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**SUBSTITUTE SENATE BILL 6346**

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**State of Washington**                      **65th Legislature**                      **2018 Regular Session**

**By** Senate Labor & Commerce (originally sponsored by Senator Takko)

READ FIRST TIME 02/01/18.

1            AN ACT Relating to allowing the sale of wine by microbrewery  
2 license holders; and amending RCW 66.24.244.

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

4            **Sec. 1.** RCW 66.24.244 and 2015 c 42 s 1 are each amended to read  
5 as follows:

6            (1) There shall be a license for microbreweries; fee to be one  
7 hundred dollars for production of less than sixty thousand barrels of  
8 malt liquor, including strong beer, per year.

9            (2)(a) Any microbrewery licensed under this section may also act  
10 as a distributor and/or retailer for beer and strong beer of its own  
11 production.

12            (b) Any microbrewery operating as a distributor and/or retailer  
13 under this subsection must comply with the applicable laws and rules  
14 relating to distributors and/or retailers, except that a microbrewery  
15 operating as a distributor may maintain a warehouse off the premises  
16 of the microbrewery for the distribution of beer provided that:

17            (i) The warehouse has been approved by the board under RCW  
18 66.24.010; and

19            (ii) The number of warehouses off the premises of the  
20 microbrewery does not exceed one.

1 (c) A microbrewery holding a spirits, beer, and wine restaurant  
2 license may sell beer of its own production for off-premises  
3 consumption from its restaurant premises in kegs or in a sanitary  
4 container brought to the premises by the purchaser or furnished by  
5 the licensee and filled at the tap by the licensee at the time of  
6 sale.

7 (3) Any microbrewery licensed under this section may also sell  
8 from its premises for on-premises and off-premises consumption:

9 (a) Beer produced by another microbrewery or a domestic brewery  
10 as long as the other breweries' brands do not exceed twenty-five  
11 percent of the microbrewery's on-tap offerings; or

12 (b) Cider produced by a domestic winery.

13 (4) A microbrewery licensed under this section may apply to the  
14 board for an endorsement to sell glasses of wine produced by a  
15 domestic winery for on-premises consumption. The annual fee for this  
16 endorsement is one hundred twenty-five dollars.

17 (5) The board may issue up to two retail licenses allowing a  
18 microbrewery to operate an on or off-premises tavern, beer and/or  
19 wine restaurant, or spirits, beer, and wine restaurant.

20 ~~((+5))~~ (6) A microbrewery that holds a tavern license, spirits,  
21 beer, and wine restaurant license, or a beer and/or wine restaurant  
22 license holds the same privileges and endorsements as permitted under  
23 RCW 66.24.320, 66.24.330, and 66.24.420.

24 ~~((+6))~~ (7)(a) A microbrewery licensed under this section may  
25 apply to the board for an endorsement to sell bottled beer of its own  
26 production at retail for off-premises consumption at a qualifying  
27 farmers market. The annual fee for this endorsement is seventy-five  
28 dollars. However, strong beer may not be sold at a farmers market or  
29 under any endorsement which may authorize microbreweries to sell beer  
30 at farmers markets.

31 (b) For each month during which a microbrewery will sell beer at  
32 a qualifying farmers market, the microbrewery must provide the board  
33 or its designee a list of the dates, times, and locations at which  
34 bottled beer may be offered for sale. This list must be received by  
35 the board before the microbrewery may offer beer for sale at a  
36 qualifying farmers market.

37 (c) Any person selling or serving beer must obtain a class 12 or  
38 class 13 alcohol server permit.

39 (d) The beer sold at qualifying farmers markets must be produced  
40 in Washington.

1 (e) Each approved location in a qualifying farmers market is  
2 deemed to be part of the microbrewery license for the purpose of this  
3 title. The approved locations under an endorsement granted under this  
4 subsection (~~((6))~~) (7) include tasting or sampling privileges subject  
5 to the conditions pursuant to RCW 66.24.175. The microbrewery may not  
6 store beer at a farmers market beyond the hours that the microbrewery  
7 offers bottled beer for sale. The microbrewery may not act as a  
8 distributor from a farmers market location.

9 (f) Before a microbrewery may sell bottled beer at a qualifying  
10 farmers market, the farmers market must apply to the board for  
11 authorization for any microbrewery with an endorsement approved under  
12 this subsection (~~((6))~~) (7) to sell bottled beer at retail at the  
13 farmers market. This application must include, at a minimum: (i) A  
14 map of the farmers market showing all booths, stalls, or other  
15 designated locations at which an approved microbrewery may sell  
16 bottled beer; and (ii) the name and contact information for the on-  
17 site market managers who may be contacted by the board or its  
18 designee to verify the locations at which bottled beer may be sold.  
19 Before authorizing a qualifying farmers market to allow an approved  
20 microbrewery to sell bottled beer at retail at its farmers market  
21 location, the board must notify the persons or entities of the  
22 application for authorization pursuant to RCW 66.24.010 (8) and (9).  
23 An authorization granted under this subsection (~~((6))~~) (7)(f) may be  
24 withdrawn by the board for any violation of this title or any rules  
25 adopted under this title.

26 (g) The board may adopt rules establishing the application and  
27 approval process under this section and any additional rules  
28 necessary to implement this section.

29 (h) For the purposes of this subsection (~~((6))~~) (7):

30 (i) "Qualifying farmers market" has the same meaning as defined  
31 in RCW 66.24.170.

32 (ii) "Farmer" means a natural person who sells, with or without  
33 processing, agricultural products that he or she raises on land he or  
34 she owns or leases in this state or in another state's county that  
35 borders this state.

36 (iii) "Processor" means a natural person who sells processed food  
37 that he or she has personally prepared on land he or she owns or  
38 leases in this state or in another state's county that borders this  
39 state.

1 (iv) "Reseller" means a natural person who buys agricultural  
2 products from a farmer and resells the products directly to the  
3 consumer.

4 (~~(7)~~) (8) Any microbrewery licensed under this section may  
5 contract-produce beer for another microbrewer. This contract-  
6 production is not a sale for the purposes of RCW 66.28.170 and  
7 66.28.180.

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