

ESSB 6477 - H COMM AMD

By Committee on State Government & Tribal Affairs

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 66.16 RCW
4 to read as follows:

5 (1) The liquor control board must allow spirits sampling in former
6 contract liquor stores for the purpose of promoting the sponsor's
7 products.

8 (a) No store may hold more than one spirits sampling per week.

9 (b) The locations shall be approved by the board. Before the board
10 determines which stores will be eligible to participate, it shall give:

11 (i) Due consideration to the location of the store with respect to
12 the proximity of places of worship, schools, and public institutions;

13 (ii) Due consideration to motor vehicle accident data in the
14 proximity of the store; and

15 (iii) Written notice by certified mail of the proposed spirits
16 sampling to places of worship, schools, and public institutions within
17 five hundred feet of the store proposed to offer spirits sampling.

18 (c) Sampling must be conducted under the following conditions:

19 (i) Sampling may take place only in an area of a store in which
20 access to persons under twenty-one years of age is prohibited;

21 (ii) Samples may be provided free of charge;

22 (iii) Only persons twenty-one years of age or over may sample
23 spirits;

24 (iv) Each sample must be one-quarter ounce or less, with no more
25 than one ounce of samples provided per person per day;

26 (v) Only sponsors may serve samples;

27 (vi) Any person involved in the serving of such samples must have
28 completed a mandatory alcohol server training program;

29 (vii) No person who is apparently intoxicated may sample spirits;

1 (viii) The product provided for sampling must be available for sale
2 at the store where the sampling occurs at the time of the sampling; and

3 (ix) Customers must remain on the store premise while consuming
4 samples.

5 (d) The liquor control board may prohibit sampling at a location
6 that is within the boundaries of an alcohol impact area recognized by
7 resolution of the board if the board finds that the sampling activities
8 at the location are having an adverse effect on the reduction of
9 chronic public inebriation in the area.

10 (e) All other criteria must be determined by the board.

11 (2) The liquor control board may adopt rules to implement this
12 section.

13 (3) For the purposes of this section:

14 (a) "Sponsors" means a domestic distiller licensed under RCW
15 66.24.140 or an accredited representative of a distiller, manufacturer,
16 importer, or distributor of spirituous liquor licensed under RCW
17 66.24.310; and

18 (b) "Store" means a former contract liquor store premises as of May
19 31, 2012.

20 **Sec. 2.** RCW 66.08.050 and 2012 c 2 s 107 (Initiative Measure No.
21 1183) are each amended to read as follows:

22 The board, subject to the provisions of this title and the rules,
23 must:

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

26 (2) Execute or cause to be executed, all contracts, papers, and
27 documents in the name of the board, under such regulations as the board
28 may fix;

29 (3) Pay all customs, duties, excises, charges and obligations
30 whatsoever relating to the business of the board;

31 (4) Require bonds from all employees in the discretion of the
32 board, and to determine the amount of fidelity bond of each such
33 employee;

34 (5) Perform services for the state lottery commission to such
35 extent, and for such compensation, as may be mutually agreed upon
36 between the board and the commission;

1 (6) Accept and deposit into the general fund-local account and
2 disburse, subject to appropriation, federal grants or other funds or
3 donations from any source for the purpose of improving public awareness
4 of the health risks associated with alcohol consumption by youth and
5 the abuse of alcohol by adults in Washington state. The board's
6 alcohol awareness program must cooperate with federal and state
7 agencies, interested organizations, and individuals to effect an active
8 public beverage alcohol awareness program;

9 (7) Perform all other matters and things, whether similar to the
10 foregoing or not, to carry out the provisions of this title, and has
11 full power to do each and every act necessary to the conduct of its
12 regulatory functions, including all supplies procurement, preparation
13 and approval of forms, and every other undertaking necessary to perform
14 its regulatory functions whatsoever, subject only to audit by the state
15 auditor. However, the board has no authority to regulate the content
16 of spoken language on licensed premises where wine and other liquors
17 are served and where there is not a clear and present danger of
18 disorderly conduct being provoked by such language or to restrict
19 advertising of lawful prices;

20 (8) Allow spirits sampling on former contract liquor store premises
21 under this act.

22 **Sec. 3.** RCW 66.08.050 and 2012 c 2 s 107 (Initiative Measure No.
23 1183) are each amended to read as follows:

24 The board, subject to the provisions of this title and the rules,
25 must:

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

28 (2) Execute or cause to be executed, all contracts, papers, and
29 documents in the name of the board, under such regulations as the board
30 may fix;

31 (3) Pay all customs, duties, excises, charges and obligations
32 whatsoever relating to the business of the board;

33 (4) Require bonds from all employees in the discretion of the
34 board, and to determine the amount of fidelity bond of each such
35 employee;

36 (5) Perform services for the state lottery commission to such

1 extent, and for such compensation, as may be mutually agreed upon
2 between the board and the commission;

3 (6) Accept and deposit into the general fund-local account and
4 disburse, subject to appropriation, federal grants or other funds or
5 donations from any source for the purpose of improving public awareness
6 of the health risks associated with alcohol consumption by youth and
7 the abuse of alcohol by adults in Washington state. The board's
8 alcohol awareness program must cooperate with federal and state
9 agencies, interested organizations, and individuals to effect an active
10 public beverage alcohol awareness program;

11 (7) Perform all other matters and things, whether similar to the
12 foregoing or not, to carry out the provisions of this title, and has
13 full power to do each and every act necessary to the conduct of its
14 regulatory functions, including all supplies procurement, preparation
15 and approval of forms, and every other undertaking necessary to perform
16 its regulatory functions whatsoever, subject only to audit by the state
17 auditor. However, the board has no authority to regulate the content
18 of spoken language on licensed premises where wine and other liquors
19 are served and where there is not a clear and present danger of
20 disorderly conduct being provoked by such language or to restrict
21 advertising of lawful prices;

22 (8) Allow spirits sampling on former contract liquor store premises
23 under this act.

24 **Sec. 4.** RCW 66.08.030 and 2012 c 2 s 204 (Initiative Measure No.
25 1183) are each amended to read as follows:

26 The power of the board to make regulations under chapter 34.05 RCW
27 extends to:

28 (1) Prescribing the duties of the employees of the board, and
29 regulating their conduct in the discharge of their duties;

30 (2) Prescribing an official seal and official labels and stamps and
31 determining the manner in which they must be attached to every package
32 of liquor sold or sealed under this title, including the prescribing of
33 different official seals or different official labels for different
34 classes of liquor;

35 (3) Prescribing forms to be used for purposes of this title or the
36 regulations, and the terms and conditions to be contained in permits
37 and licenses issued under this title, and the qualifications for

1 receiving a permit or license issued under this title, including a
2 criminal history record information check. The board may submit the
3 criminal history record information check to the Washington state
4 patrol and to the identification division of the federal bureau of
5 investigation in order that these agencies may search their records for
6 prior arrests and convictions of the individual or individuals who
7 filled out the forms. The board must require fingerprinting of any
8 applicant whose criminal history record information check is submitted
9 to the federal bureau of investigation;

10 (4) Prescribing the fees payable in respect of permits and licenses
11 issued under this title for which no fees are prescribed in this title,
12 and prescribing the fees for anything done or permitted to be done
13 under the regulations;

14 (5) Prescribing the kinds and quantities of liquor which may be
15 kept on hand by the holder of a special permit for the purposes named
16 in the permit, regulating the manner in which the same is kept and
17 disposed of, and providing for the inspection of the same at any time
18 at the instance of the board;

19 (6) Regulating the sale of liquor kept by the holders of licenses
20 which entitle the holder to purchase and keep liquor for sale;

21 (7) Prescribing the records of purchases or sales of liquor kept by
22 the holders of licenses, and the reports to be made thereon to the
23 board, and providing for inspection of the records so kept;

24 (8) Prescribing the kinds and quantities of liquor for which a
25 prescription may be given, and the number of prescriptions which may be
26 given to the same patient within a stated period;

27 (9) Prescribing the manner of giving and serving notices required
28 by this title or the regulations, where not otherwise provided for in
29 this title;

30 (10) Regulating premises in which liquor is kept for export from
31 the state, or from which liquor is exported, prescribing the books and
32 records to be kept therein and the reports to be made thereon to the
33 board, and providing for the inspection of the premises and the books,
34 records and the liquor so kept;

35 (11) Prescribing the conditions and qualifications requisite for
36 the obtaining of club licenses and the books and records to be kept and
37 the returns to be made by clubs, prescribing the manner of licensing

1 clubs in any municipality or other locality, and providing for the
2 inspection of clubs;

3 (12) Prescribing the conditions, accommodations, and qualifications
4 requisite for the obtaining of licenses to sell beer, wines, and
5 spirits, and regulating the sale of beer, wines, and spirits
6 thereunder;

7 (13) Specifying and regulating the time and periods when, and the
8 manner, methods and means by which manufacturers must deliver liquor
9 within the state; and the time and periods when, and the manner,
10 methods and means by which liquor may lawfully be conveyed or carried
11 within the state;

12 (14) Providing for the making of returns by brewers of their sales
13 of beer shipped within the state, or from the state, showing the gross
14 amount of such sales and providing for the inspection of brewers' books
15 and records, and for the checking of the accuracy of any such returns;

16 (15) Providing for the making of returns by the wholesalers of beer
17 whose breweries are located beyond the boundaries of the state;

18 (16) Providing for the making of returns by any other liquor
19 manufacturers, showing the gross amount of liquor produced or
20 purchased, the amount sold within and exported from the state, and to
21 whom so sold or exported, and providing for the inspection of the
22 premises of any such liquor manufacturers, their books and records, and
23 for the checking of any such return;

24 (17) Providing for the giving of fidelity bonds by any or all of
25 the employees of the board. However, the premiums therefor must be
26 paid by the board;

27 (18) Providing for the shipment of liquor to any person holding a
28 permit and residing in any unit which has, by election pursuant to this
29 title, prohibited the sale of liquor therein;

30 (19) Prescribing methods of manufacture, conditions of sanitation,
31 standards of ingredients, quality and identity of alcoholic beverages
32 manufactured, sold, bottled, or handled by licensees and the board; and
33 conducting from time to time, in the interest of the public health and
34 general welfare, scientific studies and research relating to alcoholic
35 beverages and the use and effect thereof;

36 (20) Seizing, confiscating and destroying all alcoholic beverages
37 manufactured, sold or offered for sale within this state which do not
38 conform in all respects to the standards prescribed by this title or

1 the regulations of the board. However, nothing herein contained may be
2 construed as authorizing the liquor board to prescribe, alter, limit or
3 in any way change the present law as to the quantity or percentage of
4 alcohol used in the manufacturing of wine or other alcoholic beverages;
5 (21) Allowing spirits sampling under this act.

6 NEW SECTION. Sec. 5. Section 2 of this act expires December 1,
7 2012.

8 NEW SECTION. Sec. 6. Section 3 of this act takes effect December
9 1, 2012."

10 Correct the title.

EFFECT: Strikes provisions that:

(1) Created a day spa permit allowing the holder to offer or supply, without charge, a single glass of wine or beer to a customer for consumption on the premises.

(2) Created a senior center license allowing the retail sale of spirits, beer, and wine for consumption on the premises.

(3) Permitted breweries and microbreweries to identify the producer of the beer on private labels without running afoul of prohibitions on advancing or receiving moneys or moneys' worth.

(4) Authorized the Liquor Control Board to adjust the gross sales percentage of grocery products required in order for a grocery store licensee to obtain an endorsement to offer beer and wine tastings.

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