
HOUSE BILL 1422

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Condotta and Hurst

Read first time 01/25/13. Referred to Committee on Government
Accountability & Oversight.

1 AN ACT Relating to the beer and wine tasting endorsement for
2 grocery stores; and amending RCW 66.24.363.

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

4 **Sec. 1.** RCW 66.24.363 and 2010 c 141 s 1 are each amended to read
5 as follows:

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

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

10 (a) (~~The licensee has retail sales of grocery products for off-~~
11 ~~premises consumption that are more than fifty percent of the licensee's~~
12 ~~gross sales or the licensee is a membership organization that requires~~
13 ~~members to be at least eighteen years of age;~~

14 ~~(b))~~) The licensee operates a fully enclosed retail area
15 encompassing at least ((~~nine~~)) ten thousand square feet, except that
16 the board may issue an endorsement to a licensee with a retail area
17 encompassing less than ((~~nine~~)) ten thousand square feet if the board
18 determines that no licensee in the community the licensee serves meets

1 the square footage requirement and the licensee meets operational
2 requirements established by the board by rule; and

3 ~~((e))~~ (b) The licensee has not had more than one public safety
4 violation within the past two years.

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

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

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

11 (c) The licensee must have food available for the tasting
12 participants;

13 (d) Customers must remain in the service area while consuming
14 samples; and

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

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

23 (5) Tasting activities under this section are subject to RCW
24 66.28.305 and 66.28.040 and the cost of sampling may not be borne,
25 directly or indirectly, by any liquor manufacturer, importer, or
26 distributor.

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

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

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

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

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