

---

SENATE BILL 5711

---

State of Washington

62nd Legislature

2011 Regular Session

By Senators Hobbs, Kline, Fain, Honeyford, Kohl-Welles, and Hewitt

Read first time 02/08/11. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to the sale of beer by beer and/or wine specialty  
2 shop licensees; and amending RCW 66.24.371.

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

4 **Sec. 1.** RCW 66.24.371 and 2009 c 373 s 6 are each amended to read  
5 as follows:

6 (1) There shall be a beer and/or wine retailer's license to be  
7 designated as a beer and/or wine specialty shop license to sell beer,  
8 strong beer, and/or wine at retail in bottles, cans, and original  
9 containers, not to be consumed upon the premises where sold, at any  
10 store other than the state liquor stores. Licensees obtaining a  
11 written endorsement from the board may also sell malt liquor in kegs or  
12 other containers capable of holding four gallons or more of liquid.  
13 The annual fee for the beer and/or wine specialty shop license is one  
14 hundred dollars for each store. The sale of any container holding four  
15 gallons or more must comply with RCW 66.28.200 and 66.28.220.

16 (2) Licensees under this section may provide, free or for a charge,  
17 single-serving samples of two ounces or less to customers for the  
18 purpose of sales promotion. Sampling activities of licensees under

1 this section are subject to RCW 66.28.010 and 66.28.040 and the cost of  
2 sampling under this section may not be borne, directly or indirectly,  
3 by any manufacturer, importer, or distributor of liquor.

4 (3) Upon approval by the board, the beer and/or wine specialty shop  
5 licensee may also receive an endorsement to permit the sale of beer to  
6 a purchaser in a sanitary container brought to the premises by the  
7 purchaser, or provided by the licensee or manufacturer, and fill at the  
8 tap by the licensee at the time of sale.

9 (4) The board shall issue a restricted beer and/or wine specialty  
10 shop license, authorizing the licensee to sell beer and only table  
11 wine, if the board finds upon issuance or renewal of the license that  
12 the sale of strong beer or fortified wine would be against the public  
13 interest. In determining the public interest, the board shall consider  
14 at least the following factors:

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

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

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

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

29 ~~((+4))~~ (5) Licensees holding a beer and/or wine specialty shop  
30 license must maintain a minimum three thousand dollar wholesale  
31 inventory of beer, strong beer, and/or wine.

32 (6) The board may adopt rules to implement this section.

--- END ---