
SUBSTITUTE HOUSE BILL 1422

State of Washington 63rd Legislature 2013 Regular Session

By House Government Accountability & Oversight (originally sponsored by Representatives Condotta and Hurst)

READ FIRST TIME 02/18/13.

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
19 the square footage requirement and the licensee meets operational

1 requirements established by the board by rule. For the purposes of
2 this subsection (2)(a), "fully enclosed retail area" means fully
3 enclosed retail space within a single structure, including storerooms
4 and other interior auxiliary areas but excluding covered or fenced
5 exterior areas, whether or not attached to the structure; and

6 ((+e)) (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 or
12 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 design
20 such that the licensee can observe and control persons in the area to
21 ensure that persons under twenty-one years of age and apparently
22 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 store,
31 on a store web site, in store newsletters and flyers, and via e-mail
32 and mail to customers who have requested notice of events. Advertising
33 under this subsection may not be targeted to or appeal principally to
34 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 suspend
37 the licensee's tasting endorsement and not reissue the endorsement for

1 up to two years from the date of the violation. If mitigating
2 circumstances exist, the board may offer a monetary penalty in lieu of
3 suspension during a settlement conference.

4 (b) The board may revoke an endorsement granted to a licensee that
5 is located within the boundaries of an alcohol impact area recognized
6 by resolution of the board if the board finds that the tasting
7 activities by the licensee are having an adverse effect on the
8 reduction of chronic public inebriation in the area.

9 (c) RCW 66.08.150 applies to the suspension or revocation of an
10 endorsement.

11 (8) The board may establish additional requirements under this
12 section to assure that persons under twenty-one years of age and
13 apparently intoxicated persons cannot possess or consume alcohol.

14 (9) The annual fee for the endorsement is two hundred dollars. The
15 board shall review the fee annually and may increase the fee by rule to
16 a level sufficient to defray the cost of administration and enforcement
17 of the endorsement, except that the board may not increase the fee by
18 more than ten percent annually.

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

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