Washington State
Liquor Control Board

Liquor Control Board Interim Policy BIP-05-2011

Subject: Spirits Sampling in State and Contract Liquor Stores

Effective Date: August 10, 2011

Ending Date: September 1, 2012.

Approved:

Sharon Foster, Chairman

Not present

Ruthann Kurose, Board Member

Chris Marr, Board Member

Purpose:

ESHB 1202 created a spirits sampling pilot in state and contract liquor stores. The bill outlines the criteria under which a state or contract liquor store may conduct spirits sampling. The spirits sampling pilot will take place between September 1, 2011 and September 1, 2012.

Policy Statement:

The following criteria applies to spirits sampling in state and contract liquor stores:

- The pilot will consist of 30 locations;
- Each location is limited to one sampling per week; and
- The pilot locations shall be determined by the board based on the following conditions:
  - store retail sales
  - geographic location
  - adequate area available in the store to accommodate a specific area for the sampling to be conducted;
  - motor vehicle accident data in the proximity to store locations; and
  - proximity of schools, places of worship, and public institutions to the store location.

- the board may prohibit sampling at a pilot project location that is within the boundaries of an AIA recognized by board resolution if the board finds that the sampling activities at the store location are having an adverse effect on the reduction of chronic public inebriation in the area.

Samples may be conducted under the following conditions:

- only sponsors may serve samples (sponsor means a domestic distiller, an accredited representative of a distiller, a manufacturer, importer, or distributor of spirituous liquor);
- sponsors serving samples must hold a MAST permit;
- products sampled must have been approved by the Purchasing division to be conducted in the assigned location on the specific date and during the specific time period;
- the sampling must not start before or continue after the approved time period;
- sampling must take place in a defined area of the premises, surrounded by a 40 inch high barrier, to prevent persons under twenty-one years of age from entering;
- samples will be provided free of charge to persons age twenty-one and over;
- each sample must be one-quarter ounce or less, up to a total of four samples per customer per day;
- customers must remain in the defined sampling area while consuming samples;
- no person who is apparently intoxicated may sample spirits; and
- the product provided for sampling must be available for sale at the store location where the sample occurs at the time of the sampling;

The spirits sampling format will be the same in both state and contract liquor stores:

- The sponsor must provide all equipment and supplies for sampling as outlined by the board;
- Only sponsors or their representatives may serve samples to the customers;
- Sponsors or their representatives are solely responsible for compliance at the sampling events;
- Sponsors or their representatives are responsible for setting up and breaking down the sampling and leaving the area in the same condition as before the event;
- The sponsor or their representatives must purchase the product used for the sampling from a state or contract liquor store;

- Signs advertising spirits sampling events may not be placed in the windows or outside of the premises that can be viewed from the public right-of-way.

Compliance:
Enforcement will conduct random compliance checks during the pilot. If a violation occurs:

- A criminal citation will be issued to the individual furnishing spirits at the sampling event; and
- The sponsor will receive a $500 AVN for the first violation, and a $2500 AVN plus loss of sampling privileges for the duration of the pilot for the second violation.

The event sponsor may be subject to an Administrative Violation Notice (AVN) for any compliance failures.

The Purchasing division will provide the Enforcement division a list of sampling events at the beginning of each month including the date and time for each spirits sampling event.

The LCB will report on the pilot project to the appropriate committee of the legislature by December 1, 2012. The results must include a survey of liquor store managers.