
SENATE BILL 5150

State of Washington

62nd Legislature

2011 Regular Session

By Senators Kohl-Welles and Hewitt

Read first time 01/17/11. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to on-premise spirits sampling; amending RCW
2 66.16.070 and 66.28.040; creating a new section; and providing an
3 expiration date.

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

5 NEW SECTION. **Sec. 1.** (1) The liquor control board shall establish
6 a pilot project to allow spirits sampling in state liquor stores as
7 defined in RCW 66.16.010 and contract stores as defined in RCW
8 66.04.010(11) for the purpose of promoting the sponsor's products. For
9 purposes of this section, "sponsors" include: A domestic distiller
10 licensed under RCW 66.24.140 or an accredited representative of a
11 distiller, manufacturer, importer, or distributor of spirituous liquor
12 licensed under RCW 66.24.310.

13 (a) The pilot project shall consist of thirty locations with at
14 least six samplings to be conducted at each location between September
15 1, 2011, and September 1, 2012. However, no state liquor store or
16 contract store may hold more than one spirits sampling per week during
17 the project period.

18 (b) The pilot project locations shall be determined by the board.

1 Before the board determines which state liquor stores or contract
2 stores will be eligible to participate in the sampling pilot, it shall
3 give:

4 (i) Due consideration to the location of the state liquor store or
5 contract store with respect to the proximity of places of worship,
6 schools, and public institutions;

7 (ii) Due consideration to motor vehicle accident data in the
8 proximity of the state liquor store or contract store; and

9 (iii) Written notice by certified mail of the proposed spirits
10 sampling to places of worship, schools, and public institutions within
11 five hundred feet of the liquor store proposed to offer spirits
12 sampling.

13 (c) Sampling may be conducted under the following conditions:

14 (i) Samples may be provided free of charge to persons age twenty-
15 one and over;

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

18 (iii) Sponsors may serve samples;

19 (iv) Any person involved in the serving of such samples must have
20 completed a mandatory alcohol server training program;

21 (v) No person who is apparently intoxicated may sample spirits;

22 (vi) The product provided for sampling must be available for sale
23 at the state liquor store or contract store where the sampling occurs
24 at the time of the sampling; and

25 (vii) Customers must remain on the state liquor store or contract
26 store premise while consuming samples.

27 (d) State liquor stores and contract stores may only advertise the
28 sampling event within the store.

29 (e) The liquor control board may prohibit sampling at a pilot
30 project location that is within the boundaries of an alcohol impact
31 area recognized by resolution of the board if the board finds that the
32 sampling activities at the location are having an adverse effect on the
33 reduction of chronic public inebriation in the area.

34 (f) All other criteria needed to establish and monitor the pilot
35 project shall be determined by the board.

36 (g) The board shall report on the pilot project to the appropriate
37 committees of the legislature by December 1, 2012.

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

3 **Sec. 2.** RCW 66.16.070 and 1933 ex.s. c 62 s 10 are each amended to
4 read as follows:

5 No employee in a state liquor store shall open or consume, or allow
6 to be opened or consumed any liquor on the store premises, except for
7 the purposes of conducting on-premise spirits sampling pursuant to the
8 provisions of this act.

9 **Sec. 3.** RCW 66.28.040 and 2009 c 373 s 8 are each amended to read
10 as follows:

11 Except as permitted by the board under RCW 66.20.010, no domestic
12 brewery, microbrewery, distributor, distiller, domestic winery,
13 importer, rectifier, certificate of approval holder, or other
14 manufacturer of liquor shall, within the state of Washington, give to
15 any person any liquor; but nothing in this section nor in RCW 66.28.010
16 shall prevent a domestic brewery, microbrewery, distributor, domestic
17 winery, distiller, certificate of approval holder, or importer from
18 furnishing samples of beer, wine, or spirituous liquor to authorized
19 licensees for the purpose of negotiating a sale, in accordance with
20 regulations adopted by the liquor control board, provided that the
21 samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210(~~(~~
22 ~~and~~)). In the case of spirituous liquor, any product used for samples
23 must be purchased ((at retail)) from the board at cost plus a ten-
24 dollar handling fee; nothing in this section shall prevent the
25 furnishing of samples of liquor to the board for the purpose of
26 negotiating the sale of liquor to the state liquor control board;
27 nothing in this section shall prevent a domestic brewery, microbrewery,
28 domestic winery, distillery, certificate of approval holder, or
29 distributor from furnishing beer, wine, or spirituous liquor for
30 instructional purposes under RCW 66.28.150; nothing in this section
31 shall prevent a domestic winery, certificate of approval holder, or
32 distributor from furnishing wine without charge, subject to the taxes
33 imposed by RCW 66.24.210, to a not-for-profit group organized and
34 operated solely for the purpose of enology or the study of viticulture
35 which has been in existence for at least six months and that uses wine
36 so furnished solely for such educational purposes or a domestic winery,

1 or an out-of-state certificate of approval holder, from furnishing wine
2 without charge or a domestic brewery, or an out-of-state certificate of
3 approval holder, from furnishing beer without charge, subject to the
4 taxes imposed by RCW 66.24.210 or 66.24.290, or a domestic distiller
5 licensed under RCW 66.24.140 or an accredited representative of a
6 distiller, manufacturer, importer, or distributor of spirituous liquor
7 licensed under RCW 66.24.310, from furnishing spirits without charge,
8 to a nonprofit charitable corporation or association exempt from
9 taxation under section 501(c)(3) or (6) of the internal revenue code of
10 1986 (26 U.S.C. Sec. 501(c)(3) or (6)) for use consistent with the
11 purpose or purposes entitling it to such exemption; nothing in this
12 section shall prevent a domestic brewery or microbrewery from serving
13 beer without charge, on the brewery premises; nothing in this section
14 shall prevent donations of wine for the purposes of RCW 66.12.180;
15 nothing in this section shall prevent a domestic winery from serving
16 wine without charge, on the winery premises; and nothing in this
17 section shall prevent a craft distillery from serving spirits without
18 charge, on the distillery premises subject to RCW 66.24.145.

19 NEW SECTION. **Sec. 4.** This act expires December 1, 2012.

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