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SENATE BILL 6477

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State of Washington

62nd Legislature

2012 Regular Session

By Senators Conway, Holmquist Newbry, and Kohl-Welles

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

1 AN ACT Relating to spirits sampling in former contract liquor  
2 stores; amending RCW 66.08.050, 66.08.050, and 66.08.030; adding a new  
3 section to chapter 66.16 RCW; providing an effective date; and  
4 providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 66.16 RCW  
7 to read as follows:

8 (1) The liquor control board must allow spirits sampling in former  
9 contract liquor stores for the purpose of promoting the sponsor's  
10 products.

11 (a) No store may hold more than one spirits sampling per week.

12 (b) The locations shall be approved by the board. Before the board  
13 determines which stores will be eligible to participate, it shall give:

14 (i) Due consideration to the location of the store with respect to  
15 the proximity of places of worship, schools, and public institutions;

16 (ii) Due consideration to motor vehicle accident data in the  
17 proximity of the store; and

18 (iii) Written notice by certified mail of the proposed spirits

1 sampling to places of worship, schools, and public institutions within  
2 five hundred feet of the store proposed to offer spirits sampling.

3 (c) Sampling must be conducted under the following conditions:

4 (i) Sampling may take place only in an area of a store in which  
5 access to persons under twenty-one years of age is prohibited;

6 (ii) Samples may be provided free of charge;

7 (iii) Only persons twenty-one years of age or over may sample  
8 spirits;

9 (iv) Each sample must be one-quarter ounce or less, with no more  
10 than one ounce of samples provided per person per day;

11 (v) Only sponsors may serve samples;

12 (vi) Any person involved in the serving of such samples must have  
13 completed a mandatory alcohol server training program;

14 (vii) No person who is apparently intoxicated may sample spirits;

15 (viii) The product provided for sampling must be available for sale  
16 at the store where the sampling occurs at the time of the sampling; and

17 (ix) Customers must remain on the store premise while consuming  
18 samples.

19 (d) The liquor control board may prohibit sampling at a location  
20 that is within the boundaries of an alcohol impact area recognized by  
21 resolution of the board if the board finds that the sampling activities  
22 at the location are having an adverse effect on the reduction of  
23 chronic public inebriation in the area.

24 (e) All other criteria must be determined by the board.

25 (2) The liquor control board may adopt rules to implement this  
26 section.

27 (3) For the purposes of this section:

28 (a) "Sponsors" means a domestic distiller licensed under RCW  
29 66.24.140 or an accredited representative of a distiller, manufacturer,  
30 importer, or distributor of spirituous liquor licensed under RCW  
31 66.24.310; and

32 (b) "Store" means a former contract liquor store premises as of May  
33 31, 2012.

34 **Sec. 2.** RCW 66.08.050 and 2012 c 2 s 107 (Initiative Measure No.  
35 1183) are each amended to read as follows:

36 The board, subject to the provisions of this title and the rules,  
37 must:

1 (1) Determine the nature, form and capacity of all packages to be  
2 used for containing liquor kept for sale under this title;

3 (2) Execute or cause to be executed, all contracts, papers, and  
4 documents in the name of the board, under such regulations as the board  
5 may fix;

6 (3) Pay all customs, duties, excises, charges and obligations  
7 whatsoever relating to the business of the board;

8 (4) Require bonds from all employees in the discretion of the  
9 board, and to determine the amount of fidelity bond of each such  
10 employee;

11 (5) Perform services for the state lottery commission to such  
12 extent, and for such compensation, as may be mutually agreed upon  
13 between the board and the commission;

14 (6) Accept and deposit into the general fund-local account and  
15 disburse, subject to appropriation, federal grants or other funds or  
16 donations from any source for the purpose of improving public awareness  
17 of the health risks associated with alcohol consumption by youth and  
18 the abuse of alcohol by adults in Washington state. The board's  
19 alcohol awareness program must cooperate with federal and state  
20 agencies, interested organizations, and individuals to effect an active  
21 public beverage alcohol awareness program;

22 (7) Perform all other matters and things, whether similar to the  
23 foregoing or not, to carry out the provisions of this title, and has  
24 full power to do each and every act necessary to the conduct of its  
25 regulatory functions, including all supplies procurement, preparation  
26 and approval of forms, and every other undertaking necessary to perform  
27 its regulatory functions whatsoever, subject only to audit by the state  
28 auditor. However, the board has no authority to regulate the content  
29 of spoken language on licensed premises where wine and other liquors  
30 are served and where there is not a clear and present danger of  
31 disorderly conduct being provoked by such language or to restrict  
32 advertising of lawful prices;

33 (8) Allow spirits sampling on former contract liquor store premises  
34 under this act.

35 **Sec. 3.** RCW 66.08.050 and 2012 c 2 s 107 (Initiative Measure No.  
36 1183) are each amended to read as follows:

1       The board, subject to the provisions of this title and the rules,  
2 must:

3       (1) Determine the nature, form and capacity of all packages to be  
4 used for containing liquor kept for sale under this title;

5       (2) Execute or cause to be executed, all contracts, papers, and  
6 documents in the name of the board, under such regulations as the board  
7 may fix;

8       (3) Pay all customs, duties, excises, charges and obligations  
9 whatsoever relating to the business of the board;

10       (4) Require bonds from all employees in the discretion of the  
11 board, and to determine the amount of fidelity bond of each such  
12 employee;

13       (5) Perform services for the state lottery commission to such  
14 extent, and for such compensation, as may be mutually agreed upon  
15 between the board and the commission;

16       (6) Accept and deposit into the general fund-local account and  
17 disburse, subject to appropriation, federal grants or other funds or  
18 donations from any source for the purpose of improving public awareness  
19 of the health risks associated with alcohol consumption by youth and  
20 the abuse of alcohol by adults in Washington state. The board's  
21 alcohol awareness program must cooperate with federal and state  
22 agencies, interested organizations, and individuals to effect an active  
23 public beverage alcohol awareness program;

24       (7) Perform all other matters and things, whether similar to the  
25 foregoing or not, to carry out the provisions of this title, and has  
26 full power to do each and every act necessary to the conduct of its  
27 regulatory functions, including all supplies procurement, preparation  
28 and approval of forms, and every other undertaking necessary to perform  
29 its regulatory functions whatsoever, subject only to audit by the state  
30 auditor. However, the board has no authority to regulate the content  
31 of spoken language on licensed premises where wine and other liquors  
32 are served and where there is not a clear and present danger of  
33 disorderly conduct being provoked by such language or to restrict  
34 advertising of lawful prices;

35       (8) Allow spirits sampling on former contract liquor store premises  
36 under this act.

1       **Sec. 4.** RCW 66.08.030 and 2012 c 2 s 204 (Initiative Measure No.  
2 1183) are each amended to read as follows:

3       The power of the board to make regulations under chapter 34.05 RCW  
4 extends to:

5       (1) Prescribing the duties of the employees of the board, and  
6 regulating their conduct in the discharge of their duties;

7       (2) Prescribing an official seal and official labels and stamps and  
8 determining the manner in which they must be attached to every package  
9 of liquor sold or sealed under this title, including the prescribing of  
10 different official seals or different official labels for different  
11 classes of liquor;

12       (3) Prescribing forms to be used for purposes of this title or the  
13 regulations, and the terms and conditions to be contained in permits  
14 and licenses issued under this title, and the qualifications for  
15 receiving a permit or license issued under this title, including a  
16 criminal history record information check. The board may submit the  
17 criminal history record information check to the Washington state  
18 patrol and to the identification division of the federal bureau of  
19 investigation in order that these agencies may search their records for  
20 prior arrests and convictions of the individual or individuals who  
21 filled out the forms. The board must require fingerprinting of any  
22 applicant whose criminal history record information check is submitted  
23 to the federal bureau of investigation;

24       (4) Prescribing the fees payable in respect of permits and licenses  
25 issued under this title for which no fees are prescribed in this title,  
26 and prescribing the fees for anything done or permitted to be done  
27 under the regulations;

28       (5) Prescribing the kinds and quantities of liquor which may be  
29 kept on hand by the holder of a special permit for the purposes named  
30 in the permit, regulating the manner in which the same is kept and  
31 disposed of, and providing for the inspection of the same at any time  
32 at the instance of the board;

33       (6) Regulating the sale of liquor kept by the holders of licenses  
34 which entitle the holder to purchase and keep liquor for sale;

35       (7) Prescribing the records of purchases or sales of liquor kept by  
36 the holders of licenses, and the reports to be made thereon to the  
37 board, and providing for inspection of the records so kept;

1 (8) Prescribing the kinds and quantities of liquor for which a  
2 prescription may be given, and the number of prescriptions which may be  
3 given to the same patient within a stated period;

4 (9) Prescribing the manner of giving and serving notices required  
5 by this title or the regulations, where not otherwise provided for in  
6 this title;

7 (10) Regulating premises in which liquor is kept for export from  
8 the state, or from which liquor is exported, prescribing the books and  
9 records to be kept therein and the reports to be made thereon to the  
10 board, and providing for the inspection of the premises and the books,  
11 records and the liquor so kept;

12 (11) Prescribing the conditions and qualifications requisite for  
13 the obtaining of club licenses and the books and records to be kept and  
14 the returns to be made by clubs, prescribing the manner of licensing  
15 clubs in any municipality or other locality, and providing for the  
16 inspection of clubs;

17 (12) Prescribing the conditions, accommodations, and qualifications  
18 requisite for the obtaining of licenses to sell beer, wines, and  
19 spirits, and regulating the sale of beer, wines, and spirits  
20 thereunder;

21 (13) Specifying and regulating the time and periods when, and the  
22 manner, methods and means by which manufacturers must deliver liquor  
23 within the state; and the time and periods when, and the manner,  
24 methods and means by which liquor may lawfully be conveyed or carried  
25 within the state;

26 (14) Providing for the making of returns by brewers of their sales  
27 of beer shipped within the state, or from the state, showing the gross  
28 amount of such sales and providing for the inspection of brewers' books  
29 and records, and for the checking of the accuracy of any such returns;

30 (15) Providing for the making of returns by the wholesalers of beer  
31 whose breweries are located beyond the boundaries of the state;

32 (16) Providing for the making of returns by any other liquor  
33 manufacturers, showing the gross amount of liquor produced or  
34 purchased, the amount sold within and exported from the state, and to  
35 whom so sold or exported, and providing for the inspection of the  
36 premises of any such liquor manufacturers, their books and records, and  
37 for the checking of any such return;

1 (17) Providing for the giving of fidelity bonds by any or all of  
2 the employees of the board. However, the premiums therefor must be  
3 paid by the board;

4 (18) Providing for the shipment of liquor to any person holding a  
5 permit and residing in any unit which has, by election pursuant to this  
6 title, prohibited the sale of liquor therein;

7 (19) Prescribing methods of manufacture, conditions of sanitation,  
8 standards of ingredients, quality and identity of alcoholic beverages  
9 manufactured, sold, bottled, or handled by licensees and the board; and  
10 conducting from time to time, in the interest of the public health and  
11 general welfare, scientific studies and research relating to alcoholic  
12 beverages and the use and effect thereof;

13 (20) Seizing, confiscating and destroying all alcoholic beverages  
14 manufactured, sold or offered for sale within this state which do not  
15 conform in all respects to the standards prescribed by this title or  
16 the regulations of the board. However, nothing herein contained may be  
17 construed as authorizing the liquor board to prescribe, alter, limit or  
18 in any way change the present law as to the quantity or percentage of  
19 alcohol used in the manufacturing of wine or other alcoholic beverages;

20 (21) Allowing spirits sampling under this act.

21 NEW SECTION. Sec. 5. Section 2 of this act expires December 1,  
22 2012.

23 NEW SECTION. Sec. 6. Section 3 of this act takes effect December  
24 1, 2012.

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