WAC 314-02-106 What is a spirits retailer license? (1) The holder of a spirits retailer license is allowed to:

(a) Sell spirits in original containers to consumers for off-premises consumption;

(b) Sell spirits in original containers to permit holders (see chapter 66.20 RCW);

(c) Sell spirits in original containers to on-premises liquor retailers, for resale at their licensed premises; and

(d) Export spirits in original containers.

(2) A spirits retailer licensee that intends to sell to another retailer must possess a basic permit under the Federal Alcohol Administration Act. This permit must provide for purchasing distilled spirits for resale at wholesale. A copy of the federal basic permit must be submitted to the board. A federal basic permit is required for each location from which the spirits retailer licensee plans to sell to another retailer.

(3) A sale by a spirits retailer licensee is a retail sale only if not for resale to an on-premises spirits retailer. On-premises retail licensees that purchase spirits from a spirits retail licensee must abide by RCW 66.24.630.

(4) A spirits retail licensee must pay to the board 17 percent of all spirits sales.

(5) Per RCW 66.24.055, a spirits retail licensee selling for resale must pay to the board a 10 percent distributor license fee for the first 27 months of licensure, and a five percent distributor license fee for month 28 and each month thereafter. The fee is required on sales of spirits which the licensee selling to another licensee for resale is the first to have received:

(a) Spirits manufactured in the state, from the distiller; or

(b) Spirits manufactured outside of the state from an authorized out-of-state supplier; and

(c) No other distributor license fee has been paid.

(6) Reporting of spirits sales and payment of fees must be submitted electronically or on forms provided by the board. Reporting requirements are outlined in WAC 314-02-109.

(7) A spirits retail licensee may apply for a spirits sampling endorsement to conduct spirits sampling if they meet the following criteria:

(a) Be a participant in the responsible vendor program;

(b) Advertising:

(i) For spirits retail licensees that also hold a grocery store license, signs advertising spirits samplings may not be placed in the windows or outside of the premises that can be viewed from the public right of way;

(ii) For spirits retail licensees that also hold a beer/wine specialty store license, advertising of spirits sampling may be advertised but not state that sampling is free of charge.

(c) Spirits samplings are to be conducted in the following manner:

(i) Spirits samplings service area and facilities must be located within the licensees' fully enclosed retail area and must be of a size and design that the licensee can observe and control persons in the area.

(ii) The licensee must provide a sketch of the sampling area. Fixed or movable barriers are required around the sampling area to ensure that persons under 21 years of age and apparently intoxicated

persons cannot possess or consume alcohol. The sketch is to be included with the application for the spirits sampling endorsement.

(iii) Each sample may be no more than one-half ounce of spirits, and no more than a total of one and one-half ounces of spirits samples per person during any one visit to the premises. Spirits samples may be altered with mixers, water, and/or ice.

(iv) The licensee must have food available for the sampling participants.

(v) Customers must remain in the service area while consuming samples.

(vi) All employees serving spirits during sampling events must hold a class 12 server permit.

(vii) There must be at least two employees on duty when conducting spirits sampling events.

(viii) Spirits sampling activities are subject to RCW 66.28.305 and 66.28.040.

(d) Licensees are required to send a list of scheduled spirits samplings to their regional enforcement office at the beginning of each month. The date and time for each sampling must be included.

(8) The annual fee for a spirits retail license is $550.

[Statutory Authority: RCW 34.05.353, 66.08.030, 66.08.[0]31, 66.20.010, 66.20.110, 66.20.300, 66.20.310, 66.20.400, 66.24.015, 66.24.035, 66.24.055, 66.24.146, 66.24.179, 66.24.246, 66.24.248, 66.24.320, 66.24.330, 66.24.350, 66.24.354, 66.24.360, 66.24.363, 66.24.371, 66.24.420, 66.24.540, 66.24.550, 66.24.580, 66.24.590, 66.24.600, 66.24.610, 66.24.630, 66.24.710, 69.50.325, and 69.50.342. WSR 26-03-072, s 314-02-106, filed 1/20/26, effective 1/20/26. Statutory Authority: Chapter 66.24 RCW, RCW 66.08.030 and Court of Appeals Decision: Washington Restaurant Association, et al., v. WSLCB, 200 Wn.App. 119, 401 P.3d 428 (2017). WSR 19-21-002, § 314-02-106, filed 10/2/19, effective 1/1/20. Statutory Authority: RCW 66.08.030. WSR 17-12-030, § 314-02-106, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 66.24.670 and 66.08.030. WSR 15-07-036, § 314-02-106, filed 3/11/15, effective 4/11/15. Statutory Authority: RCW 66.24.363, 66.24.660 and 66.08.030. WSR 14-02-001, § 314-02-106, filed 12/18/13, effective 1/18/14. Statutory Authority: RCW 66.08.030, 66.24.055, 66.24.160, 66.24.630, and 66.24.640. WSR 12-12-065, § 314-02-106, filed 6/5/12, effective 7/6/12.]