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**SUBSTITUTE SENATE BILL 5517**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** Senate Commerce & Labor (originally sponsored by Senators Hobbs, Hewitt, Hatfield, Honeyford, and Shin)

READ FIRST TIME 02/19/13.

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 of fully  
16 enclosed retail space within a single structure, including storerooms  
17 and other interior auxiliary areas but excluding covered or fenced  
18 exterior areas, whether or not attached to the structure, except that  
19 the board may issue an endorsement to a licensee with a retail area

1 encompassing less than (~~nine~~) ten thousand square feet if the board  
2 determines that no licensee in the community the licensee serves meets  
3 the square footage requirement and the licensee meets operational  
4 requirements established by the board by rule; and

5 (~~(c)~~) (b) The licensee has not had more than one public safety  
6 violation within the past two years.

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

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

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

13 (c) The licensee must have food available for the tasting  
14 participants;

15 (d) Customers must remain in the service area while consuming  
16 samples; and

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

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

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

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

34 (7)(a) If a licensee is found to have committed a public safety  
35 violation in conjunction with tasting activities, the board may suspend  
36 the licensee's tasting endorsement and not reissue the endorsement for  
37 up to two years from the date of the violation. If mitigating

1 circumstances exist, the board may offer a monetary penalty in lieu of  
2 suspension during a settlement conference.

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

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

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

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

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

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