

NEW SECTION

WAC 314-02-140 Product placement. (1) Definitions. The following definitions apply in this rule:

(a) "Crossover product" means alcohol products containing the same or similar brand name, logo, or packaging as a nonalcoholic beverage.

(b) "End-cap" means a display for products placed at the end of an aisle.

(c) "Low or nonalcoholic alternative beverages" means beverages that have less than one-half of one percent of alcohol by volume that are marketed to adults as alcohol beverage substitutes for beer, wine, and spirits including, but not limited to, products marketed as near beer; low or nonalcoholic beer, seltzers, or wine; nonalcoholic cocktails (sometimes called mocktails or virgin cocktails); or other products marketed as alcohol substitutes.

(d) "Mini-bottle" means a container of alcohol with 200 ml or less of fluid.

(e) "Reasonably secured" means including, but not limited to, the following: Individual theft prevention devices attached; secured behind the counter; secured in a locked cabinet; or secured in a manner out of reach of shoppers.

(2) Application. This rule applies to the following liquor licenses:

(a) Specialty shops including, but not limited to:

(i) Beer/wine specialty shop licensed under RCW 66.24.371; and

(ii) Combination spirits/beer/wine off-premises specialty shop licensed under RCW 66.24.035;

(b) Grocery stores including, but not limited to:

(i) Grocery store licensed under RCW 66.24.360; and

(ii) Combination spirits/beer/wine off-premises grocery store licensed under RCW 66.24.035; and

(c) Spirits retailer licensed under RCW 66.24.630.

(3) Specialty shops, grocery stores, and spirits retailers must comply with the following:

(a)(i) No liquor products containing one-half of one percent of alcohol by volume or more may be displayed next to the following:

(A) Soft drinks/soda;

(B) Fruit juice;

(C) Energy drinks;

(D) Liquid tea;

(E) Flavored water;

(F) Candy marketed for youth consumption;

(G) Food with cartoon or youth-oriented images;

(H) Toys, games, and related gear; and

(I) Items marketed for youth consumption.

(ii) The following may be displayed next to liquor products containing one-half of one percent of alcohol by volume or more:

(A) Low or nonalcoholic alternative beverages; and

(B) Bottled water.

(iii) The following liquor products containing one-half of one percent of alcohol by volume or more are not subject to the restriction above in (a)(i) of this subsection:

(A) Products commonly known as mixers for spirituous liquor;

(B) Bitters; and

(C) Cooking wine.

(b) Crossover products will not be displayed in the same aisle as their nonalcoholic counterpart;

(c) Crossover products must not be displayed on end-caps or free-standing displays, unless the aisle or broader area of the retailer is dedicated solely to the sale of alcohol;

(d) Mini-bottles of liquor must be reasonably secured at all times.

(4) Specialty shops, grocery stores, and spirits retailers with premises under 5,000 square feet must comply with the following:

(a) The requirements in subsection (3)(b), (c), and (d) of this section;

(b)(i) Liquor products containing one-half of one percent of alcohol by volume or more will be physically separated from the items listed in subsection (3)(a)(i)(A) through (I) of this section;

(ii) A licensee may comply with (b)(i) of this subsection if liquor is in the same display unit as the items in subsection (3)(a)(i)(A) through (I) of this section if a sign is placed in a clearly visible place that reads "THESE PRODUCTS CONTAIN ALCOHOL AND ARE ONLY AVAILABLE FOR SALE TO PEOPLE 21 YEARS OF AGE AND OVER."

(5) Penalties. Violations of this rule are subject to penalties identified in WAC 314-29-025.