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**SUBSTITUTE HOUSE BILL 1805**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** House Government Accountability & Oversight (originally sponsored by Representatives Hansen, Haler, Nealey, and Appleton)

READ FIRST TIME 02/22/13.

1       AN ACT Relating to culinary class wine restaurant specialty  
2 licenses; amending RCW 66.20.300 and 66.20.310; and adding a new  
3 section to chapter 66.24 RCW.

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

5       NEW SECTION. **Sec. 1.** A new section is added to chapter 66.24 RCW  
6 to read as follows:

7       (1) There is a retailer's license to be designated as a culinary  
8 class specialty license to:

9       (a) Sell wine by the glass or bottle to culinary class participants  
10 for consumption on the premises to accompany food prepared as part of  
11 the culinary class activities;

12       (b) Sell wine by the bottle to the public for consumption off the  
13 premises; and

14       (c) Sell wine by the glass or bottle for consumption during off-  
15 site special events pursuant to subsection (5) of this section.

16       (2) For the purposes of this section, "culinary class" means a  
17 class offered by an establishment that is substantially engaged in  
18 teaching cooking techniques and/or wine appreciation for a fee.

19       (3) The annual fee for the license is five hundred fifty dollars.

1 (4) Participants of a licensee under this section may remove from  
2 the premises, recorked or recapped in its original container, any  
3 unconsumed portion of wine that was purchased for consumption on the  
4 premises or purchased for consumption at the off-site event authorized  
5 under subsection (5) of this section.

6 (5)(a) Licensees under this section may remove from its stocks at  
7 the licensed premises wine to sell and serve at event locations at a  
8 specified date and place not currently licensed by the board.

9 (b) The licensee, if requested by the board, must notify the board  
10 or its designee of the date, time, place, and location of any off-site  
11 event. Upon request, the licensee must provide to the board all  
12 necessary or requested information concerning the event.

13 (c) The licensee may, under conditions established by the board,  
14 store wine on the premises of another that is not licensed by the board  
15 so long as there is a written agreement between the licensee and the  
16 other party to provide for ongoing culinary class activities, the  
17 agreement contains no exclusivity clauses regarding the alcoholic  
18 beverages to be served, and the agreement is filed with the board.

19 (d) The licensee may, under conditions established by the board,  
20 store wine on other premises operated by the licensee so long as the  
21 other premises are owned or controlled by a leasehold interest by that  
22 licensee. A duplicate license may be issued for each additional  
23 premises. A license fee of twenty dollars is required for duplicate  
24 licenses.

25 (e) A licensee is allowed to engage in culinary class activities on  
26 a domestic winery premises or on the premises of a passenger vessel and  
27 may store wine at such premises under conditions established by the  
28 board provided that the following conditions are met:

29 (i) Agreements between the domestic winery or the passenger vessel  
30 and the licensee must be in writing, contain no exclusivity clauses  
31 regarding the alcoholic beverages to be served, and be filed with the  
32 board; and

33 (ii) The domestic winery or passenger vessel and the licensee must  
34 be separately contracted and compensated for their respective services.

35 (6) The licensee may furnish wine to the licensee's employees free  
36 of charge as may be required for use in connection with instruction on  
37 wine. The instruction may include the history, nature, values, and  
38 characteristics of wine, the use of wine lists, and the methods of

1 presenting, serving, storing, and handling wine. The licensee must use  
2 the wine it obtains under its license for the sampling as part of the  
3 instruction. The instruction must be given on the licensee's premises.

4 (7) All on-premise service of wine must be done by an alcohol  
5 server as defined in RCW 66.20.300 and must comply with RCW 66.20.310.

6 (8) The board may adopt rules, as the board deems necessary, to  
7 implement this section.

8 **Sec. 2.** RCW 66.20.300 and 2011 c 325 s 5 are each amended to read  
9 as follows:

10 Unless the context clearly requires otherwise, the definitions in  
11 this section apply throughout RCW 66.20.310 through 66.20.350.

12 (1) "Alcohol" has the same meaning as "liquor" in RCW 66.04.010.

13 (2) "Alcohol server" means any person who as part of his or her  
14 employment participates in the sale or service of alcoholic beverages  
15 for on-premise consumption at a retail licensed premise as a regular  
16 requirement of his or her employment, and includes those persons  
17 eighteen years of age or older permitted by the liquor laws of this  
18 state to serve alcoholic beverages with meals.

19 (3) "Board" means the Washington state liquor control board.

20 (4) "Training entity" means any liquor licensee associations,  
21 independent contractors, private persons, and private or public  
22 schools, that have been certified by the board.

23 (5) "Retail licensed premises" means any:

24 (a) Premises licensed to sell alcohol by the glass or by the drink,  
25 or in original containers primarily for consumption on the premises as  
26 authorized by RCW 66.24.320, 66.24.330, 66.24.350, 66.24.400,  
27 66.24.425, 66.24.450, 66.24.570, and 66.24.610;

28 (b) Distillery licensed pursuant to RCW 66.24.140 that is  
29 authorized to serve samples of its own production;

30 (c) Facility established by a domestic winery for serving and  
31 selling wine pursuant to RCW 66.24.170(4); (~~and~~)

32 (d) Grocery store licensed under RCW 66.24.360, but only with  
33 respect to employees whose duties include serving during tasting  
34 activities under RCW 66.24.363; and

35 (e) Culinary classes licensed under section 1 of this act, but only  
36 with respect to employees whose duties include serving and selling wine  
37 pursuant to section 1 of this act.

1       **Sec. 3.** RCW 66.20.310 and 2011 c 325 s 4 are each amended to read  
2 as follows:

3       (1)(a) There shall be an alcohol server permit, known as a class 12  
4 permit, for a manager or bartender selling or mixing alcohol, spirits,  
5 wines, or beer for consumption at an on-premises licensed facility.

6       (b) There shall be an alcohol server permit, known as a class 13  
7 permit, for a person who only serves alcohol, spirits, wines, or beer  
8 for consumption at an on-premises licensed facility.

9       (c) As provided by rule by the board, a class 13 permit holder may  
10 be allowed to act as a bartender without holding a class 12 permit.

11       (2)(a) Effective January 1, 1997, except as provided in (d) of this  
12 subsection, every alcohol server employed, under contract or otherwise,  
13 at a retail licensed premise shall be issued a class 12 or class 13  
14 permit.

15       (b) Every class 12 and class 13 permit issued shall be issued in  
16 the name of the applicant and no other person may use the permit of  
17 another permit holder. The holder shall present the permit upon  
18 request to inspection by a representative of the board or a peace  
19 officer. The class 12 or class 13 permit shall be valid for employment  
20 at any retail licensed premises described in (a) of this subsection.

21       (c) Except as provided in (d) of this subsection, no licensee  
22 holding a license as authorized by RCW 66.24.320, 66.24.330, 66.24.350,  
23 66.24.400, 66.24.425, 66.24.450, 66.24.570, 66.24.600, and 66.24.610  
24 may employ or accept the services of any person without the person  
25 first having a valid class 12 or class 13 permit.

26       (d) Within sixty days of initial employment, every person whose  
27 duties include the compounding, sale, service, or handling of liquor  
28 shall have a class 12 or class 13 permit.

29       (e) No person may perform duties that include the sale or service  
30 of alcoholic beverages on a retail licensed premises without possessing  
31 a valid alcohol server permit.

32       (3) A permit issued by a training entity under this section is  
33 valid for employment at any retail licensed premises described in  
34 subsection (2)(a) of this section for a period of five years unless  
35 suspended by the board.

36       (4) The board may suspend or revoke an existing permit if any of  
37 the following occur:

1 (a) The applicant or permittee has been convicted of violating any  
2 of the state or local intoxicating liquor laws of this state or has  
3 been convicted at any time of a felony; or

4 (b) The permittee has performed or permitted any act that  
5 constitutes a violation of this title or of any rule of the board.

6 (5) The suspension or revocation of a permit under this section  
7 does not relieve a licensee from responsibility for any act of the  
8 employee or agent while employed upon the retail licensed premises.  
9 The board may, as appropriate, revoke or suspend either the permit of  
10 the employee who committed the violation or the license of the licensee  
11 upon whose premises the violation occurred, or both the permit and the  
12 license.

13 (6)(a) After January 1, 1997, it is a violation of this title for  
14 any retail licensee or agent of a retail licensee as described in  
15 subsection (2)(a) of this section to employ in the sale or service of  
16 alcoholic beverages, any person who does not have a valid alcohol  
17 server permit or whose permit has been revoked, suspended, or denied.

18 (b) It is a violation of this title for a person whose alcohol  
19 server permit has been denied, suspended, or revoked to accept  
20 employment in the sale or service of alcoholic beverages.

21 (7) Grocery stores licensed under RCW 66.24.360, the primary  
22 commercial activity of which is the sale of grocery products and for  
23 which the sale and service of beer and wine for on-premises consumption  
24 with food is incidental to the primary business, and employees of such  
25 establishments, are exempt from RCW 66.20.300 through 66.20.350, except  
26 for employees whose duties include serving during tasting activities  
27 under RCW 66.24.363.

28 (8) Culinary classes licensed under section 1 of this act, the  
29 primary activity of which is the teaching of cooking techniques for a  
30 fee, and employees of culinary classes, are exempt from RCW 66.20.300  
31 through 66.20.350, except for employees whose duties include serving  
32 and selling wine pursuant to section 1 of this act.

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