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SENATE BILL 6475

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State of Washington

62nd Legislature

2012 Regular Session

By Senators Hobbs, Kohl-Welles, Honeyford, and Holmquist Newbry

Read first time 01/25/12. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to the beer and wine tasting endorsement for  
2 grocery stores; and amending RCW 66.24.363.

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

4 **Sec. 1.** RCW 66.24.363 and 2010 c 141 s 1 are each amended to read  
5 as follows:

6 (1) A grocery store licensed under RCW 66.24.360 may apply for an  
7 endorsement to offer beer and wine tasting under this section.

8 (2) To be issued an endorsement, a licensee must meet the following  
9 criteria:

10 (a) The licensee has retail sales of grocery products for off-  
11 premises consumption that are more than (~~fifty~~) thirty-five percent  
12 of the licensee's gross sales or the licensee is a membership  
13 organization that requires members to be at least eighteen years of  
14 age;

15 (b) The licensee operates a fully enclosed retail area encompassing  
16 at least nine thousand square feet, except that the board may issue an  
17 endorsement to a licensee with a retail area encompassing less than  
18 nine thousand square feet if the board determines that no licensee in

1 the community the licensee serves meets the square footage requirement  
2 and the licensee meets operational requirements established by the  
3 board by rule; and

4 (c) The licensee has not had more than one public safety violation  
5 within the past two years.

6 (3) A tasting must be conducted under the following conditions:

7 (a) Each sample must be two ounces or less, up to a total of four  
8 ounces, per customer during any one visit to the premises;

9 (b) No more than one sample of the same product offering of beer or  
10 wine may be provided to a customer during any one visit to the  
11 premises;

12 (c) The licensee must have food available for the tasting  
13 participants;

14 (d) Customers must remain in the service area while consuming  
15 samples; and

16 (e) The service area and facilities must be located within the  
17 licensee's fully enclosed retail area and must be of a size and design  
18 such that the licensee can observe and control persons in the area to  
19 ensure that persons under twenty-one years of age and apparently  
20 intoxicated persons cannot possess or consume alcohol.

21 (4) Employees of licensees whose duties include serving during  
22 tasting activities under this section must hold a class 12 alcohol  
23 server permit.

24 (5) Tasting activities under this section are subject to RCW  
25 66.28.305 and 66.28.040 and the cost of sampling may not be borne,  
26 directly or indirectly, by any liquor manufacturer, importer, or  
27 distributor.

28 (6) A licensee may advertise a tasting event only within the store,  
29 on a store web site, in store newsletters and flyers, and via e-mail  
30 and mail to customers who have requested notice of events. Advertising  
31 under this subsection may not be targeted to or appeal principally to  
32 youth.

33 (7)(a) If a licensee is found to have committed a public safety  
34 violation in conjunction with tasting activities, the board may suspend  
35 the licensee's tasting endorsement and not reissue the endorsement for  
36 up to two years from the date of the violation. If mitigating  
37 circumstances exist, the board may offer a monetary penalty in lieu of  
38 suspension during a settlement conference.

1 (b) The board may revoke an endorsement granted to a licensee that  
2 is located within the boundaries of an alcohol impact area recognized  
3 by resolution of the board if the board finds that the tasting  
4 activities by the licensee are having an adverse effect on the  
5 reduction of chronic public inebriation in the area.

6 (c) RCW 66.08.150 applies to the suspension or revocation of an  
7 endorsement.

8 (8) The board may establish additional requirements under this  
9 section to assure that persons under twenty-one years of age and  
10 apparently intoxicated persons cannot possess or consume alcohol.

11 (9) The annual fee for the endorsement is two hundred dollars. The  
12 board shall review the fee annually and may increase the fee by rule to  
13 a level sufficient to defray the cost of administration and enforcement  
14 of the endorsement, except that the board may not increase the fee by  
15 more than ten percent annually.

16 (10) The board must adopt rules to implement this section.

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