

Initiative Measure No. 1105

FILED

MAY 17 2010

SECRETARY OF STATE
STATE OF WASHINGTON

1 AN ACT Relating to privatizing the sale of spirits; amending RCW
2 66.08.050, 66.24.310, 66.28.030, 66.28.070, 66.28.180, 66.28.170,
3 66.28.190, 66.08.020, 66.08.026, 66.08.030, 66.24.145, 66.24.160,
4 66.28.060, and 66.44.120; reenacting and amending RCW 66.04.010; adding
5 new sections to chapter 66.24 RCW; adding a new section to chapter
6 66.28 RCW; creating new sections; repealing RCW 66.08.070, 66.08.075,
7 66.08.160, 66.08.165, 66.08.166, 66.08.167, 66.08.220, 66.08.235,
8 66.16.010, 66.16.040, 66.16.041, 66.16.050, 66.16.060, 66.16.070,
9 66.16.100, 66.16.110, 66.16.120, 66.28.045, and 82.08.150; and
10 providing an effective date.

11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

12 **PART I**

13 **RETAIL SALE OF SPIRITS**

14 NEW SECTION. **Sec. 101.** (1) The people of the state of Washington
15 intend for privatization of spirits retail and distribution to result
16 in a system that is more efficient than public sector retail and
17 distribution of spirits. The people intend, therefore, that the
18 privatization of spirits retail and distribution not result in revenue

1 losses to state or local governments. The people further intend to
2 provide for an orderly transition from the current state control system
3 to a privatized system of spirits retail and distribution.

4 (2) Persons holding a spirits distributor license may commence sale
5 of spirits on October 1, 2011. Persons holding a spirits retailer
6 license may commence sale of spirits on November 1, 2011. The state of
7 Washington must cease operation of all state liquor stores no later
8 than April 1, 2012. The liquor control board must make a good faith
9 effort to sell all inventory and assets of state liquor stores and
10 distribution centers to buyers no later than April 1, 2012. The liquor
11 control board is directed to take all necessary measures to effect an
12 orderly transition from the current state control system to a
13 privatized system of spirits retail and distribution by April 1, 2012,
14 including, if necessary, a report to the legislature on further
15 necessary legislation, which may include provision for the retraining
16 of any state worker displaced by the privatization of spirits retail or
17 distribution. The liquor control board is further directed to issue a
18 rule, in accordance with the provisions of the administrative procedure
19 act, chapter 34.05 RCW, to govern the sale of spirits to tribes on
20 terms consistent with and no less favorable to tribes than those
21 reflected in WAC 314-37-010.

22 (3) The people direct the liquor control board to present a report
23 to the legislature by January 1, 2011, on a recommended rate of
24 taxation, to be calculated at a per-liter basis and to be paid by
25 spirits distributors, on all spirits sold to spirits distributors
26 within the state. The liquor control board is directed to recommend a
27 rate of taxation that, along with other spirits-related revenue
28 sources, would project to generate at least the same annual revenue for
29 the state and local jurisdictions as under the current state control
30 system, as well as at least an additional one hundred million dollars
31 in projected revenue net of expenses of operating the business over the
32 entire course of the five-year period commencing November 1, 2011. In
33 recommending a proposed rate of taxation, the liquor control board must
34 consider that there will be other spirits-related revenue including,
35 without limitation: Anticipated business and occupation tax revenue
36 under chapter 82.04 RCW, generated by privatized spirits retail and
37 distribution; the increased taxable spirits inventory base generated by

1 taxing spirits at the distributor level; proceeds from the issuance of
2 spirits retailer licenses and spirits distributor licenses under
3 sections 102 and 103 of this act; and annual spirits license fees.

4 NEW SECTION. Sec. 102. A new section is added to chapter 66.24
5 RCW to read as follows:

6 (1) There is a spirits retailer license to sell spirits at retail
7 in original containers, not to be consumed on the premises where sold.

8 (2) The people of the state of Washington desire to have greater
9 availability of spirits and a more convenient shopping experience than
10 is currently available to them through the present control system. The
11 people also desire to retain a high degree of security and public
12 safety in the handling and sale of all alcoholic beverages.

13 (a) The liquor control board is hereby directed to develop criteria
14 for the issuance of spirits retailer licenses to applicants who can
15 demonstrate the ability to provide the same level of security and
16 safety as that which the citizens of this state have come to expect
17 from their state-operated retail stores. In considering applicants,
18 emphasis should be placed on inventory management systems, employee
19 training, employee supervision, and physical security of the product.

20 (b) Notwithstanding (a) of this subsection, the liquor control
21 board is encouraged to, in the exercise of its discretion, make spirits
22 retailer licenses available to existing contract liquor stores who
23 desire to privatize their businesses.

24 (3) No later than July 1, 2011, the liquor control board is
25 directed to notify all qualifying license applicants so that they may
26 make the necessary preparations to begin sales on or after November 1,
27 2011.

28 (4) Each licensee obtaining a spirits retailer license from the
29 liquor control board must agree to pay to the liquor control board, for
30 deposit into the state general fund, an amount equivalent of six
31 percent of the licensee's gross annual spirits sales for a five-year
32 period commencing on the date of the licensee's first sale of spirits.
33 The liquor control board shall establish rules setting forth the
34 frequency and timing of such payments and reporting of sales volume by
35 the licensee.

36 (5) In addition to the payment set forth in subsection (4) of this
37 section, each licensee must pay an annual license fee. The liquor

1 control board must fix a reasonable annual license fee for the spirits
2 retailer license issued pursuant to the provisions of this title. The
3 liquor control board may, from time to time, make a reasonable
4 adjustment to the annual fee for the spirits retailer license. Any
5 such revision to the annual fee must be fixed by rule by the liquor
6 control board in accordance with the provisions of the administrative
7 procedure act, chapter 34.05 RCW.

8 NEW SECTION. **Sec. 103.** A new section is added to chapter 66.24
9 RCW to read as follows:

10 (1) There is a license for spirits distributors to sell spirits,
11 purchased from manufacturers, distillers, or suppliers, including
12 licensed Washington distilleries, licensed spirits importers, or
13 suppliers of foreign spirits located outside of the United States, to
14 any person holding a license to sell spirits under this chapter
15 including: Spirits retailer license holders; special occasion license
16 holders; interstate common carrier license holders; spirits, beer, and
17 wine restaurant license holders; spirits, beer, and wine private club
18 license holders; hotel license holders; sports entertainment facility
19 license holders; spirits, beer, and wine nightclub license holders; and
20 other spirits distributors and to export the same from the state.

21 (2) No later than July 1, 2011, the liquor control board is
22 directed to make spirits distributor licenses available to all
23 applicants who have an appointment by or are agents of a spirits
24 manufacturer, spirits distiller, or spirits supplier to distribute
25 products in the state, unless the liquor control board determines that
26 issuance of a license to such applicant is not in the public interest.

27 (3) Each licensee obtaining a spirits distributor license from the
28 liquor control board must agree to pay to the liquor control board, for
29 deposit into the state general fund, an amount equivalent of one
30 percent of the licensee's gross annual spirits sales for a five-year
31 period commencing on the date of the licensee's first sale of spirits.
32 The liquor control board must establish rules setting forth the
33 frequency and timing of such payments and reporting of sales volume by
34 the licensee.

35 (4) In addition to the payment set forth in subsection (3) of this
36 section, each licensee must pay an annual license fee. The liquor
37 control board must fix a reasonable annual license fee for the spirits

1 distributor license issued pursuant to the provisions of this title.
2 The liquor control board may, from time to time, make a reasonable
3 adjustment to the annual fee for the spirits distributor license. Any
4 such revision to the annual fee must be fixed by rule by the liquor
5 control board in accordance with the provisions of the administrative
6 procedure act, chapter 34.05 RCW.

7 (5) The provisions of RCW 19.126.030, 19.126.040, 19.126.050, and
8 19.126.060 govern the relationship between spirits distributors and
9 suppliers.

10 (6) Nothing in this section may be construed to allow a distiller
11 subject to licensing under RCW 66.24.140 to obtain a certificate of
12 approval with a direct shipment endorsement or to otherwise act as
13 distributor of its own production.

14 **Sec. 104.** RCW 66.08.050 and 2005 c 151 s 3 are each amended to
15 read as follows:

16 The board, subject to the provisions of this title and the rules,
17 shall:

18 ~~(1) ((Determine the localities within which state liquor stores~~
19 ~~shall be established throughout the state, and the number and situation~~
20 ~~of the stores within each locality;~~

21 ~~(2) Appoint in cities and towns and other communities, in which no~~
22 ~~state liquor store is located, contract liquor stores. In addition,~~
23 ~~the board may appoint, in its discretion, a manufacturer that also~~
24 ~~manufactures liquor products other than wine under a license under this~~
25 ~~title, as a contract liquor store for the purpose of sale of liquor~~
26 ~~products of its own manufacture on the licensed premises only. Such~~
27 ~~contract liquor stores shall be authorized to sell liquor under the~~
28 ~~guidelines provided by law, rule, or contract, and such contract liquor~~
29 ~~stores shall be subject to such additional rules and regulations~~
30 ~~consistent with this title as the board may require;~~

31 ~~(3) Establish all necessary warehouses for the storing and~~
32 ~~bottling, diluting and rectifying of stocks of liquors for the purposes~~
33 ~~of this title;~~

34 ~~(4) Provide for the leasing for periods not to exceed ten years of~~
35 ~~all premises required for the conduct of the business; and for~~
36 ~~remodeling the same, and the procuring of their furnishings, fixtures,~~

1 ~~and supplies; and for obtaining options of renewal of such leases by~~
2 ~~the lessee. The terms of such leases in all other respects shall be~~
3 ~~subject to the direction of the board;~~

4 ~~(5))~~ Determine the nature, form and capacity of all packages to be
5 used for containing liquor kept for sale under this title;

6 ~~((6))~~ (2) Execute or cause to be executed, all contracts, papers,
7 and documents in the name of the board, under such regulations as the
8 board may fix;

9 ~~((7))~~ (3) Pay all customs, duties, excises, charges and
10 obligations whatsoever relating to the business of the board;

11 ~~((8))~~ (4) Require bonds from all employees in the discretion of
12 the board, and to determine the amount of fidelity bond of each such
13 employee;

14 ~~((9))~~ (5) Perform services for the state lottery commission to
15 such extent, and for such compensation, as may be mutually agreed upon
16 between the board and the commission;

17 ~~((10))~~ (6) Accept and deposit into the general fund-local account
18 and disburse, subject to appropriation, federal grants or other funds
19 or donations from any source for the purpose of improving public
20 awareness of the health risks associated with alcohol consumption by
21 youth and the abuse of alcohol by adults in Washington state. The
22 board's alcohol awareness program shall cooperate with federal and
23 state agencies, interested organizations, and individuals to effect an
24 active public beverage alcohol awareness program;

25 ~~((11))~~ (7) Negotiate agreements at the request of any federally
26 recognized Indian tribe located in the state to replace any liquor tax
27 compact existing on the effective date of this section with an
28 agreement to share amounts equivalent to liquor taxes collected by the
29 state on sales within the reservation for that federally recognized
30 tribe at percentages comparable to the compacts entered into pursuant
31 to RCW 82.36.450;

32 (8) Perform all other matters and things, whether similar to the
33 foregoing or not, to carry out the provisions of this title, and shall
34 have full power to do each and every act necessary to the conduct of
35 its business, including all buying, selling, preparation and approval
36 of forms, and every other function of the business whatsoever, subject
37 only to audit by the state auditor: PROVIDED, That the board shall
38 have no authority to regulate the content of spoken language on

1 licensed premises where wine and other liquors are served and where
2 there is not a clear and present danger of disorderly conduct being
3 provoked by such language.

4 **Sec. 105.** RCW 66.24.310 and 1997 c 321 s 17 are each amended to
5 read as follows:

6 (1) No person shall canvass for, solicit, receive, or take orders
7 for the purchase or sale of liquor, nor contact any licensees of the
8 board in goodwill activities, unless such person shall be the
9 accredited representative of a person, firm, or corporation holding a
10 certificate of approval issued pursuant to RCW 66.24.270 or 66.24.206,
11 a beer distributor's license, a microbrewer's license, a domestic
12 brewer's license, a beer importer's license, a domestic winery license,
13 a wine importer's license, or a wine distributor's license within the
14 state of Washington, or the accredited representative of a distiller,
15 manufacturer, importer, or distributor of spirituous liquor, or foreign
16 produced beer or wine, and shall have applied for and received a
17 representative's license(~~(- PROVIDED, HOWEVER, That)~~). However, the
18 provisions of this section shall not apply to drivers who deliver
19 spirits, beer, or wine;

20 (2) Every representative's license issued under this title shall be
21 subject to all conditions and restrictions imposed by this title or by
22 the rules and regulations of the board; the board, for the purpose of
23 maintaining an orderly market, may limit the number of representative's
24 licenses issued for representation of specific classes of eligible
25 employers;

26 (3) Every application for a representative's license must be
27 approved by a holder of a certificate of approval issued pursuant to
28 RCW 66.24.270 or 66.24.206, a licensed beer distributor, a licensed
29 domestic brewer, a licensed beer importer, a licensed microbrewer, a
30 licensed domestic winery, a licensed wine importer, a licensed wine
31 distributor, or by a distiller, manufacturer, liquor importer, or
32 spirits distributor (~~(of spirituous liquor)~~), or foreign produced beer
33 or wine, as the rules and regulations of the board shall require;

34 (4) The fee for a representative's license shall be twenty-five
35 dollars per year(~~(-~~

36 ~~(5) An accredited representative of a distiller, manufacturer,~~
37 ~~importer, or distributor of spirituous liquor may, after he or she has~~

1 ~~applied for and received a representative's license, contact retail~~
2 ~~licensees of the board only in goodwill activities pertaining to~~
3 ~~spirituous liquor products)).~~

4 **Sec. 106.** RCW 66.28.030 and 2004 c 160 s 10 are each amended to
5 read as follows:

6 Every domestic distillery, brewery and microbrewery, domestic
7 winery, certificate of approval holder, licensed liquor importer,
8 licensed wine importer, and licensed beer importer shall be responsible
9 for the conduct of any licensed spirits, beer, or wine distributor in
10 selling, or contracting to sell, to retail licensees, spirits, beer, or
11 wine manufactured by such domestic distillery, brewery, microbrewery,
12 domestic winery, manufacturer holding a certificate of approval, sold
13 by an authorized representative holding a certificate of approval, or
14 imported by such liquor, beer, or wine importer. Where the board finds
15 that any licensed spirits, beer, or wine distributor has violated any
16 of the provisions of this title or of the regulations of the board in
17 selling or contracting to sell spirits, beer, or wine to retail
18 licensees, the board may, in addition to any punishment inflicted or
19 imposed upon such distributor, prohibit the sale of the brand or brands
20 of spirits, beer, or wine involved in such violation to any or all
21 retail licensees within the trade territory usually served by such
22 distributor for such period of time as the board may fix, irrespective
23 of whether the distiller manufacturing such spirits or the liquor
24 importer importing such spirits, brewer manufacturing such beer, or the
25 beer importer importing such beer, or the domestic winery manufacturing
26 such wine, or the wine importer importing such wine, or the certificate
27 of approval holder manufacturing such spirits, beer, or wine or acting
28 as authorized representative actually participated in such violation.

29 **Sec. 107.** RCW 66.28.070 and 2006 c 302 s 8 are each amended to
30 read as follows:

31 (1) Except as provided in subsection (2) of this section, it shall
32 be unlawful for any retail spirits, beer, or wine licensee to purchase
33 spirits, beer, or wine, except from a duly licensed distributor,
34 domestic winery, domestic brewer, or certificate of approval holder
35 with a direct shipment endorsement (~~(, or the board)~~)).

1 (2) A spirits, beer, or wine retailer licensee may purchase
2 spirits, beer, or wine from a government agency which has lawfully
3 seized spirits, beer, or wine from a licensed spirits, beer, or wine
4 retailer, or from a board-authorized retailer, or from a licensed
5 retailer which has discontinued business if the distributor has refused
6 to accept spirits, beer, or wine from that retailer for return and
7 refund. Spirits, beer, and wine purchased under this subsection shall
8 meet the quality standards set by its manufacturer.

9 (3) Special occasion licensees holding a special occasion license
10 may only purchase spirits, beer, or wine from a spirits, beer, or wine
11 retailer duly licensed to sell spirits, beer, or wine for off-premises
12 consumption(~~(, the board,)~~) or from a duly licensed spirits, beer, or
13 wine distributor.

14 **Sec. 108.** RCW 66.28.180 and 2009 c 506 s 10 are each amended to
15 read as follows:

16 (1) Spirits, beer, and wine distributors.

17 (a) Every spirits, beer, or wine distributor shall maintain at its
18 liquor licensed location a price list showing the wholesale prices at
19 which any and all brands of spirits, beer, and wine sold by such
20 spirits, beer, and/or wine distributor shall be sold to retailers
21 within the state.

22 (b) Each price list shall set forth:

23 (i) All brands, types, packages, and containers of spirits, beer,
24 or wine offered for sale by such spirits, beer, and/or wine
25 distributor; and

26 (ii) The wholesale prices thereof to retail licensees, including
27 allowances, if any, for returned empty containers.

28 (c) No spirits, beer, and/or wine distributor may sell or offer to
29 sell any package or container of spirits, beer, or wine to any retail
30 licensee at a price differing from the price for such package or
31 container as shown in the price list, according to rules adopted by the
32 board.

33 (d) With the exception of quantity discounts on spirits, quantity
34 discounts are prohibited. No price may be below acquisition cost.

35 (e) Distributor prices on a "close-out" item shall be allowed if
36 the item to be discontinued has been listed for a period of at least

1 six months, and upon the further condition that the distributor who
2 offers such a close-out price shall not restock the item for a period
3 of one year following the first effective date of such close-out price.

4 (f) Any spirits, beer, and/or wine distributor or employee
5 authorized by the distributor-employer may sell spirits, beer, and/or
6 wine at the distributor's listed prices to any annual or special
7 occasion retail licensee upon presentation to the distributor or
8 employee at the time of purchase of a special permit issued by the
9 board to such licensee.

10 (g) Every annual or special occasion retail licensee, upon
11 purchasing any spirits, beer, and/or wine from a distributor, shall
12 immediately cause such spirits, beer, or wine to be delivered to the
13 licensed premises, and the licensee shall not thereafter permit such
14 spirits, wine, or beer to be disposed of in any manner except as
15 authorized by the license.

16 (h) Spirits, beer, and wine sold as provided in this section shall
17 be delivered by the distributor or an authorized employee either to the
18 retailer's licensed premises or directly to the retailer at the
19 distributor's licensed premises. When a domestic winery, brewery,
20 microbrewery, or certificate of approval holder with a direct shipping
21 endorsement is acting as a distributor of its own production, a
22 licensed retailer may contract with a common carrier to obtain the
23 product directly from the domestic winery, brewery, microbrewery, or
24 certificate of approval holder with a direct shipping endorsement. A
25 distributor's prices to retail licensees shall be the same at both such
26 places of delivery.

27 (2) Spirits, beer, and wine suppliers' contracts and memoranda.

28 (a) Every domestic brewery, microbrewery, domestic winery,
29 certificate of approval holder, and spirits, beer, and/or wine importer
30 offering spirits, beer, and/or wine for sale within the state and any
31 spirits, beer, and/or wine distributor who sells to other spirits,
32 beer, and/or wine distributors shall maintain at its liquor licensed
33 location a price list and a copy of every written contract and a
34 memorandum of every oral agreement which such brewery or winery may
35 have with any spirits, beer, or wine distributor, which contracts or
36 memoranda shall contain:

37 (i) All advertising, sales and trade allowances, and incentive
38 programs; and

1 (ii) All commissions, bonuses or gifts, and any and all other
2 discounts or allowances.

3 (b) Whenever changed or modified, such revised contracts or
4 memoranda shall also be maintained at its liquor licensed location.

5 (c) Each price list shall set forth all brands, types, packages,
6 and containers of beer or wine offered for sale by such licensed
7 brewery or winery.

8 (d) Prices of a domestic distillery, brewery, microbrewery,
9 domestic winery, or certificate of approval holder shall be uniform
10 prices to all distributors or retailers on a statewide basis less bona
11 fide allowances for freight differentials. With the exception of
12 quantity discounts on spirits, quantity discounts are prohibited. No
13 price shall be below acquisition/production cost.

14 (e) A domestic distillery, brewery, microbrewery, domestic winery,
15 certificate of approval holder, spirits, beer, or wine importer, or
16 spirits, beer, or wine distributor acting as a supplier to another
17 distributor must file a distributor appointment with the board that
18 identifies each distributor who is authorized to distribute its
19 products. The distributor appointment must list all brands that each
20 distributor is authorized to distribute. No distributor may offer for
21 sale any products for a supplier unless that supplier has first filed
22 a distributor appointment with the board.

23 (f) No domestic brewery, microbrewery, domestic winery, or
24 certificate of approval holder may sell or offer to sell any package or
25 container of beer or wine to any distributor at a price differing from
26 the price list for such package or container as shown in the price list
27 of the domestic brewery, microbrewery, domestic winery, or certificate
28 of approval holder and then in effect, according to rules adopted by
29 the board.

30 **Sec. 109.** RCW 66.28.170 and 2004 c 160 s 17 are each amended to
31 read as follows:

32 It is unlawful for a manufacturer of spirits, a manufacturer of
33 wine or malt beverages holding a certificate of approval issued under
34 RCW 66.24.270 or 66.24.206 or the manufacturer's authorized
35 representative, a distillery, a brewery, or a domestic winery to
36 discriminate in price in selling to any purchaser for resale in the
37 state of Washington.

1 **Sec. 110.** RCW 66.28.190 and 2003 c 168 s 305 are each amended to
2 read as follows:

3 (~~RCW 66.28.010 notwithstanding,~~) (1) Persons licensed under RCW
4 66.24.200 as wine distributors ((and)), persons licensed under RCW
5 66.24.250 as beer distributors, and persons licensed as spirits
6 distributors may sell at wholesale nonliquor food and food ingredients
7 on thirty-day credit terms to persons licensed as retailers under this
8 title, but complete and separate accounting records shall be maintained
9 on all sales of nonliquor food and food ingredients to ensure that such
10 persons are in compliance with (~~RCW 66.28.010~~) any applicable laws.

11 (2) For the purpose of this section, "nonliquor food and food
12 ingredients" includes all food and food ingredients for human
13 consumption as defined in RCW 82.08.0293 as it exists on July 1, 2004.

14 **NEW SECTION. Sec. 111.** A new section is added to chapter 66.28
15 RCW to read as follows:

16 Notwithstanding any other provision of law:

17 (1) A spirits manufacturer or distiller, whether resident or
18 nonresident, may not possess any interest, direct or indirect, in a
19 spirits distributor license or liquor importer's license, or in any
20 entity that possesses a spirits distributor license or liquor
21 importer's license; and

22 (2) No spirits retailer licensee may possess any interest, direct
23 or indirect, in a spirits distributor license or liquor importer's
24 license, or in any entity that possesses a spirits distributor license
25 or liquor importer's license.

26 **Sec. 112.** RCW 66.04.010 and 2009 c 373 s 1 and 2009 c 271 s 2 are
27 each reenacted and amended to read as follows:

28 In this title, unless the context otherwise requires:

29 (1) "Alcohol" is that substance known as ethyl alcohol, hydrated
30 oxide of ethyl, or spirit of wine, which is commonly produced by the
31 fermentation or distillation of grain, starch, molasses, or sugar, or
32 other substances including all dilutions and mixtures of this
33 substance. The term "alcohol" does not include alcohol in the
34 possession of a manufacturer or distiller of alcohol fuel, as described
35 in RCW 66.12.130, which is intended to be denatured and used as a fuel

1 for use in motor vehicles, farm implements, and machines or implements
2 of husbandry.

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

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

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

8 (c) Acquires ownership of spirits, beer, or wine for transportation
9 into and resale in the state of Washington; and which spirits, beer, or
10 wine is produced by a distillery, brewery, or winery in the United
11 States outside of the state of Washington; and

12 (d) Is appointed by the distillery, brewery, or winery referenced
13 in (c) of this subsection as its authorized representative for
14 marketing and selling its products within the United States in
15 accordance with a written agreement between the authorized
16 representative and such distillery, brewery, or winery pursuant to this
17 title.

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

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

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

29 (6) "Board" means the liquor control board, constituted under this
30 title.

31 (7) "Brewer" or "brewery" means any person engaged in the business
32 of manufacturing beer and malt liquor. Brewer includes a brand owner
33 of malt beverages who holds a brewer's notice with the federal bureau
34 of alcohol, tobacco, and firearms at a location outside the state and
35 whose malt beverage is contract-produced by a licensed in-state
36 brewery, and who may exercise within the state, under a domestic
37 brewery license, only the privileges of storing, selling to licensed
38 beer distributors, and exporting beer from the state.

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

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

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

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

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

15 (13) "Dentist" means a practitioner of dentistry duly and regularly
16 licensed and engaged in the practice of his profession within the state
17 pursuant to chapter 18.32 RCW.

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

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

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

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

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

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

33 (20) "Flavored malt beverage" means:

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

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

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

6 (22) "Hotel" means buildings, structures, and grounds, having
7 facilities for preparing, cooking, and serving food, that are kept,
8 used, maintained, advertised, or held out to the public to be a place
9 where food is served and sleeping accommodations are offered for pay to
10 transient guests, in which twenty or more rooms are used for the
11 sleeping accommodation of such transient guests. The buildings,
12 structures, and grounds must be located on adjacent property either
13 owned or leased by the same person or persons.

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

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

18 ~~((25))~~ (24) "Liquor" includes the four varieties of liquor herein
19 defined (alcohol, spirits, wine and beer), and all fermented,
20 spirituous, vinous, or malt liquor, or combinations thereof, and mixed
21 liquor, a part of which is fermented, spirituous, vinous or malt
22 liquor, or otherwise intoxicating; and every liquid or solid or
23 semisolid or other substance, patented or not, containing alcohol,
24 spirits, wine or beer, and all drinks or drinkable liquids and all
25 preparations or mixtures capable of human consumption, and any liquid,
26 semisolid, solid, or other substance, which contains more than one
27 percent of alcohol by weight shall be conclusively deemed to be
28 intoxicating. Liquor does not include confections or food products
29 that contain one percent or less of alcohol by weight.

30 ~~((26))~~ (25) "Malt beverage" or "malt liquor" means any beverage
31 such as beer, ale, lager beer, stout, and porter obtained by the
32 alcoholic fermentation of an infusion or decoction of pure hops, or
33 pure extract of hops and pure barley malt or other wholesome grain or
34 cereal in pure water containing not more than eight percent of alcohol
35 by weight, and not less than one-half of one percent of alcohol by
36 volume. For the purposes of this title, any such beverage containing
37 more than eight percent of alcohol by weight shall be referred to as
38 "strong beer."

1 ~~((27))~~ (26) "Manufacturer" means a person engaged in the
2 preparation of liquor for sale, in any form whatsoever.

3 ~~((28))~~ (27) "Nightclub" means an establishment that provides
4 entertainment and has as its primary source of revenue (a) the sale of
5 alcohol for consumption on the premises, (b) cover charges, or (c)
6 both, and has an occupancy load of one hundred or more.

7 ~~((29))~~ (28) "Package" means any container or receptacle used for
8 holding liquor.

9 ~~((30))~~ (29) "Passenger vessel" means any boat, ship, vessel,
10 barge, or other floating craft of any kind carrying passengers for
11 compensation.

12 ~~((31))~~ (30) "Permit" means a permit for the purchase of liquor
13 under this title.

14 ~~((32))~~ (31) "Person" means an individual, copartnership,
15 association, or corporation.

16 ~~((33))~~ (32) "Physician" means a medical practitioner duly and
17 regularly licensed and engaged in the practice of his profession within
18 the state pursuant to chapter 18.71 RCW.

19 ~~((34))~~ (33) "Prescription" means a memorandum signed by a
20 physician and given by him to a patient for the obtaining of liquor
21 pursuant to this title for medicinal purposes.

22 ~~((35))~~ (34) "Public place" includes streets and alleys of
23 incorporated cities and towns; state or county or township highways or
24 roads; buildings and grounds used for school purposes; public dance
25 halls and grounds adjacent thereto; those parts of establishments where
26 beer may be sold under this title, soft drink establishments, public
27 buildings, public meeting halls, lobbies, halls and dining rooms of
28 hotels, restaurants, theatres, stores, garages and filling stations
29 which are open to and are generally used by the public and to which the
30 public is permitted to have unrestricted access; railroad trains,
31 stages, and other public conveyances of all kinds and character, and
32 the depots and waiting rooms used in conjunction therewith which are
33 open to unrestricted use and access by the public; publicly owned
34 bathing beaches, parks, and/or playgrounds; and all other places of
35 like or similar nature to which the general public has unrestricted
36 right of access, and which are generally used by the public.

37 ~~((36))~~ (35) "Regulations" means regulations made by the board
38 under the powers conferred by this title.

1 ((+37)) (36) "Restaurant" means any establishment provided with
2 special space and accommodations where, in consideration of payment,
3 food, without lodgings, is habitually furnished to the public, not
4 including drug stores and soda fountains.

5 ((+38)) (37) "Sale" and "sell" include exchange, barter, and
6 traffic; and also include the selling or supplying or distributing, by
7 any means whatsoever, of liquor, or of any liquid known or described as
8 beer or by any name whatever commonly used to describe malt or brewed
9 liquor or of wine, by any person to any person; and also include a sale
10 or selling within the state to a foreign consignee or his agent in the
11 state. "Sale" and "sell" shall not include the giving, at no charge,
12 of a reasonable amount of liquor by a person not licensed by the board
13 to a person not licensed by the board, for personal use only. "Sale"
14 and "sell" also does not include a raffle authorized under RCW
15 9.46.0315(~~:-PROVIDED, That~~), if the nonprofit organization
16 conducting the raffle has obtained the appropriate permit from the
17 board.

18 ((+39)) (38) "Soda fountain" means a place especially equipped
19 with apparatus for the purpose of dispensing soft drinks, whether mixed
20 or otherwise.

21 ((+40)) (39) "Spirits" means any beverage which contains alcohol
22 obtained by distillation, except flavored malt beverages, but including
23 wines exceeding twenty-four percent of alcohol by volume.

24 (~~((+41)) "Store" means a state liquor store established under this~~
25 ~~title~~) (40) "Spirits distributor" means a person who buys spirits from
26 a domestic distiller, manufacturer, supplier, or spirits importer, or
27 who acquires foreign produced spirits from a source outside of the
28 United States, for the purpose of selling the same not in violation of
29 this title, or who represents such distiller as agent.

30 (41) "Spirits importer" means a person who buys distilled spirits
31 from a distiller outside the state of Washington and imports such
32 spirits into the state for sale or for export.

33 (42) "Tavern" means any establishment with special space and
34 accommodation for sale by the glass and for consumption on the
35 premises, of beer, as herein defined.

36 (43) (a) "Wine" means any alcoholic beverage obtained by
37 fermentation of fruits (grapes, berries, apples, et cetera) or other
38 agricultural product containing sugar, to which any saccharine

1 substances may have been added before, during or after fermentation,
2 and containing not more than twenty-four percent of alcohol by volume,
3 including sweet wines fortified with wine spirits, such as port,
4 sherry, muscatel and angelica, not exceeding twenty-four percent of
5 alcohol by volume and not less than one-half of one percent of alcohol
6 by volume. For purposes of this title, any beverage containing no more
7 than fourteen percent of alcohol by volume when bottled or packaged by
8 the manufacturer shall be referred to as "table wine," and any beverage
9 containing alcohol in an amount more than fourteen percent by volume
10 when bottled or packaged by the manufacturer shall be referred to as
11 "fortified wine." However, "fortified wine" shall not include: (i)
12 Wines that are both sealed or capped by cork closure and aged two years
13 or more; and (ii) wines that contain more than fourteen percent alcohol
14 by volume solely as a result of the natural fermentation process and
15 that have not been produced with the addition of wine spirits, brandy,
16 or alcohol.

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

19 (44) "Wine distributor" means a person who buys wine from a
20 domestic winery, wine certificate of approval holder, or wine importer,
21 or who acquires foreign produced wine from a source outside of the
22 United States, for the purpose of selling the same not in violation of
23 this title, or who represents such vintner or winery as agent.

24 (45) "Wine importer" means a person or business within Washington
25 who purchases wine from a wine certificate of approval holder or who
26 acquires foreign produced wine from a source outside of the United
27 States for the purpose of selling the same pursuant to this title.

28 (46) "Winery" means a business conducted by any person for the
29 manufacture of wine for sale, other than a domestic winery.

30 PART II

31 LIQUOR CONTROL BOARD--REMOVAL FROM RETAIL SALES--TECHNICAL CHANGES

32 **Sec. 201.** RCW 66.08.020 and 1933 ex.s. c 62 s 5 are each amended
33 to read as follows:

34 The administration of this title (~~(, including the general control,~~
35 ~~management and supervision of all liquor stores, shall be)) is vested
36 in the liquor control board, constituted under this title.~~

1 **Sec. 202.** RCW 66.08.026 and 2008 c 67 s 1 are each amended to read
2 as follows:

3 Administrative expenses of the board shall be appropriated and paid
4 from the liquor revolving fund. These administrative expenses shall
5 include, but not be limited to: The salaries and expenses of the board
6 and its employees, (~~the cost of opening additional state liquor stores
7 and warehouses,~~) legal services, pilot projects, annual or other
8 audits, and other general costs of conducting the business of the
9 board. (~~The administrative expenses shall not include costs of liquor
10 and lottery tickets purchased, the cost of transportation and delivery
11 to the point of distribution, the cost of operating, maintaining,
12 relocating, and leasing state liquor stores and warehouses, other costs
13 pertaining to the acquisition and receipt of liquor and lottery
14 tickets, agency commissions for contract liquor stores, transaction
15 fees associated with credit or debit card purchases for liquor in state
16 liquor stores and in contract liquor stores pursuant to RCW 66.16.040
17 and 66.16.041, sales tax, and those amounts distributed pursuant to RCW
18 66.08.180, 66.08.190, 66.08.200, 66.08.210 and 66.08.220. Agency
19 commissions for contract liquor stores shall be established by the
20 liquor control board after consultation with and approval by the
21 director of the office of financial management.) All expenditures and
22 payment of obligations authorized by this section are subject to the
23 allotment requirements of chapter 43.88 RCW.~~

24 **Sec. 203.** RCW 66.08.030 and 2002 c 119 s 2 are each amended to
25 read as follows:

26 (1) For the purpose of carrying into effect the provisions of this
27 title according to their true intent or of supplying any deficiency
28 therein, the board may make such regulations not inconsistent with the
29 spirit of this title as are deemed necessary or advisable. All
30 regulations so made shall be a public record and shall be filed in the
31 office of the code reviser, and thereupon shall have the same force and
32 effect as if incorporated in this title. Such regulations, together
33 with a copy of this title, shall be published in pamphlets and shall be
34 distributed as directed by the board.

35 (2) Without thereby limiting the generality of the provisions
36 contained in subsection (1) of this section, it is declared that the

1 power of the board to make regulations in the manner set out in that
2 subsection shall extend to

3 ~~(a) ((regulating the equipment and management of stores and
4 warehouses in which state liquor is sold or kept, and prescribing the
5 books and records to be kept therein and the reports to be made thereon
6 to the board;~~

7 ~~(b))~~ (b) Prescribing the duties of the employees of the board, and
8 regulating their conduct in the discharge of their duties;

9 ~~((c) governing the purchase of liquor by the state and the
10 furnishing of liquor to stores established under this title;~~

11 ~~(d) determining the classes, varieties, and brands of liquor to be
12 kept for sale at any store;~~

13 ~~(e) prescribing, subject to RCW 66.16.080, the hours during which
14 the state liquor stores shall be kept open for the sale of liquor;~~

15 ~~(f) providing for the issuing and distributing of price lists
16 showing the price to be paid by purchasers for each variety of liquor
17 kept for sale under this title;~~

18 ~~(g))~~ (b) Prescribing an official seal and official labels and
19 stamps and determining the manner in which they shall be attached to
20 every package of liquor sold or sealed under this title, including the
21 prescribing of different official seals or different official labels
22 for different classes of liquor;

23 ~~((h) providing for the payment by the board in whole or in part of
24 the carrying charges on liquor shipped by freight or express;~~

25 ~~(i))~~ (c) Prescribing forms to be used for purposes of this title
26 or the regulations, and the terms and conditions to be contained in
27 permits and licenses issued under this title, and the qualifications
28 for receiving a permit or license issued under this title, including a
29 criminal history record information check. The board may submit the
30 criminal history record information check to the Washington state
31 patrol and to the identification division of the federal bureau of
32 investigation in order that these agencies may search their records for
33 prior arrests and convictions of the individual or individuals who
34 filled out the forms. The board shall require fingerprinting of any
35 applicant whose criminal history record information check is submitted
36 to the federal bureau of investigation;

37 ~~((j))~~ (d) Prescribing the fees payable in respect of permits and

1 licenses issued under this title for which no fees are prescribed in
2 this title, and prescribing the fees for anything done or permitted to
3 be done under the regulations;

4 ~~((k))~~ (e) Prescribing the kinds and quantities of liquor which
5 may be kept on hand by the holder of a special permit for the purposes
6 named in the permit, regulating the manner in which the same shall be
7 kept and disposed of, and providing for the inspection of the same at
8 any time at the instance of the board;

9 ~~((l))~~ (f) Regulating the sale of liquor kept by the holders of
10 licenses which entitle the holder to purchase and keep liquor for sale;

11 ~~((m))~~ (g) Prescribing the records of purchases or sales of liquor
12 kept by the holders of licenses, and the reports to be made thereon to
13 the board, and providing for inspection of the records so kept;

14 ~~((n))~~ (h) Prescribing the kinds and quantities of liquor for
15 which a prescription may be given, and the number of prescriptions
16 which may be given to the same patient within a stated period;

17 ~~((o))~~ (i) Prescribing the manner of giving and serving notices
18 required by this title or the regulations, where not otherwise provided
19 for in this title;

20 ~~((p))~~ (j) Regulating premises in which liquor is kept for export
21 from the state, or from which liquor is exported, prescribing the books
22 and records to be kept therein and the reports to be made thereon to
23 the board, and providing for the inspection of the premises and the
24 books, records and the liquor so kept;

25 ~~((q))~~ (k) Prescribing the conditions and qualifications requisite
26 for the obtaining of club licenses and the books and records to be kept
27 and the returns to be made by clubs, prescribing the manner of
28 licensing clubs in any municipality or other locality, and providing
29 for the inspection of clubs;

30 ~~((r))~~ (l) Prescribing the conditions, accommodations and
31 qualifications requisite for the obtaining of licenses to sell beer
32 ~~((and))~~, wines, and spirits and regulating the sale of beer ~~((and))~~,
33 wines, and spirits, thereunder;

34 ~~((s))~~ (m) Specifying and regulating the time and periods when,
35 and the manner, methods and means by which manufacturers shall deliver
36 liquor within the state; and the time and periods when, and the manner,
37 methods and means by which liquor may lawfully be conveyed or carried
38 within the state;

1 (~~(t)~~) (n) Providing for the making of returns by brewers of their
2 sales of beer shipped within the state, or from the state, showing the
3 gross amount of such sales and providing for the inspection of brewers'
4 books and records, and for the checking of the accuracy of any such
5 returns;

6 (~~(u)~~) (o) Providing for the making of returns by the wholesalers
7 of beer whose breweries are located beyond the boundaries of the state;

8 (~~(v)~~) (p) Providing for the making of returns by any other liquor
9 manufacturers, showing the gross amount of liquor produced or
10 purchased, the amount sold within and exported from the state, and to
11 whom so sold or exported, and providing for the inspection of the
12 premises of any such liquor manufacturers, their books and records, and
13 for the checking of any such return;

14 (~~(w)~~) (q) Providing for the giving of fidelity bonds by any or
15 all of the employees of the board(~~(- PROVIDED, That)~~). However, the
16 premiums therefor shall be paid by the board;

17 (~~(x)~~) (r) Providing for the shipment by mail or common carrier of
18 liquor to any person holding a permit and residing in any unit which
19 has, by election pursuant to this title, prohibited the sale of liquor
20 therein;

21 (~~(y)~~) (s) Prescribing methods of manufacture, conditions of
22 sanitation, standards of ingredients, quality and identity of alcoholic
23 beverages manufactured, sold, bottled, or handled by licensees and the
24 board; and conducting from time to time, in the interest of the public
25 health and general welfare, scientific studies and research relating to
26 alcoholic beverages and the use and effect thereof;

27 (~~(z)~~) (t) Seizing, confiscating and destroying all alcoholic
28 beverages manufactured, sold or offered for sale within this state
29 which do not conform in all respects to the standards prescribed by
30 this title or the regulations of the board(~~(- PROVIDED,)~~). However,
31 nothing (~~(herein contained shall)~~) in this section may be construed as
32 authorizing the liquor board to prescribe, alter, limit or in any way
33 change the present law as to the quantity or percentage of alcohol used
34 in the manufacturing of wine or other alcoholic beverages.

35 **Sec. 204.** RCW 66.24.145 and 2010 c 290 s 2 are each amended to
36 read as follows:

37 (1) Any craft distillery may sell spirits of its own production for

1 consumption off the premises, up to two liters per person per day.
2 ~~((Spirits sold under this subsection must be purchased from the board
3 and sold at the retail price established by the board.))~~ A craft
4 distillery selling spirits under this subsection must comply with the
5 applicable laws and rules relating to retailers.

6 (2) Any craft distillery may contract distill spirits for, and sell
7 contract distilled spirits to, holders of distillers' or manufacturers'
8 licenses, including licenses issued under RCW 66.24.520, or for export.

9 (3) Any craft distillery licensed under this section may provide,
10 free of charge, one-half ounce or less samples of spirits of its own
11 production to persons on the premises of the distillery. The maximum
12 total per person per day is two ounces. Every person who participates
13 in any manner in the service of samples must obtain a class 12 alcohol
14 server permit. Spirits used for samples must be purchased from the
15 board.

16 (4) The board shall adopt rules to implement the alcohol server
17 permit requirement and may adopt additional rules to implement this
18 section.

19 (5) Distilling is an agricultural practice.

20 **Sec. 205.** RCW 66.24.160 and 1981 1st ex.s. c 5 s 30 are each
21 amended to read as follows:

22 A liquor importer's license may be issued to any qualified person,
23 firm or corporation, entitling the holder thereof to import into the
24 state any liquor other than beer or wine; to store the same within the
25 state, and to sell and export the same from the state; fee six hundred
26 dollars per annum. Such liquor importer's license shall be subject to
27 all conditions and restrictions imposed by this title or by the rules
28 and regulations of the board, and shall be issued only upon such terms
29 and conditions as may be imposed by the board. ~~((No liquor importer's
30 license shall be required in sales to the Washington state liquor
31 control board.))~~

32 **Sec. 206.** RCW 66.28.060 and 2008 c 94 s 7 are each amended to read
33 as follows:

34 Every distillery licensed under this title shall make monthly
35 reports to the board pursuant to the regulations. ~~((No such distillery~~

1 ~~shall make any sale of spirits within the state of Washington except to~~
2 ~~the board and as provided in RCW 66.24.145.))~~

3 **Sec. 207.** RCW 66.44.120 and 2005 c 151 s 11 are each amended to
4 read as follows:

5 (1) No person other than an employee of the board shall keep or
6 have in his or her possession any official seal prescribed under this
7 title, unless the same is attached to a package which has been
8 purchased from a ((~~liquor store or contract liquor~~)) retail store; nor
9 shall any person keep or have in his or her possession any design in
10 imitation of any official seal prescribed under this title, or
11 calculated to deceive by its resemblance thereto, or any paper upon
12 which any design in imitation thereof, or calculated to deceive as
13 aforesaid, is stamped, engraved, lithographed, printed, or otherwise
14 marked.

15 (2) (a) Except as provided in (b) of this subsection, every person
16 who willfully violates this section is guilty of a gross misdemeanor
17 and shall be liable on conviction thereof for a first offense to
18 imprisonment in the county jail for a period of not less than three
19 months nor more than six months, without the option of the payment of
20 a fine, and for a second offense, to imprisonment in the county jail
21 for not less than six months nor more than one year, without the option
22 of the payment of a fine.

23 (b) A third or subsequent offense is a class C felony, punishable⁴⁶
24 by imprisonment in a state correctional facility for not less than one
25 year nor more than two years.

26 NEW SECTION. **Sec. 208.** The following acts or parts of acts are
27 each repealed:

28 (1) RCW 66.08.070 (Purchase of liquor by board--Consignment not
29 prohibited--Warranty or affirmation not required for wine or malt
30 purchases) and 1985 c 226 s 2, 1973 1st ex.s. c 209 s 1, & 1933 ex.s.
31 c 62 s 67;

32 (2) RCW 66.08.075 (Officer, employee not to represent manufacturer,
33 wholesaler in sale to board) and 1937 c 217 s 5;

34 (3) RCW 66.08.160 (Acquisition of warehouse authorized) and 1947 c
35 134 s 1;

- 1 (4) RCW 66.08.165 (Strategies to improve operational efficiency and
2 revenue) and 2005 c 231 s 1;
- 3 (5) RCW 66.08.166 (Sunday sales authorized--Store selection and
4 other requirements) and 2005 c 231 s 2;
- 5 (6) RCW 66.08.167 (Sunday sales--Store selection) and 2005 c 231 s
6 4;
- 7 (7) RCW 66.08.220 (Liquor revolving fund--Separate account--
8 Distribution) and 2009 c 271 s 4, 2007 c 370 s 15, 1999 c 281 s 2, &
9 1949 c 5 s 11;
- 10 (8) RCW 66.08.235 (Liquor control board construction and
11 maintenance account) and 2005 c 151 s 4, 2002 c 371 s 918, & 1997 c 75
12 s 1;
- 13 (9) RCW 66.16.010 (Board may establish--Price standards--Prices in
14 special instances) and 2005 c 518 s 935, 2003 1st sp.s. c 25 s 928,
15 1939 c 172 s 10, 1937 c 62 s 1, & 1933 ex.s. c 62 s 4;
- 16 (10) RCW 66.16.040 (Sales of liquor by employees--Identification
17 cards--Permit holders--Sales for cash--Exception) and 2005 c 206 s 1,
18 2005 c 151 s 5, 2005 c 102 s 1, 2004 c 61 s 1, 1996 c 291 s 1, 1995 c
19 16 s 1, 1981 1st ex.s. c 5 s 8, 1979 c 158 s 217, 1973 1st ex.s. c 209
20 s 3, 1971 ex.s. c 15 s 1, 1959 c 111 s 1, & 1933 ex.s. c 62 s 7;
- 21 (11) RCW 66.16.041 (Credit and debit card purchases--Rules--
22 Provision, installation, maintenance of equipment by board--
23 Consideration of offsetting liquor revolving fund balance reduction)
24 and 2005 c 151 s 6, 2004 c 63 s 2, 1998 c 265 s 3, 1997 c 148 s 2, &
25 1996 c 291 s 2;
- 26 (12) RCW 66.16.050 (Sale of beer and wine to person licensed to
27 sell) and 1933 ex.s. c 62 s 8;
- 28 (13) RCW 66.16.060 (Sealed packages may be required, exception) and
29 1943 c 216 s 1 & 1933 ex.s. c 62 s 9;
- 30 (14) RCW 66.16.070 (Liquor cannot be opened or consumed on store
31 premises) and 1933 ex.s. c 62 s 10;
- 32 (15) RCW 66.16.100 (Fortified wine sales) and 1997 c 321 s 42 &
33 1987 c 386 s 5;
- 34 (16) RCW 66.16.110 (Birth defects from alcohol--Warning required)
35 and 1993 c 422 s 2;
- 36 (17) RCW 66.16.120 (Employees working on Sabbath) and 2005 c 231 s
37 5;

1 (18) RCW 66.28.045 (Furnishing samples to board--Standards for
2 accountability--Regulations) and 1975 1st ex.s. c 173 s 9; and

3 (19) RCW 82.08.150 (Tax on certain sales of intoxicating liquors--
4 Additional taxes for specific purposes--Collection) and 2009 c 479 s
5 65, 2005 c 514 s 201, 2003 c 167 s 11, 1998 c 126 s 16, 1997 c 321 s
6 55, 1994 sp.s. c 7 s 903, 1993 c 492 s 310, 1989 c 271 s 503, 1983 2nd
7 ex.s. c 3 s 12, 1982 1st ex.s. c 35 s 3, 1981 1st ex.s. c 5 s 25, 1973
8 1st ex.s. c 204 s 1, 1971 ex.s. c 299 s 9, 1969 ex.s. c 21 s 11, 1965
9 ex.s. c 173 s 16, 1965 c 42 s 1, 1961 ex.s. c 24 s 2, & 1961 c 15 s
10 82.08.150.

11 PART III

12 MISCELLANEOUS PROVISIONS

13 NEW SECTION. Sec. 301. The office of the code reviser must
14 prepare legislation to be introduced during the first session following
15 the 2010 general election that removes all statutory references to the
16 term "state liquor store." The effective date of such legislation must
17 be April 1, 2012.

18 NEW SECTION. Sec. 302. If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

22 NEW SECTION. Sec. 303. Nothing in this act shall be construed to
23 affect or diminish the rights of tribes or military installation
24 operated by or for any of the armed forces within the geographical
25 boundaries of the state of Washington with respect to the sale or
26 purchase of spirits. The liquor control board must prepare a report to
27 the legislature by January 1, 2011, on a recommended means to carry out
28 the intent of this section.

29 NEW SECTION. Sec. 304. Sections 201 through 204, 207, and 208 of
30 this act take effect April 1, 2012.

--- END ---