
SENATE BILL 5164

State of Washington

65th Legislature

2017 Regular Session

By Senators Keiser, Fain, Rivers, and Rolfes

Read first time 01/16/17. Referred to Committee on Commerce, Labor & Sports.

1 AN ACT Relating to authorizing grocery store license endorsements
2 allowing beer and wine tastings at certain grocery stores that
3 specialize in the sale of meat, poultry, seafood, or cheese; and
4 amending RCW 66.24.363.

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

6 **Sec. 1.** RCW 66.24.363 and 2013 c 52 s 1 are each amended to read
7 as follows:

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

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

12 (a) The licensee operates a fully enclosed retail area
13 encompassing at least ten thousand square feet of fully enclosed
14 retail space within a single structure, including storerooms and
15 other interior auxiliary areas but excluding covered or fenced
16 exterior areas, whether or not attached to the structure, except that
17 the board may issue an endorsement to a licensee with a retail area
18 encompassing less than ten thousand square feet if:

19 (i) The board determines that no licensee in the community the
20 licensee serves meets the square footage requirement and the licensee
21 meets operational requirements established by the board by rule; or

1 (ii) The licensee derives at least fifty percent of its revenue
2 from the sale of any combination of (A) fresh meat, (B) fresh
3 poultry, (C) seafood, or (D) cheese. For the purposes of this
4 subsection, "fresh" has the same meaning as provided by the United
5 States food and drug administration under 21 C.F.R. 101.95; and

6 (b) The licensee has not had more than one public safety
7 violation within the past two years.

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

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

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

14 (c) The licensee must have food available for the tasting
15 participants;

16 (d) Customers must remain in the service area while consuming
17 samples; and

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

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

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

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

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

1 (b) The board may revoke an endorsement granted to a licensee
2 that is located within the boundaries of an alcohol impact area
3 recognized by resolution of the board if the board finds that the
4 tasting activities by the licensee are having an adverse effect on
5 the 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.
12 The board (~~shall~~) must review the fee annually and may increase the
13 fee by rule to a level sufficient to defray the cost of
14 administration and enforcement of the endorsement, except that the
15 board may not increase the fee by more than ten percent annually.

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

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