
SENATE BILL 6122

State of Washington

65th Legislature

2018 Regular Session

By Senator Honeyford

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1 AN ACT Relating to beer, wine, cider, and mead at farmers
2 markets; and amending RCW 66.24.244, 66.24.170, 66.24.175, and
3 66.04.010.

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

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

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

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

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

18 (i) The warehouse has been approved by the board under RCW
19 66.24.010; and

20 (ii) The number of warehouses off the premises of the
21 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) The board may issue up to two retail licenses allowing a
14 microbrewery to operate an on or off-premises tavern, beer and/or
15 wine restaurant, or spirits, beer, and wine restaurant.

16 (5) A microbrewery that holds a tavern license, spirits, beer,
17 and wine restaurant license, or a beer and/or wine restaurant license
18 holds the same privileges and endorsements as permitted under RCW
19 66.24.320, 66.24.330, and 66.24.420.

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

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

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

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

37 (e) Each approved location in a qualifying farmers market is
38 deemed to be part of the microbrewery license for the purpose of this
39 title. The approved locations under an endorsement granted under this
40 subsection (6) include tasting or sampling privileges subject to the

1 conditions pursuant to RCW 66.24.175. The microbrewery may not store
2 beer at a farmers market beyond the hours that the microbrewery
3 offers (~~bottled~~) beer for sale. The microbrewery may not act as a
4 distributor from a farmers market location.

5 (f) Before a microbrewery may sell bottled beer and growlers of
6 beer at a qualifying farmers market, the farmers market must apply to
7 the board for authorization for any microbrewery with an endorsement
8 approved under this subsection (6) to sell (~~bottled~~) beer at retail
9 at the farmers market. This application must include, at a minimum:

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

22 (g) The board may adopt rules establishing the application and
23 approval process under this section and any additional rules
24 necessary to implement this section.

25 (h) For the purposes of this subsection (6):

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

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

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

36 (iv) "Reseller" means a natural person who buys agricultural
37 products from a farmer and resells the products directly to the
38 consumer.

39 (7) Any microbrewery licensed under this section may
40 contract-produce beer for another microbrewer. This contract-

1 production is not a sale for the purposes of RCW 66.28.170 and
2 66.28.180.

3 **Sec. 2.** RCW 66.24.170 and 2017 c 238 s 1 are each amended to
4 read as follows:

5 (1) There is a license for domestic wineries; fee to be computed
6 only on the liters manufactured: Less than two hundred fifty thousand
7 liters per year, one hundred dollars per year; and two hundred fifty
8 thousand liters or more per year, four hundred dollars per year.

9 (2) The license allows for the manufacture of wine in Washington
10 state from grapes or other agricultural products.

11 (3) Any domestic winery licensed under this section may also act
12 as a retailer of wine of its own production. Any domestic winery
13 licensed under this section may act as a distributor of its own
14 production. Notwithstanding any language in this title to the
15 contrary, a domestic winery may use a common carrier to deliver up to
16 one hundred cases of its own production, in the aggregate, per month
17 to licensed Washington retailers. A domestic winery may not arrange
18 for any such common carrier shipments to licensed retailers of wine
19 not of its own production. Except as provided in this section, any
20 winery operating as a distributor and/or retailer under this
21 subsection must comply with the applicable laws and rules relating to
22 distributors and/or retailers, except that a winery operating as a
23 distributor may maintain a warehouse off the premises of the winery
24 for the distribution of wine of its own production provided that: (a)
25 The warehouse has been approved by the board under RCW 66.24.010; and
26 (b) the number of warehouses off the premises of the winery does not
27 exceed one.

28 (4) A domestic winery licensed under this section, at locations
29 separate from any of its production or manufacturing sites, may serve
30 samples of its own products, with or without charge, may sell wine of
31 its own production at retail, and may sell for off-premises
32 consumption wines of its own production in kegs or sanitary
33 containers meeting the applicable requirements of federal law brought
34 to the premises by the purchaser or furnished by the licensee and
35 filled at the tap at the time of sale, provided that: (a) Each
36 additional location has been approved by the board under RCW
37 66.24.010; (b) the total number of additional locations does not
38 exceed four; (c) a winery may not act as a distributor at any such
39 additional location; and (d) any person selling or serving wine at an

1 additional location for on-premises consumption must obtain a class
2 12 or class 13 alcohol server permit. Each additional location is
3 deemed to be part of the winery license for the purpose of this
4 title. At additional locations operated by multiple wineries under
5 this section, if the board cannot connect a violation of RCW
6 66.44.200 or 66.44.270 to a single licensee, the board may hold all
7 licensees operating the additional location jointly liable. Nothing
8 in this subsection may be construed to prevent a domestic winery from
9 holding multiple domestic winery licenses.

10 (5)(a) A domestic winery licensed under this section may apply to
11 the board for an endorsement to sell ~~((wine))~~ the following products
12 of its own production at retail for off-premises consumption at a
13 qualifying farmers market:

14 (i) Bottles of wine;

15 (ii) Bottles and growlers of mead, as defined in RCW
16 66.24.215(1)(f), with an alcohol content equal to or less than
17 fourteen percent by volume; and

18 (iii) Bottles and growlers of cider, as defined in RCW
19 66.24.210(6).

20 (b) The annual fee for this endorsement is seventy-five dollars.
21 An endorsement issued pursuant to this subsection does not count
22 toward the four additional retail locations limit specified in this
23 section.

24 ~~((b))~~ (c) For each month during which a domestic winery will
25 sell ~~((wine))~~ any products described in (a) of this subsection at a
26 qualifying farmers market, the winery must provide the board or its
27 designee a list of the dates, times, and locations at which ~~((bottled~~
28 ~~wine))~~ such products may be offered for sale. This list must be
29 received by the board before the winery may offer wine, cider or mead
30 for sale at a qualifying farmers market.

31 ~~((c))~~ (d) The wine, cider, or mead sold at qualifying farmers
32 markets must be made entirely from grapes grown in a recognized
33 Washington appellation or from other agricultural products grown in
34 this state.

35 ~~((d))~~ (e) Each approved location in a qualifying farmers market
36 is deemed to be part of the winery license for the purpose of this
37 title. The approved locations under an endorsement granted under this
38 subsection include tasting or sampling privileges subject to the
39 conditions pursuant to RCW 66.24.175. The winery may not store wine,
40 cider, or mead at a farmers market beyond the hours that the winery

1 offers (~~bottled~~) wine, cider, or mead for sale. The winery may not
2 act as a distributor from a farmers market location.

3 (~~(e)~~) (f) Before a winery may sell (~~bottled~~) wine, cider, or
4 mead at a qualifying farmers market under (a) of this subsection, the
5 farmers market must apply to the board for authorization for any
6 winery with an endorsement approved under this subsection to sell
7 (~~bottled~~) wine, cider, or mead at retail at the farmers market.
8 This application shall include, at a minimum: (i) A map of the
9 farmers market showing all booths, stalls, or other designated
10 locations at which an approved winery may sell bottled wine and
11 bottles and growlers of cider and mead; and (ii) the name and contact
12 information for the on-site market managers who may be contacted by
13 the board or its designee to verify the locations at which (~~bottled~~
14 ~~wine~~) such products may be sold. Before authorizing a qualifying
15 farmers market to allow an approved winery to sell bottled wine and
16 bottles and growlers of cider and mead at retail at its farmers
17 market location, the board must notify the persons or entities of
18 such application for authorization pursuant to RCW 66.24.010 (8) and
19 (9). An authorization granted under this subsection (5)(~~(e)~~) (f)
20 may be withdrawn by the board for any violation of this title or any
21 rules adopted under this title.

22 (~~(f)~~) (g) The board may adopt rules establishing the
23 application and approval process under this section and such
24 additional rules as may be necessary to implement this section.

25 (~~(g)~~) (h) For the purposes of this subsection:

26 (i) "Qualifying farmers market" means an entity that sponsors a
27 regular assembly of vendors at a defined location for the purpose of
28 promoting the sale of agricultural products grown or produced in this
29 state directly to the consumer under conditions that meet the
30 following minimum requirements:

31 (A) There are at least five participating vendors who are farmers
32 selling their own agricultural products;

33 (B) The total combined gross annual sales of vendors who are
34 farmers exceeds the total combined gross annual sales of vendors who
35 are processors or resellers. However, if a farmers market does not
36 satisfy this subsection (5)(~~(g)~~) (h)(i)(B), a farmers market is
37 still considered a "qualifying farmers market" if the total combined
38 gross annual sales of farmers and processors at the farmers market is
39 one million dollars or more;

1 (C) The total combined gross annual sales of vendors who are
2 farmers, processors, or resellers exceeds the total combined gross
3 annual sales of vendors who are not farmers, processors, or
4 resellers;

5 (D) The sale of imported items and secondhand items by any vendor
6 is prohibited; and

7 (E) No vendor is a franchisee.

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

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

16 (iv) "Reseller" means a natural person who buys agricultural
17 products from a farmer and resells the products directly to the
18 consumer.

19 (6) Wine produced in Washington state by a domestic winery
20 licensee may be shipped out-of-state for the purpose of making it
21 into sparkling wine and then returned to such licensee for resale.
22 Such wine is deemed wine manufactured in the state of Washington for
23 the purposes of RCW 66.24.206, and shall not require a special
24 license.

25 (7) During an event held by a nonprofit holding a special
26 occasion license issued under RCW 66.24.380, a domestic winery
27 licensed under this section may take orders, either in writing or
28 electronically, and accept payment for wines of its own production
29 under the following conditions:

30 (a) Wine produced by the domestic winery may be served for on-
31 premises consumption by the special occasion licensee;

32 (b) The domestic winery delivers wine to the consumer on a date
33 after the conclusion of the special occasion event;

34 (c) The domestic winery delivers wine to the consumer at a
35 location different from the location at which the special occasion
36 event is held;

37 (d) The domestic winery complies with all requirements in chapter
38 66.20 RCW for direct sale of wine to consumers;

39 (e) The wine is not sold for resale; and

1 (f) The domestic winery is entitled to all proceeds from the sale
2 and delivery of its wine to a consumer after the conclusion of the
3 special occasion event, but may enter into an agreement to share a
4 portion of the proceeds of these sales with the special occasion
5 licensee licensed under RCW 66.24.380.

6 **Sec. 3.** RCW 66.24.175 and 2014 c 105 s 2 are each amended to
7 read as follows:

8 (1) A qualifying farmers market authorized to allow wineries to
9 sell bottled wine and bottles and growlers of cider and mead at
10 retail under RCW 66.24.170 or microbreweries to sell ~~((bottled))~~
11 bottles and growlers of beer at retail under RCW 66.24.244, or both,
12 may apply to the liquor ~~((control))~~ and cannabis board for an
13 endorsement to allow sampling of ~~((wine or beer or both))~~ any or all
14 of these products. A winery or microbrewery offering samples under
15 this section must have an endorsement from the board to sell wine,
16 cider, and mead or beer, as the case may be, of its own production at
17 a qualifying farmers market under RCW 66.24.170 or 66.24.244~~((~~
18 ~~respectively))~~.

19 (2) Samples may be offered only under the following conditions:

20 (a) No more than three wineries or microbreweries combined may
21 offer samples at a qualifying farmers market per day.

22 (b) Samples must be two ounces or less. A winery or microbrewery
23 may provide a maximum of two ounces of ~~((wine or beer))~~ alcohol to a
24 customer per day.

25 (c) A winery or microbrewery may advertise that it offers samples
26 only at its designated booth, stall, or other designated location at
27 the farmers market.

28 (d) Customers must remain at the designated booth, stall, or
29 other designated location while sampling ~~((beer or wine))~~ alcohol.

30 (e) Winery and microbrewery licensees and employees who are
31 involved in sampling activities under this section must hold a class
32 12 or class 13 alcohol server permit.

33 (f) A winery or microbrewery must have food available for
34 customers to consume while sampling ~~((beer or wine))~~ alcohol, or must
35 be adjacent to a vendor offering prepared food.

36 (3) The board may establish additional requirements to ensure
37 that persons under twenty-one years of age and apparently intoxicated
38 persons may not possess or consume alcohol under the authority
39 granted in this section.

1 (4) The board may prohibit sampling at a farmers market that is
2 within the boundaries of an alcohol impact area recognized by
3 resolution of the board if the board finds that the sampling
4 activities at the farmers market have an adverse effect on the
5 reduction of chronic public inebriation in the area.

6 (5) If a winery or microbrewery is found to have committed a
7 public safety violation in conjunction with tasting activities, the
8 board may suspend the licensee's farmers market endorsement and not
9 reissue the endorsement for up to two years from the date of the
10 violation. If mitigating circumstances exist, the board may offer a
11 monetary penalty in lieu of suspension during a settlement
12 conference.

13 (6) For the purposes of this section(~~(7-a)~~):

14 (a) "Qualifying farmers market" has the same meaning as defined
15 in RCW 66.24.170;

16 (b) "Cider" has the same meaning as defined in RCW 66.24.210(6);
17 and

18 (c) "Mead" has the same meaning as defined in RCW
19 66.24.215(1)(f).

20 **Sec. 4.** RCW 66.04.010 and 2015 c 193 s 3 are each amended to
21 read as follows:

22 In this title, unless the context otherwise requires:

23 (1) "Alcohol" is that substance known as ethyl alcohol, hydrated
24 oxide of ethyl, or spirit of wine, which is commonly produced by the
25 fermentation or distillation of grain, starch, molasses, or sugar, or
26 other substances including all dilutions and mixtures of this
27 substance. The term "alcohol" does not include alcohol in the
28 possession of a manufacturer or distiller of alcohol fuel, as
29 described in RCW 66.12.130, which is intended to be denatured and
30 used as a fuel for use in motor vehicles, farm implements, and
31 machines or implements of husbandry.

32 (2) "Authorized representative" means a person who:

33 (a) Is required to have a federal basic permit issued pursuant to
34 the federal alcohol administration act, 27 U.S.C. Sec. 204;

35 (b) Has its business located in the United States outside of the
36 state of Washington;

37 (c) Acquires ownership of beer or wine for transportation into
38 and resale in the state of Washington; and which beer or wine is

1 produced by a brewery or winery in the United States outside of the
2 state of Washington; and

3 (d) Is appointed by the brewery or winery referenced in (c) of
4 this subsection as its authorized representative for marketing and
5 selling its products within the United States in accordance with a
6 written agreement between the authorized representative and such
7 brewery or winery pursuant to this title.

8 (3) "Beer" means any malt beverage, flavored malt beverage, or
9 malt liquor as these terms are defined in this chapter.

10 (4) "Beer distributor" means a person who buys beer from a
11 domestic brewery, microbrewery, beer certificate of approval holder,
12 or beer importers, or who acquires foreign produced beer from a
13 source outside of the United States, for the purpose of selling the
14 same pursuant to this title, or who represents such brewer or brewery
15 as agent.

16 (5) "Beer importer" means a person or business within Washington
17 who purchases beer from a beer certificate of approval holder or who
18 acquires foreign produced beer from a source outside of the United
19 States for the purpose of selling the same pursuant to this title.

20 (6) "Board" means the liquor (~~control~~) and cannabis board,
21 constituted under this title.

22 (7) "Brewer" or "brewery" means any person engaged in the
23 business of manufacturing beer and malt liquor. Brewer includes a
24 brand owner of malt beverages who holds a brewer's notice with the
25 federal bureau of alcohol, tobacco, and firearms at a location
26 outside the state and whose malt beverage is contract-produced by a
27 licensed in-state brewery, and who may exercise within the state,
28 under a domestic brewery license, only the privileges of storing,
29 selling to licensed beer distributors, and exporting beer from the
30 state.

31 (8) "Club" means an organization of persons, incorporated or
32 unincorporated, operated solely for fraternal, benevolent,
33 educational, athletic, or social purposes, and not for pecuniary
34 gain.

35 (9) "Confection" means a preparation of sugar, honey, or other
36 natural or artificial sweeteners in combination with chocolate,
37 fruits, nuts, dairy products, or flavorings, in the form of bars,
38 drops, or pieces.

39 (10) "Consume" includes the putting of liquor to any use, whether
40 by drinking or otherwise.

1 (11) "Contract liquor store" means a business that sells liquor
2 on behalf of the board through a contract with a contract liquor
3 store manager.

4 (12) "Craft distillery" means a distillery that pays the reduced
5 licensing fee under RCW 66.24.140.

6 (13) "Dentist" means a practitioner of dentistry duly and
7 regularly licensed and engaged in the practice of his or her
8 profession within the state pursuant to chapter 18.32 RCW.

9 (14) "Distiller" means a person engaged in the business of
10 distilling spirits.

11 (15) "Domestic brewery" means a place where beer and malt liquor
12 are manufactured or produced by a brewer within the state.

13 (16) "Domestic winery" means a place where wines are manufactured
14 or produced within the state of Washington.

15 (17) "Drug store" means a place whose principal business is, the
16 sale of drugs, medicines, and pharmaceutical preparations and
17 maintains a regular prescription department and employs a registered
18 pharmacist during all hours the drug store is open.

19 (18) "Druggist" means any person who holds a valid certificate
20 and is a registered pharmacist and is duly and regularly engaged in
21 carrying on the business of pharmaceutical chemistry pursuant to
22 chapter 18.64 RCW.

23 (19) "Employee" means any person employed by the board.

24 (20) "Flavored malt beverage" means:

25 (a) A malt beverage containing six percent or less alcohol by
26 volume to which flavoring or other added nonbeverage ingredients are
27 added that contain distilled spirits of not more than forty-nine
28 percent of the beverage's overall alcohol content; or

29 (b) A malt beverage containing more than six percent alcohol by
30 volume to which flavoring or other added nonbeverage ingredients are
31 added that contain distilled spirits of not more than one and
32 one-half percent of the beverage's overall alcohol content.

33 (21) "Fund" means 'liquor revolving fund.'

34 (22) "Hotel" means buildings, structures, and grounds, having
35 facilities for preparing, cooking, and serving food, that are kept,
36 used, maintained, advertised, or held out to the public to be a place
37 where food is served and sleeping accommodations are offered for pay
38 to transient guests, in which twenty or more rooms are used for the
39 sleeping accommodation of such transient guests. The buildings,

1 structures, and grounds must be located on adjacent property either
2 owned or leased by the same person or persons.

3 (23) "Importer" means a person who buys distilled spirits from a
4 distillery outside the state of Washington and imports such
5 spirituous liquor into the state for sale to the board or for export.

6 (24) "Imprisonment" means confinement in the county jail.

7 (25) "Liquor" includes the four varieties of liquor herein
8 defined (alcohol, spirits, wine, and beer), and all fermented,
9 spirituous, vinous, or malt liquor, or combinations thereof, and
10 mixed liquor, a part of which is fermented, spirituous, vinous or
11 malt liquor, or otherwise intoxicating; and every liquid or solid or
12 semisolid or other substance, patented or not, containing alcohol,
13 spirits, wine, or beer, and all drinks or drinkable liquids and all
14 preparations or mixtures capable of human consumption, and any
15 liquid, semisolid, solid, or other substance, which contains more
16 than one percent of alcohol by weight shall be conclusively deemed to
17 be intoxicating. Liquor does not include confections or food products
18 that contain one percent or less of alcohol by weight.

19 (26) "Malt beverage" or "malt liquor" means any beverage such as
20 beer, ale, lager beer, stout, and porter obtained by the alcoholic
21 fermentation of an infusion or decoction of pure hops, or pure
22 extract of hops and pure barley malt or other wholesome grain or
23 cereal in pure water containing not more than eight percent of
24 alcohol by weight, and not less than one-half of one percent of
25 alcohol by volume. For the purposes of this title, any such beverage
26 containing more than eight percent of alcohol by weight shall be
27 referred to as "strong beer."

28 (27) "Manufacturer" means a person engaged in the preparation of
29 liquor for sale, in any form whatsoever.

30 (28) "Nightclub" means an establishment that provides
31 entertainment and has as its primary source of revenue (a) the sale
32 of alcohol for consumption on the premises, (b) cover charges, or (c)
33 both.

34 (29) "Package" means any container or receptacle used for holding
35 liquor.

36 (30) "Passenger vessel" means any boat, ship, vessel, barge, or
37 other floating craft of any kind carrying passengers for
38 compensation.

39 (31) "Permit" means a permit for the purchase of liquor under
40 this title.

1 (32) "Person" means an individual, copartnership, association, or
2 corporation.

3 (33) "Physician" means a medical practitioner duly and regularly
4 licensed and engaged in the practice of his or her profession within
5 the state pursuant to chapter 18.71 RCW.

6 (34) "Powdered alcohol" means any powder or crystalline substance
7 containing alcohol that is produced for direct use or reconstitution.

8 (35) "Prescription" means a memorandum signed by a physician and
9 given by him or her to a patient for the obtaining of liquor pursuant
10 to this title for medicinal purposes.

11 (36) "Public place" includes streets and alleys of incorporated
12 cities and towns; state or county or township highways or roads;
13 buildings and grounds used for school purposes; public dance halls
14 and grounds adjacent thereto; those parts of establishments where
15 beer may be sold under this title, soft drink establishments, public
16 buildings, public meeting halls, lobbies, halls and dining rooms of
17 hotels, restaurants, theatres, stores, garages and filling stations
18 which are open to and are generally used by the public and to which
19 the public is permitted to have unrestricted access; railroad trains,
20 stages, and other public conveyances of all kinds and character, and
21 the depots and waiting rooms used in conjunction therewith which are
22 open to unrestricted use and access by the public; publicly owned
23 bathing beaches, parks, and/or playgrounds; and all other places of
24 like or similar nature to which the general public has unrestricted
25 right of access, and which are generally used by the public.

26 (37) "Regulations" means regulations made by the board under the
27 powers conferred by this title.

28 (38) "Restaurant" means any establishment provided with special
29 space and accommodations where, in consideration of payment, food,
30 without lodgings, is habitually furnished to the public, not
31 including drug stores and soda fountains.

32 (39) "Sale" and "sell" include exchange, barter, and traffic; and
33 also include the selling or supplying or distributing, by any means
34 whatsoever, of liquor, or of any liquid known or described as beer or
35 by any name whatever commonly used to describe malt or brewed liquor
36 or of wine, by any person to any person; and also include a sale or
37 selling within the state to a foreign consignee or his or her agent
38 in the state. "Sale" and "sell" shall not include the giving, at no
39 charge, of a reasonable amount of liquor by a person not licensed by
40 the board to a person not licensed by the board, for personal use

1 only. "Sale" and "sell" also does not include a raffle authorized
2 under RCW 9.46.0315: PROVIDED, That the nonprofit organization
3 conducting the raffle has obtained the appropriate permit from the
4 board.

5 (40) "Service bar" means a fixed or portable table, counter,
6 cart, or similar work station primarily used to prepare, mix, serve,
7 and sell alcohol that is picked up by employees or customers.
8 Customers may not be seated or allowed to consume food or alcohol at
9 a service bar.

10 (41) "Soda fountain" means a place especially equipped with
11 apparatus for the purpose of dispensing soft drinks, whether mixed or
12 otherwise.

13 (42) "Spirits" means any beverage which contains alcohol obtained
14 by distillation, except flavored malt beverages, but including wines
15 exceeding twenty-four percent of alcohol by volume.

16 (43) "Store" means a state liquor store established under this
17 title.

18 (44) "Tavern" means any establishment with special space and
19 accommodation for sale by the glass and for consumption on the
20 premises, of beer, as herein defined.

21 (45) "VIP airport lounge" means an establishment within an
22 international airport located beyond security checkpoints that
23 provides a special space to sit, relax, read, work, and enjoy
24 beverages where access is controlled by the VIP airport lounge
25 operator and is generally limited to the following classifications of
26 persons:

27 (a) Airline passengers of any age whose admission is based on a
28 first-class, executive, or business class ticket;

29 (b) Airline passengers of any age who are qualified members or
30 allowed guests of certain frequent flyer or other loyalty incentive
31 programs maintained by airlines that have agreements describing the
32 conditions for access to the VIP airport lounge;

33 (c) Airline passengers of any age who are qualified members or
34 allowed guests of certain enhanced amenities programs maintained by
35 companies that have agreements describing the conditions for access
36 to the VIP airport lounge;

37 (d) Airport and airline employees, government officials, foreign
38 dignitaries, and other attendees of functions held by the airport
39 authority or airlines related to the promotion of business objectives
40 such as increasing international air traffic and enhancing foreign

1 trade where access to the VIP airport lounge will be controlled by
2 the VIP airport lounge operator; and

3 (e) Airline passengers of any age or airline employees whose
4 admission is based on a pass issued or permission given by the
5 airline for access to the VIP airport lounge.

6 (46) "VIP airport lounge operator" means an airline, port
7 district, or other entity operating a VIP airport lounge that: Is
8 accountable for compliance with the alcohol beverage control act
9 under this title; holds the license under chapter 66.24 RCW issued to
10 the VIP airport lounge; and provides a point of contact for
11 addressing any licensing and enforcement by the board.

12 (47)(a) "Wine" means any alcoholic beverage obtained by
13 fermentation of fruits (grapes, berries, apples, et cetera) or other
14 agricultural product containing sugar, to which any saccharine
15 substances may have been added before, during or after fermentation,
16 and containing not more than twenty-four percent of alcohol by
17 volume, including sweet wines fortified with wine spirits, such as
18 port, sherry, muscatel, and angelica, not exceeding twenty-four
19 percent of alcohol by volume and not less than one-half of one
20 percent of alcohol by volume. For purposes of this title, any
21 beverage containing no more than fourteen percent of alcohol by
22 volume when bottled or packaged by the manufacturer shall be referred
23 to as "table wine," and any beverage containing alcohol in an amount
24 more than fourteen percent by volume when bottled or packaged by the
25 manufacturer shall be referred to as "fortified wine." However,
26 "fortified wine" shall not include: (i) Wines that are both sealed or
27 capped by cork closure and aged two years or more; and (ii) wines
28 that contain more than fourteen percent alcohol by volume solely as a
29 result of the natural fermentation process and that have not been
30 produced with the addition of wine spirits, brandy, or alcohol.

31 (b) This subsection shall not be interpreted to require that any
32 wine be labeled with the designation "table wine" or "fortified
33 wine."

34 (48) "Wine distributor" means a person who buys wine from a
35 domestic winery, wine certificate of approval holder, or wine
36 importer, or who acquires foreign produced wine from a source outside
37 of the United States, for the purpose of selling the same not in
38 violation of this title, or who represents such vintner or winery as
39 agent.

1 (49) "Wine importer" means a person or business within Washington
2 who purchases wine from a wine certificate of approval holder or who
3 acquires foreign produced wine from a source outside of the United
4 States for the purpose of selling the same pursuant to this title.

5 (50) "Winery" means a business conducted by any person for the
6 manufacture of wine for sale, other than a domestic winery.

7 (51) "Growler" means a sanitary container brought to an
8 authorized premises by the purchaser, or provided by a licensee, and
9 filled at the tap by the licensee at the time of sale by an employee
10 of the licensee.

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