15 per person per day, at its licensed premises. A manufacturer selling
16 liquor under this subsection must comply with the applicable laws and
17 rules relating to retailers.

18 (3) A manufacturer licensed under this section may provide, free of
19 charge, one-half ounce or less samples of liquor of its own production

1 to persons on the licensed premises. The maximum total per person per
2 day is two ounces. Every person who participates in any manner in the
3 service of samples must obtain a class 12 alcohol server permit.

4 NEW SECTION. Sec. 2. A new section is added to chapter 66.24 RCW
5 to read as follows:

6 (1) To promote economic development and the ability for businesses
7 to market products in Washington, licensed distillers, manufacturers,
8 domestic breweries, microbreweries, and domestic wineries may create
9 joint tasting locations where participating licensees may market and
10 sell their products as provided in this section. A licensed distiller,
11 manufacturer, domestic brewery, microbrewery, and domestic winery may
12 serve samples of and sell at retail liquor of its own production for
13 consumption on and off the premises, at up to two locations separate
14 from its production or manufacturing sites. For a winery, the combined
15 limit on locations under this section and RCW 66.24.170(4) is two
16 locations. Samples may be served with or without charge. Multiple
17 licensees may sell and serve liquor under this section at a single
18 location. Each location must be approved by the board under RCW
19 66.24.010. Each additional location is deemed to be part of the
20 distiller, manufacturer, domestic brewery, microbrewery, and domestic
21 winery license, as applicable, for the purpose of this title.

22 (2) Any person selling or serving liquor under this section for on-
23 premise consumption must obtain a class 12 or class 13 alcohol server
24 permit.

25 (3) Food must be available at the joint tasting location.

26 (4) Samples of spirits under this section must be one-quarter ounce
27 or less. The maximum total per person per day of spirits samples by a
28 licensee is one ounce. Sales of spirits by a licensee for off-premises
29 consumption are limited to two liters per person per day.

30 **Sec. 3.** RCW 66.28.295 and 2011 c 66 s 2 are each amended to read
31 as follows:

32 Nothing in RCW 66.28.290 shall prohibit:

33 (1) A licensed domestic brewery or microbrewery from being licensed
34 as a retailer pursuant to chapter 66.24 RCW for the purpose of selling
35 beer or wine at retail on the brewery premises and at one additional
36 off-site retail only location.

1 (2) A domestic winery from being licensed as a retailer pursuant to
2 chapter 66.24 RCW for the purpose of selling beer or wine at retail on
3 the winery premises. Such beer and wine so sold at retail shall be
4 subject to the taxes imposed by RCW 66.24.290 and 66.24.210 and to
5 reporting and bonding requirements as prescribed by regulations adopted
6 by the board pursuant to chapter 34.05 RCW, and beer and wine that is
7 not produced by the brewery or winery shall be purchased from a
8 licensed beer or wine distributor.

9 (3) A microbrewery holding a beer and/or wine restaurant license
10 under RCW 66.24.320 from holding the same privileges and endorsements
11 attached to the beer and/or wine restaurant license.

12 (4) A licensed craft distillery from selling spirits of its own
13 production under RCW 66.24.145 or section 2 of this act.

14 (5) A licensed manufacturer from selling spirits of its own
15 production under RCW 66.24.150 or section 2 of this act.

16 (6) A licensed distiller, domestic brewery, microbrewery, domestic
17 winery, or a lessee of a licensed domestic brewer, microbrewery, or
18 domestic winery, from being licensed as a spirits, beer, and wine
19 restaurant pursuant to chapter 66.24 RCW for the purpose of selling
20 liquor at a spirits, beer, and wine restaurant premises on the property
21 on which the primary manufacturing facility of the licensed distiller,
22 domestic brewer, microbrewery, or domestic winery is located or on
23 contiguous property owned or leased by the licensed distiller, domestic
24 brewer, microbrewery, or domestic winery as prescribed by rules adopted
25 by the board pursuant to chapter 34.05 RCW.

26 ~~((+6))~~ (7) A microbrewery holding a spirits, beer, and wine
27 restaurant license under RCW 66.24.420 from holding the same privileges
28 and endorsements attached to the spirits, beer, and wine restaurant
29 license.

30 ~~((+7))~~ (8) A brewery or microbrewery holding a spirits, beer, and
31 wine restaurant license or a beer and/or wine license under chapter
32 66.24 RCW operated on the premises of the brewery or microbrewery from
33 holding a second retail only license at a location separate from the
34 premises of the brewery or microbrewery.

35 ~~((+8))~~ (9) Retail licensees with a caterer's endorsement issued
36 under RCW 66.24.320 or 66.24.420 from operating on a domestic winery
37 premises.

1 ~~((+9))~~ (10) An organization qualifying under RCW 66.24.375 formed
2 for the purpose of constructing and operating a facility to promote
3 Washington wines from holding retail licenses on the facility property
4 or leasing all or any portion of such facility property to a retail
5 licensee on the facility property if the members of the board of
6 directors or officers of the board for the organization include
7 officers, directors, owners, or employees of a licensed domestic
8 winery. Financing for the construction of the facility must include
9 both public and private money.

10 ~~((+10))~~ (11) A bona fide charitable nonprofit society or
11 association registered under Title 26 U.S.C. Sec. 501(c)(3) of the
12 federal internal revenue code, or a local wine industry association
13 registered under Title 26 U.S.C. Sec. 501(c)(6) of the federal internal
14 revenue code as it existed on July 22, 2007, and having an officer,
15 director, owner, or employee of a licensed domestic winery or a wine
16 certificate of approval holder on its board of directors from holding
17 a special occasion license under RCW 66.24.380.

18 ~~((+11))~~ (12) A person licensed pursuant to RCW 66.24.170,
19 66.24.240, or 66.24.244 from exercising the privileges of distributing
20 and selling at retail such person's own production or from exercising
21 any other right or privilege that attaches to such license or from
22 selling at retail such person's own production under section 2 of this
23 act.

24 ~~((+12))~~ (13) A person holding a certificate of approval pursuant
25 to RCW 66.24.206 from obtaining an endorsement to act as a distributor
26 of their own product or from shipping their own product directly to
27 consumers as authorized by RCW 66.20.360.

28 ~~((+13))~~ (14) A person holding a wine shipper's permit pursuant to
29 RCW 66.20.375 from shipping their own product directly to consumers.

30 ~~((+14))~~ (15) A person holding a certificate of approval pursuant
31 to RCW 66.24.270(2) from obtaining an endorsement to act as a
32 distributor of their own product.

33 ~~((+15))~~ (16) A domestic winery and a restaurant licensed under RCW
34 66.24.320 or 66.24.400 from entering an arrangement to waive a corkage
35 fee.

36 **Sec. 4.** RCW 66.28.040 and 2012 c 2 s 116 (Initiative Measure No.
37 1183) are each amended to read as follows:

1 Except as permitted by the board under RCW 66.20.010, no domestic
2 brewery, microbrewery, distributor, distiller, domestic winery,
3 importer, rectifier, certificate of approval holder, or other
4 manufacturer of liquor may, within the state of Washington, give to any
5 person any liquor; but nothing in this section nor in RCW 66.28.305
6 prevents a domestic brewery, microbrewery, distributor, domestic
7 winery, distiller, certificate of approval holder, or importer from
8 furnishing samples of beer, wine, or spirituous liquor to authorized
9 licensees for the purpose of negotiating a sale, in accordance with
10 regulations adopted by the liquor control board, provided that the
11 samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210;
12 nothing in this section prevents a domestic brewery, microbrewery,
13 domestic winery, distillery, certificate of approval holder, or
14 distributor from furnishing beer, wine, or spirituous liquor for
15 instructional purposes under RCW 66.28.150; nothing in this section
16 prevents a domestic winery, certificate of approval holder, or
17 distributor from furnishing wine without charge, subject to the taxes
18 imposed by RCW 66.24.210, to a not-for-profit group organized and
19 operated solely for the purpose of enology or the study of viticulture
20 which has been in existence for at least six months and that uses wine
21 so furnished solely for such educational purposes or a domestic winery,
22 or an out-of-state certificate of approval holder, from furnishing wine
23 without charge or a domestic brewery, or an out-of-state certificate of
24 approval holder, from furnishing beer without charge, subject to the
25 taxes imposed by RCW 66.24.210 or 66.24.290, or a domestic distiller
26 licensed under RCW 66.24.140 or an accredited representative of a
27 distiller, manufacturer, importer, or distributor of spirituous liquor
28 licensed under RCW 66.24.310, from furnishing spirits without charge,
29 to a nonprofit charitable corporation or association exempt from
30 taxation under 26 U.S.C. Sec. 501(c)(3) or (6) of the internal revenue
31 code of 1986 for use consistent with the purpose or purposes entitling
32 it to such exemption; nothing in this section prevents a domestic
33 brewery or microbrewery from serving beer without charge, on the
34 brewery premises and at other locations subject to section 2 of this
35 act; nothing in this section prevents donations of wine for the
36 purposes of RCW 66.12.180; nothing in this section prevents a domestic
37 winery from serving wine without charge, on the winery premises and at
38 other locations subject to section 2 of this act; nothing in this

1 section prevents a craft distillery from serving spirits without
2 charge, on the distillery premises subject to RCW 66.24.145 and at
3 other locations subject to section 2 of this act; nothing in this
4 section prohibits spirits sampling under chapter 186, Laws of 2011;
5 (~~and~~) nothing in this section prevents a winery or microbrewery from
6 serving samples at a farmers market under section 1, chapter 62, Laws
7 of 2011; and nothing in this section shall prevent a manufacturer from
8 serving spirits without charge, on the manufacturer premises subject to
9 RCW 66.24.150 and at other locations subject to section 2 of this act.

10 **Sec. 5.** RCW 66.28.040 and 2012 c 2 s 116 (Initiative Measure No.
11 1183) are each amended to read as follows:

12 Except as permitted by the board under RCW 66.20.010, no domestic
13 brewery, microbrewery, distributor, distiller, domestic winery,
14 importer, rectifier, certificate of approval holder, or other
15 manufacturer of liquor may, within the state of Washington, give to any
16 person any liquor; but nothing in this section nor in RCW 66.28.305
17 prevents a domestic brewery, microbrewery, distributor, domestic
18 winery, distiller, certificate of approval holder, or importer from
19 furnishing samples of beer, wine, or spirituous liquor to authorized
20 licensees for the purpose of negotiating a sale, in accordance with
21 regulations adopted by the liquor control board, provided that the
22 samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210;
23 nothing in this section prevents a domestic brewery, microbrewery,
24 domestic winery, distillery, certificate of approval holder, or
25 distributor from furnishing beer, wine, or spirituous liquor for
26 instructional purposes under RCW 66.28.150; nothing in this section
27 prevents a domestic winery, certificate of approval holder, or
28 distributor from furnishing wine without charge, subject to the taxes
29 imposed by RCW 66.24.210, to a not-for-profit group organized and
30 operated solely for the purpose of enology or the study of viticulture
31 which has been in existence for at least six months and that uses wine
32 so furnished solely for such educational purposes or a domestic winery,
33 or an out-of-state certificate of approval holder, from furnishing wine
34 without charge or a domestic brewery, or an out-of-state certificate of
35 approval holder, from furnishing beer without charge, subject to the
36 taxes imposed by RCW 66.24.210 or 66.24.290, or a domestic distiller
37 licensed under RCW 66.24.140 or an accredited representative of a

1 distiller, manufacturer, importer, or distributor of spirituous liquor
2 licensed under RCW 66.24.310, from furnishing spirits without charge,
3 to a nonprofit charitable corporation or association exempt from
4 taxation under 26 U.S.C. Sec. 501(c)(3) or (6) of the internal revenue
5 code of 1986 for use consistent with the purpose or purposes entitling
6 it to such exemption; nothing in this section prevents a domestic
7 brewery or microbrewery from serving beer without charge, on the
8 brewery premises and at other locations subject to section 2 of this
9 act; nothing in this section prevents donations of wine for the
10 purposes of RCW 66.12.180; nothing in this section prevents a domestic
11 winery from serving wine without charge, on the winery premises and at
12 other locations subject to section 2 of this act; and nothing in this
13 section prevents a craft distillery from serving spirits without
14 charge, on the distillery premises subject to RCW 66.24.145 and at
15 other locations subject to section 2 of this act.

16 NEW SECTION. **Sec. 6.** Section 4 of this act expires December 1,
17 2012.

18 NEW SECTION. **Sec. 7.** Section 5 of this act takes effect December
19 1, 2012.

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