
SENATE BILL 5650

State of Washington

62nd Legislature

2011 Regular Session

By Senators Harper, Kohl-Welles, White, McAuliffe, and Kline

Read first time 02/03/11. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to allowing craft distilleries to sell their own
2 spirits at qualifying farmers markets; and amending RCW 66.24.145.

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

4 **Sec. 1.** RCW 66.24.145 and 2010 c 290 s 2 are each amended to read
5 as follows:

6 (1) Any craft distillery may sell spirits of its own production for
7 consumption off the premises, up to two liters per person per day.
8 Spirits sold under this subsection must be purchased from the board and
9 sold at the retail price established by the board. A craft distillery
10 selling spirits under this subsection must comply with the applicable
11 laws and rules relating to retailers.

12 (2) Any craft distillery may contract distill spirits for, and sell
13 contract distilled spirits to, holders of distillers' or manufacturers'
14 licenses, including licenses issued under RCW 66.24.520, or for export.

15 (3) Any craft distillery licensed under this section may provide,
16 free of charge, one-half ounce or less samples of spirits of its own
17 production to persons on the premises of the distillery. The maximum
18 total per person per day is two ounces. Every person who participates

1 in any manner in the service of samples must obtain a class 12 alcohol
2 server permit. Spirits used for samples must be purchased from the
3 board.

4 (4) The board shall adopt rules to implement the alcohol server
5 permit requirement and may adopt additional rules to implement this
6 section.

7 (5) Distilling is an agricultural practice.

8 (6)(a) A craft distillery licensed under RCW 66.24.140(1) may apply
9 to the board for an endorsement to sell bottled spirits of its own
10 production at retail for off-premises consumption at a qualifying
11 farmers market. The annual fee for this endorsement is seventy-five
12 dollars.

13 (b) For each month during which a craft distillery will sell
14 spirits at a qualifying farmers market, the craft distillery must
15 provide the board or its designee a list of the dates, times, and
16 locations at which bottled spirits may be offered for sale. This list
17 must be received by the board before the craft distillery may offer
18 spirits for sale at a qualifying farmers market.

19 (c) The spirits sold at qualifying farmers markets must be produced
20 in Washington.

21 (d) Each approved location in a qualifying farmers market is deemed
22 to be part of the craft distillery license for the purpose of this
23 title. The approved locations under an endorsement granted under this
24 subsection (6) do not constitute the tasting or sampling privilege of
25 a craft distillery. The craft distillery may not store spirits at a
26 farmers market beyond the hours that the craft distillery offers
27 bottled spirits for sale. The craft distillery may not act as a
28 distributor from a farmers market location.

29 (e) Before a craft distillery may sell bottled spirits at a
30 qualifying farmers market, the farmers market must apply to the board
31 for authorization for any craft distillery with an endorsement approved
32 under this subsection (6) to sell bottled spirits at retail at the
33 farmers market. This application shall include, at a minimum: (i) A
34 map of the farmers market showing all booths, stalls, or other
35 designated locations at which an approved craft distillery may sell
36 bottled spirits; and (ii) the name and contact information for the on-
37 site market managers who may be contacted by the board or its designee
38 to verify the locations at which bottled spirits may be sold. Before

1 authorizing a qualifying farmers market to allow an approved craft
2 distillery to sell bottled spirits at retail at its farmers market
3 location, the board shall notify the persons or entities of the
4 application for authorization pursuant to RCW 66.24.010 (8) and (9).
5 An authorization granted under this subsection (6)(e) may be withdrawn
6 by the board for any violation of this title or any rules adopted under
7 this title.

8 (f) The board may adopt rules establishing the application and
9 approval process under this section and any additional rules necessary
10 to implement this section.

11 (g) For the purposes of this subsection (6):

12 (i) "Qualifying farmers market" means an entity that sponsors a
13 regular assembly of vendors at a defined location for the purpose of
14 promoting the sale of agricultural products grown or produced in this
15 state directly to the consumer under conditions that meet the following
16 minimum requirements:

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

19 (B) The total combined gross annual sales of vendors who are
20 farmers exceeds the total combined gross annual sales of vendors who
21 are processors or resellers;

22 (C) The total combined gross annual sales of vendors who are
23 farmers, processors, or resellers exceeds the total combined gross
24 annual sales of vendors who are not farmers, processors, or resellers;

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

27 (E) No vendor is a franchisee.

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

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

35 (iv) "Reseller" means a natural person who buys agricultural
36 products from a farmer and resells the products directly to the

1 consumer.

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