
SENATE BILL 5394

State of Washington

67th Legislature

2021 Regular Session

By Senators Braun, Rolfes, Brown, Dhingra, Frockt, King, Kuderer, Lovelett, Nguyen, Nobles, Randall, Wagoner, Warnick, Wilson, C., and Wilson, L.

Read first time 02/01/21. Referred to Committee on Labor, Commerce & Tribal Affairs.

1 AN ACT Relating to the sale of liquor by licensed restaurants for
2 off-premises consumption; adding a new section to chapter 66.24 RCW;
3 and declaring an emergency.

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
6 RCW to read as follows:

7 (1)(a) Spirits, beer, and wine restaurant license holders may
8 sell closed, manufacturer-sealed, bottles or cans of beer, wine, and
9 spirits, when sold in combination with the sale of to-go food or by
10 delivery. This provision only applies to sales of alcohol that
11 includes the purchase of food. Liquor sales without food purchases
12 are not allowed under this section.

13 (b) Spirits, beer, and wine restaurant licensees, beer and wine
14 restaurant licensees, and tavern licensees may sell beer and wine for
15 curbside service under the following conditions:

16 (i) Beer must be in growlers, kegs, or factory-sealed bottles and
17 cans; and

18 (ii) Wine must be in factory-sealed bottles.

19 (c) Spirits, beer, and wine restaurant licensees, beer and wine
20 restaurant licensees, and tavern licensees may sell beer and wine for
21 delivery under the following conditions:

1 (i) Delivery of beer may include nonfactory-sealed cider
2 crowlers, jugs or other similar, nonfactory-sealed containers, or in
3 factory-sealed bottles, cans, or kegs holding four or more gallons.

4 (ii) Delivery of malt liquor in kegs or other containers capable
5 of holding four gallons or more liquid is allowed, provided the kegs
6 or containers are factory sealed and that the keg sales requirements
7 are followed.

8 (iii) Wine must be in factory-sealed bottles.

9 (d) Spirits, beer, and wine restaurant licensees may sell spirits
10 for curbside service or delivery in factory-sealed bottles.

11 (2) Spirits, beer, and wine restaurant licensees may sell
12 premixed alcoholic drinks, commonly referred to as cocktails, for
13 consumption off the licensed premises. In order to sell premixed
14 cocktails to-go, the licensee must:

15 (a) Ensure that a bona fide complete meal, as defined by the
16 board, is ordered with the premixed cocktail order and is prepared on
17 the restaurant's premises;

18 (b) Package the premixed cocktail in a container with a secure
19 lid or cap and in a manner designed to prevent consumption without
20 removal of the lid or cap;

21 (c) Deliver premixed spirits in the trunk of the vehicle or
22 beyond the immediate reach of the driver;

23 (d) Guarantee that delivery is made by a person twenty-one years
24 of age or over that is an employee of the business and holds a class
25 12 server permit;

26 (e) Guarantee that the person accepting the order or delivery is
27 twenty-one years of age or over; and

28 (f)(i) Prominently post the following warning in a manner that
29 puts consumers on notice of limitations regarding open container
30 laws: "Warning: Premixed alcoholic beverages that are packaged by
31 this establishment may not be consumed in a motor vehicle or
32 transported in a motor vehicle except in the vehicle's trunk; or, if
33 there is no trunk, in some other area of the vehicle not normally
34 occupied by the driver or passengers, this does not include a utility
35 compartment or glove compartment, but may include underneath a seat
36 outside of the driver's reach."

37 (ii) For the purposes of this subsection, "post" means to
38 prominently display on the premises, post online, or present in
39 whatever manner is necessary to ensure that the consumer purchasing,

1 or delivery person transporting, premixed alcoholic beverages is
2 given notice of this warning.

3 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of
5 the state government and its existing public institutions, and takes
6 effect immediately.

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