
SENATE BILL 6572

State of Washington

60th Legislature

2008 Regular Session

By Senators Spanel, Jacobsen, Kohl-Welles, and McDermott

Read first time 01/18/08. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to off-premises microbrewery warehouses; reenacting
2 and amending RCW 66.24.244 and 66.24.244; providing an effective date;
3 and providing an expiration date.

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

5 **Sec. 1.** RCW 66.24.244 and 2007 c 370 s 4 and 2007 c 222 s 1 are
6 each reenacted and amended to read 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) Any microbrewery licensed under this section may also act as a
11 distributor and/or retailer for beer and strong beer of its own
12 production. Any microbrewery licensed under this section may act as a
13 distributor for beer of its own production. Strong beer may not be
14 sold at a farmers market or under any endorsement which may authorize
15 microbreweries to sell beer at farmers markets. Any microbrewery
16 operating as a distributor and/or retailer under this subsection shall
17 comply with the applicable laws and rules relating to distributors
18 and/or retailers, except that a microbrewery operating as a distributor
19 may maintain a warehouse off the premises of the microbrewery for the

1 distribution of beer. A microbrewery holding a spirits, beer, and wine
2 restaurant 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 the
5 licensee and filled at the tap by the licensee at the time of sale.

6 (3) The board may issue a license allowing a microbrewery to
7 operate a spirits, beer, and wine restaurant under RCW 66.24.420.

8 (4) The board may issue a license to a microbrewery allowing for
9 on-premises consumption of beer, including strong beer, wine, or both
10 of other manufacture if purchased from a Washington state-licensed
11 distributor. The microbrewer must determine, at the time the license
12 is issued, whether the licensed premises will be operated as a tavern
13 with persons under twenty-one years of age not allowed as provided for
14 in RCW 66.24.330, or as a beer and/or wine restaurant as described in
15 RCW 66.24.320.

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

20 (6) If the microbrewery licensee holds a separate license for a
21 spirits, beer, and wine restaurant or a beer and/or wine restaurant,
22 operated on the brewery premises, the licensee may hold a second retail
23 license for a spirits, beer, and wine restaurant or a beer and/or wine
24 restaurant, at a location separate from the licensed brewery premises.

25 (7)(a) A microbrewery licensed under this section may apply to the
26 board for an endorsement to sell bottled beer of its own production at
27 retail for off-premises consumption at a qualifying farmers market.
28 The annual fee for this endorsement is seventy-five dollars.

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

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

37 (d) Each approved location in a qualifying farmers market is deemed
38 to be part of the microbrewery license for the purpose of this title.

1 The approved locations under an endorsement granted under this
2 subsection (7) do not constitute the tasting or sampling privilege of
3 a microbrewery. The microbrewery may not store beer at a farmers
4 market beyond the hours that the microbrewery offers bottled beer for
5 sale. The microbrewery may not act as a distributor from a farmers
6 market location.

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

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

26 (g) For the purposes of this subsection (7):

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

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

34 (B) The total combined gross annual sales of vendors who are
35 farmers exceeds the total combined gross annual sales of vendors who
36 are processors or resellers;

37 (C) The total combined gross annual sales of vendors who are

1 farmers, processors, or resellers exceeds the total combined gross
2 annual sales of vendors who are not farmers, processors, or resellers;

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

5 (E) No vendor is a franchisee.

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

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

13 (iv) "Reseller" means a natural person who buys agricultural
14 products from a farmer and resells the products directly to the
15 consumer.

16 **Sec. 2.** RCW 66.24.244 and 2007 c 370 s 5 and 2007 c 222 s 2 are
17 each reenacted and amended to read as follows:

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

21 (2) Any microbrewery licensed under this section may also act as a
22 distributor and/or retailer for beer and strong beer of its own
23 production. Strong beer may not be sold at a farmers market or under
24 any endorsement which may authorize microbreweries to sell beer at
25 farmers markets. Any microbrewery operating as a distributor and/or
26 retailer under this subsection shall comply with the applicable laws
27 and rules relating to distributors and/or retailers, except that a
28 microbrewery operating as a distributor may maintain a warehouse off
29 the premises of the microbrewery for the distribution of beer. A
30 microbrewery holding a spirits, beer, and wine restaurant license may
31 sell beer of its own production for off-premises consumption from its
32 restaurant premises in kegs or in a sanitary container brought to the
33 premises by the purchaser or furnished by the licensee and filled at
34 the tap by the licensee at the time of sale.

35 (3) The board may issue a license allowing a microbrewery to
36 operate a spirits, beer, and wine restaurant under RCW 66.24.420.

1 (4) The board may issue a license to a microbrewery allowing for
2 on-premises consumption of beer, including strong beer, wine, or both
3 of other manufacture if purchased from a Washington state-licensed
4 distributor. The microbrewer must determine, at the time the license
5 is issued, whether the licensed premises will be operated as a tavern
6 with persons under twenty-one years of age not allowed as provided for
7 in RCW 66.24.330, or as a beer and/or wine restaurant as described in
8 RCW 66.24.320.

9 (5) A microbrewery that holds a spirits, beer, and wine restaurant
10 license or a beer and/or wine restaurant license shall hold the same
11 privileges and endorsements as permitted under RCW 66.24.320 and
12 66.24.420.

13 (6) If the microbrewery licensee holds a separate license for a
14 spirits, beer, and wine restaurant or a beer and/or wine restaurant,
15 operated on the brewery premises, the licensee may hold a second retail
16 license for a spirits, beer, and wine restaurant or a beer and/or wine
17 restaurant, at a location separate from the licensed brewery premises.

18 (7)(a) A microbrewery licensed under this section may apply to the
19 board for an endorsement to sell bottled beer of its own production at
20 retail for off-premises consumption at a qualifying farmers market.
21 The annual fee for this endorsement is seventy-five dollars.

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

28 (c) The beer sold at qualifying farmers markets must be produced in
29 Washington.

30 (d) Each approved location in a qualifying farmers market is deemed
31 to be part of the microbrewery license for the purpose of this title.
32 The approved locations under an endorsement granted under this
33 subsection (7) do not constitute the tasting or sampling privilege of
34 a microbrewery. The microbrewery may not store beer at a farmers
35 market beyond the hours that the microbrewery offers bottled beer for
36 sale. The microbrewery may not act as a distributor from a farmers
37 market location.

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

17 (f) The board may adopt rules establishing the application and
18 approval process under this section and any additional rules necessary
19 to implement this section.

20 (g) For the purposes of this subsection (7):

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

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

28 (B) The total combined gross annual sales of vendors who are
29 farmers exceeds the total combined gross annual sales of vendors who
30 are processors or resellers;

31 (C) The total combined gross annual sales of vendors who are
32 farmers, processors, or resellers exceeds the total combined gross
33 annual sales of vendors who are not farmers, processors, or resellers;

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

36 (E) No vendor is a franchisee.

37 (ii) "Farmer" means a natural person who sells, with or without

1 processing, agricultural products that he or she raises on land he or
2 she owns or leases in this state or in another state's county that
3 borders this state.

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

7 (iv) "Reseller" means a natural person who buys agricultural
8 products from a farmer and resells the products directly to the
9 consumer.

10 NEW SECTION. **Sec. 3.** Section 1 of this act expires June 30, 2008.

11 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect June 30,
12 2008.

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