

Expanded Alcohol Service Areas Rulemaking
(Implementation of 2SHB 1515)

DRAFT Rule – October 3, 2025

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NEW SECTION

WAC 314-03-210 Expanded outdoor alcohol service authorization.

(1) Definitions:

(a) "Alcohol service area" means an area in which liquor may be sold, served, and consumed as authorized under Title 66 RCW and rules of the board.

(b) "Licensee" means one or more of the following, as licensed under Titles 66 RCW and 314 WAC:

- (i) Beer and wine restaurant;
- (ii) Spirits, beer, and wine restaurant;
- (iii) Tavern;
- (iv) Domestic winery;
- (v) Domestic brewery;
- (vi) Microbrewery;
- (vii) Distillery; or
- (viii) Snack bar.

(c) "Local jurisdiction" means a city, town, county, or port authority.

(2) The expanded outdoor alcohol service authorization described in this rule allows licensees within a local jurisdiction to share an expanded outdoor alcohol service area with other licensees subject to the requirements of this rule.

(a) This rule does not apply to outdoor or expanded alcohol service as described in WAC 314-03-200.

(b) Licensees may share use of an expanded outdoor alcohol service area with businesses that do not engage in the sale or service of alcohol, subject to the requirements in WAC 314-03-215.

(c) Licensees participating in expanded outdoor alcohol service must notify the board. Licensees participating may designate a primary licensee to provide notification of participation to the board.

(d) All participating licensees are jointly responsible for any violation or enforcement issues unless it can be demonstrated that the violation or enforcement issues was due to one or more licensee's specific conduct or action, in which case the violation or enforcement applies only to those identified licensees.

(3) (a) The authorization described in this rule may include the entire local jurisdiction, or a specific area or areas of the local jurisdiction.

(b) A county can only be approved for the authorization in this rule as to unincorporated areas of the county.

(4) A local jurisdiction that requests approval from the board for an expanded outdoor alcohol service authorization, as described in this rule, shall submit documentation of the following with its request:

(a) How local resources will be allocated regarding the expanded outdoor alcohol service area, including law enforcement patrols, to ensure safe operations of activities, the safety of the community, consistent with RCW 66.24.800 (1)(d)(i), and compliance with WAC 314-11-015;

(b) How services will be allocated or provided to keep the expanded outdoor alcohol service area clean and free of litter or other remnants of the use of public space for expanded outdoor alcohol service, consistent with RCW 66.24.800 (1)(d)(ii); and

(c) Identifying maximum distance apart for openings into and out of the expanded outdoor alcohol service area. If a local jurisdiction does not specify maximum distances in their application, then a maximum distance of 10 foot openings applies.

(5) Local jurisdiction is responsible for updating the board on changes to their authorized area or areas designated for the expanded service.

(6) (a) All expanded outdoor alcohol service areas must be enclosed by one of the following:

(i) A permanent or movable barrier, at a minimum height determined by the local jurisdiction (naturally sloped conditions approximating a barrier of the minimum height determined by the local jurisdiction or greater will satisfy this requirement). If a local jurisdiction does not specify a minimum height in their application, then a minimum barrier height of 42 inches applies; or

(ii) Permanent fence-free demarcation.

(b) Licensees must notify the board which boundary options identified in (a) of this subsection will be used.

(c) A permanent fence-free demarcation, as described in (a)(ii) of this subsection, must comply with the following:

(i) At least six inches in diameter;

(ii) Placed no more than 10 feet apart; and

(iii) Visible at night.

(7) An employee of the licensee with a mandatory alcohol server training (MAST) permit under chapter 314-17 WAC must always be

assigned to the expanded outdoor alcohol service area when patrons are present in order to monitor alcohol consumption, but is not required to be inside the alcohol service area at all times that patrons are present. Neither the inability of a licensee to adequately see an alcohol service area or the failure of a licensee to adequately monitor an alcohol service area will be considered acceptable grounds for the mitigation of an administrative violation notice issued for any violation of the requirements in this section or other applicable sections of Title 314 WAC.

(8) A local jurisdiction approved for an expanded outdoor alcohol service authorization consistent with this rule must submit the results of a public engagement review consistent with WAC 314-03-214.

(9) The fee for a local jurisdiction to request the expanded outdoor alcohol service area shall be \$1,700 per application.

(10) The authorization described in this rule is effective until December 31, 2027.

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NEW SECTION

WAC 314-03-211 Civic campus authorization. (1) Definitions:

(a) "Alcohol service area" means an area in which liquor may be sold, served, and consumed as authorized under Title 66 RCW and rules of the board.

(b) "Campus operator" means the person who has primary responsibility for making managerial or executive decisions relating to operations and activities at a publicly owned civic campus or the person's designee.

(c) "Licensee" means one or more of the following, as licensed under Titles 66 RCW and 314 WAC:

- (i) Beer and wine restaurant;
- (ii) Spirits, beer, and wine restaurant;
- (iii) Tavern;
- (iv) Domestic winery;
- (v) Domestic brewery;
- (vi) Microbrewery;
- (vii) Distillery;
- (viii) Snack bar;

(ix) Special occasion licensees under RCW 66.24.380; or

(x) Caterer licensed under RCW 66.24.690. A caterer license may be issued to an applicant for this event if the sponsor of the event for which the catering services are being provided is not a society or organization as defined in RCW 66.24.375, if license and regulatory requirements are otherwise met.

(d) "Publicly owned civic campus" or "civic campus" means the buildings, facilities, grounds, lands, and spaces owned by a city and designated as a city center, and used for civic, arts, cultural, sports, and other community and family events and activities, being not more than 100 acres in size on July 27, 2025.

(2) The civic campus authorization described in this rule allows a city with a population of more than 220,000 to obtain approval from the board to expand alcohol service during events on a publicly owned civic campus in the city, subject to the requirements in this rule.

(a) A city may be authorized for no more than 25 events per year.

(b) Seven of these 25 events may be multiday events. A multiday event cannot exceed 14 days.

(3) Multiple licensees located on a civic campus in a city that has been approved for the civic campus authorization may share an

alcohol service area encompassing the entire civic campus, or part of the civic campus, subject to the following requirements:

(a) The board approves of the perimeter enclosing the alcohol service area;

(b) Security and physical barriers are provided at all entry points to the event;

(c) The campus operator notifies the board at least 60 days before the event begins;

(d) Signage is conspicuously posted during the event notifying the public that the area is in use as an expanded alcohol service area and public notice of the upcoming use of the area as an expanded alcohol service area was conspicuously posted at least seven days in advance; and

(e) All participating licensees submit a joint operating plan to the board for approval, consistent with the requirements in WAC 314-03-213.

(f) If businesses that do not engage in the sale or service of alcohol are located within the perimeter of the approved alcohol service area, licensees must also follow all requirements in WAC 314-03-215.

(4) Multiple licensees located on a civic campus in a city that has been approved for the civic campus authorization may share an indoor alcohol service area at certain times authorized by the campus operator, subject to the following requirements:

(a) The campus operator notifies the board at least 60 days before the date licensees intend to begin operating the shared indoor alcohol service area;

(b) The campus operator ensures security and physical barriers are provided at all entry points to the indoor alcohol service area; and

(c) The licensees submit a joint operating plan to the board for approval, consistent with the requirements in WAC 314-03-213.

(5) (a) All participating licensees sharing an alcohol service area under subsection (3) or (4) of this section are jointly responsible for any violation or enforcement issues unless it can be demonstrated that the violation or enforcement issue was due to one or more licensee's specific conduct or action, in which case the violation or enforcement applies only to those identified licensees.

(b) Participating licensees will be required to confirm their participation by attesting to joint responsibility.

(6) While a licensee is operating under the civic campus authorization identified in this rule, they may engage in the following:

(a) Operate without a permit from their local jurisdiction that may otherwise be required to allow the business to use the public space as an alcohol service area;

(b) Share an alcohol service area with another licensee:

(i) Without individually requesting approval from the board; and

(ii) Regardless of whether the licensees' property parcels or buildings are in direct physical proximity to one another; and

(c) Sell and serve alcohol to customers from an alcohol service area without offering food service menu options, except that any required food service must still be provided within the licensed premises, and in any preexisting alcohol service area operated by the licensee under Title 314 WAC that does not rely on RCW 66.24.800, if the preexisting alcohol service areas remains in place during an event.

(7) (a) At the board's discretion, failure to provide the board notice as required in subsection (3) (c) of this section or failure to post signage as required in subsection (3) (d) of this section may be cause for denial of approval of events conducted under this rule.

(b) At the board's discretion, failure to post signage as required in subsection (3)(d) of this section can be cause for denial of license of the participating licensees or denial of participation in future events under this rule.

(8) A city approved for a civic campus authorization consistent with this rule must submit a report to the legislature and the board by January 1, 2027, consistent with RCW 66.24.810.

(9) The fee for a qualifying city to request the civic campus authorization described in this rule is \$1,500 per application.

(10) The authorization described in this rule is effective until December 31, 2027.

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NEW SECTION

WAC 314-03-212 Fan zone authorization. (1) Definitions:

(a) "Alcohol service area" means an area in which liquor may be sold, served, and consumed as authorized under Title 66 RCW and rules of the board.

(b) "Fan zone" means a city, town, county, or port authority that has been designated as a fan zone or host city from an international self-regulatory governing body of a sports association, or a nonprofit organization authorized by such an entity.

(c) "Licensee" means one or more of the following, as licensed under Titles 66 RCW and 314 WAC:

- (i) Beer and wine restaurant;
- (ii) Spirits, beer, and wine restaurant;
- (iii) Tavern;
- (iv) Domestic winery;
- (v) Domestic brewery;
- (vi) Microbrewery;
- (vii) Distillery;
- (viii) Snack bar;

(ix) Special occasion licensees under RCW 66.24.380; or

(x) Caterer licensed under RCW 66.24.690. A caterer license may be issued to an applicant for this event if the sponsor of the event for which the catering services are being provided is not a society or organization as defined in RCW 66.24.375, if license and regulatory requirements are otherwise met.

(2) (a) The fan zone authorization described in this section allows a fan zone to obtain approval from the board for expanded outdoor and indoor alcohol service for liquor licensees within an area or areas of the jurisdiction.

(b) The fan zone authorization may be used to allow expanded alcohol sales and service only during a single multiday event in each fan zone in either the month of June or July 2026.

(3) Multiple licensees located within an area of a fan zone approved under this rule for expanded alcohol service may share an alcohol service area encompassing the entire approved area or areas, during the event, subject to the following requirements:

(a) The board approves of the perimeter enclosing the alcohol service area;

(b) Security and physical barriers are provided at all entry points to the event;

(c) The applicable fan zone, through a designated official or primary licensee, notifies the board at least 60 days before the event begins;

(d) Signage is conspicuously posted during the event notifying the public that the area is in use as an expanded alcohol service area and public notice of the upcoming use of the areas as an expanded alcohol service area was conspicuously posted at least seven days in advance; and

(e) All participating licensees submit a joint operating plan to the board for approval, consistent with the requirements in WAC 314-03-213. A designated contact or primary licensee may submit the joint operating plan and site map clearly identifying alcohol service areas on the behalf of all participating licensees.

(4) (a) Licensees may share use of an expanded alcohol service area under this rule with businesses that do not engage in the sale or service of alcohol, subject to the requirements in WAC 314-03-215.

(b) All participating licensees are jointly responsible for any violation or enforcement issues unless it can be demonstrated that the violation or enforcement issues were due to one or more licensee's specific conduct or action, in which case the violation or enforcement applies only to those identified licensees.

(c) Participating licensees will be required to confirm their participation by attesting to joint responsibility.

(5) While a licensee is operating under the fan zone authorization identified in this rule, they may engage in the following:

(a) Operate without a permit from their local jurisdiction that may otherwise be required to allow the business to use the public space as an alcohol service area;

(b) Share an alcohol service area with another licensee:

(i) Without individually requesting approval from the board; and

(ii) Regardless of whether the licensees' property parcels or buildings are in direct physical proximity to one another; and

(c) Sell and serve alcohol to customers from an alcohol service area without offering food service menu options, except that any required food service must still be provided within the licensed premises, and in any preexisting alcohol service area operated by the licensee under Title 314 WAC that does not rely on RCW 66.24.800, if the preexisting alcohol service areas remains in place during an event.

(6) A fan zone approved for a fan zone authorization consistent with this rule must submit the results of a public engagement review consistent with WAC 314-03-214.

(7) The fee for a local jurisdiction to request approval for a fan zone authorization is \$3,900 per authorization.

(8) The authorization described in this rule is effective until August 1, 2026.

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NEW SECTION

WAC 314-03-213 Joint operating plan. (1) Definition:

"Alcohol service area" means an area in which liquor may be sold, served, and consumed as authorized under Title 66 RCW and rules of the board.

(2) (a) Consistent with WAC 314-03-211, civic campus authorization, a joint operating plan must be submitted to the board by all participating licensees. The joint operating plan must contain all the elements required in this rule. A campus operator, designated contact, or primary licensee may submit the joint operating plan and site map clearly identifying alcohol service areas on the behalf of all participating licensees.

(b) Consistent with WAC 314-03-212, fan zone authorization, a joint operating plan must be submitted to the board by all participating licensees. The joint operating plan must contain all the elements required in this rule. A designated contact or primary licensee may submit the joint operating plan and site map clearly identifying alcohol service areas on the behalf of all participating licensees.

(3) The joint operating plan must be submitted in the following format:

(a) Electronically; and

(b) At least 60 days in advance of the event.

(4) Consistent with RCW 66.24.800 (2)(b)(v), the joint operating plan must contain the following:

(a) How the licensees will prevent the sale and service of alcohol to persons under 21 years of age;

(b) How the licensees will prevent the sale and service of alcohol to persons who appear to be intoxicated;

(c) The ratio of alcohol service staff to the anticipated number of attendees;

(d) The ratio of security staff to the anticipated number of attendees;

(e) Training provided to staff who serve, regulate, or supervise the service of alcohol including that MAST training, consistent with chapter 314-17 WAC, is required for all such staff;

(f) The licensees' policy on the number of alcoholic beverages that will be served to an individual patron per transaction not to exceed a maximum of two alcoholic beverages allowed to be sold or served to an individual patron during one transaction;

(g) Explanation of the alcoholic beverage containers that will be used to ensure they are significantly different from containers used for nonalcoholic beverages;

(h) Barriers or demarcations to be used for an alcohol service area or event perimeter;

(i) Explanation of how licensees will prevent the removal of alcohol in an open container from the alcohol service area or event perimeter, consistent with WAC 314-11-065; and

(j) How licensees will maintain separate storage of products and separate financial records. If licensees share any point of sale system, they must show how they will independently maintain complete documentation and records for the shared point of sale system showing clear separation as to what sales items and categories belong to each respective licensee.

(5) The joint operating plan must also include a map of the alcohol service area. At a minimum, the map shall include a north arrow indicator and identify the following:

- (a) Locations where alcohol will be sold or served;
- (b) Barriers or permanent fence-free demarcations;
- (c) Any sloped areas, if applicable;
- (d) Entrances and exits; and

(e) Public streets adjacent to the alcohol service area.

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NEW SECTION

WAC 314-03-214 Public engagement review. (1) Consistent with RCW 66.24.820, a city, town, county, or port authority that has been approved by the board for expanded alcohol service consistent with WAC 314-03-210, 314-03-211, or 314-03-212, shall conduct a public engagement review by September 1, 2026, consistent with the requirements in this rule.

(2) The public engagement review shall, at a minimum, include contacting the following individuals and entities in the area where expanded alcohol sales and service occurred or is occurring, to gain a balanced understanding of how the activities were or are being experienced by people in the community:

- (a) Local organizations;
- (b) Individual residents;
- (c) Businesses; and
- (d) Others in the local community.

(3) The public engagement review required by this rule must include examining, at a minimum, the following:

(a) Whether adequate local resources, including law enforcement patrols in the area, were or are provided during times that expanded alcohol service was or is offered, to ensure community safety;

(b) Whether services were or are provided to keep the area of the jurisdiction in which the activities occurred or are occurring clean and free of litter or other remnants of the use of public spaces for expanded alcohol service; and

(c) The costs and benefits to the community of expanded alcohol sales and service perceived by residents throughout the community.

(4) The results of a public engagement review conducted consistent with this rule shall be submitted to the board by September 1, 2026.

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NEW SECTION

WAC 314-03-215 Licensee sharing alcohol service area with

nonlicensee. (1) Definitions:

(a) "Alcohol service area" means an area in which liquor may be sold, served, and consumed as authorized under Title 66 RCW and rules of the board.

(b) "Nonlicensee" means a business does not have an active license or permit issued by the board.

(2) (a) Pursuant to RCW 66.24.800, certain liquor licensees may share use of an alcohol service area with businesses that do not engage in the sale or service of alcohol, subject to the requirements in this rule, and Titles 66 RCW and 314 WAC.

(b) Only licensees authorized for expanded alcohol service consistent with WAC 314-03-210, 314-03-211, or 314-03-212 may share the expanded alcohol service area with a nonlicensee.

(3) A primary contact or licensee must notify the board of the following prior to sharing an alcohol service area with a nonlicensee:

(a) A floor plan of the shared alcohol service area, identifying where the licensee and nonlicensees are;

(b) How alcoholic beverages served by the licensee will be kept in unique beverage containers; and

(c) Where licensee liquor will be stored and how access to that liquor will be exclusive to licensees and their employees.

(4) All participating licensees are jointly responsible for any violation or enforcement issues, unless it can be demonstrated that the violation or enforcement issues were due to one or more licensee's specific conduct or action, in which case the violation or enforcement applies only to those identified licensees.

(5) This section expires on December 31, 2027.

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AMENDATORY SECTION (Amending WSR 22-01-052, filed 12/8/21, effective 1/8/22)

WAC 314-02-112 Caterer's license. (1) A caterer's license allows the licensee to sell spirits, beer, and wine by the individual serving for consumption on the premises at a catered event location.

(2) The catered event location must be owned, leased, or operated by:

(a) The holder of the caterer's license; or

(b) The sponsor of the event for which the catering services are being provided.

(3) The caterer licensee is responsible for all areas of a location where alcohol is sold, served, consumed, or stored(~~(, except when the caterer is operating as described in chapter 361, Laws of 2025))~~).

(4) If the catered event is open and advertised to the public, the event must be sponsored by a nonprofit society or organization as defined in RCW 66.24.375, except as permitted in RCW 66.24.800 (3) (b), (effective until December 31, 2027).

(a) A registered nonprofit holding a public or civic event may invite a caterer to provide alcohol service at a location within the parameters of the event.

(b) If attendance at the catered event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement in subsection (2) of this section does not apply.

(5) A spirits, beer, and wine caterer licensee must have the ability to serve at least four complete meals. A commissary kitchen, licensed by the city and/or county health department, shall be maintained in a substantial manner as a place for preparing and cooking complete meals. The caterer licensee must maintain the kitchen equipment necessary to prepare the complete meals required under this section. The complete meals must be prepared at the licensed commissary kitchen premises. "Complete meal" is defined in WAC 314-02-010.

(6) A beer and wine caterer licensee must have the ability to provide minimum food service. A commissary kitchen shall be maintained in a substantial manner as a place for preparing and cooking minimum food service. The caterer licensee must maintain the kitchen equipment necessary to prepare minimum food service required under this section.

The minimum food service must be prepared at the licensed commissary kitchen premises. "Minimum food service" is defined in WAC 314-02-010.

(7) Licensees holding a caterer's license may share a commissary kitchen under the following conditions:

(a) Each licensee has their own secure area for their own liquor stock. Liquor stock cannot be shared.

(b) If using a shared commissary kitchen, each applicant/licensee must provide a sketch of the commissary kitchen to licensing indicating the separate secured area for each licensee.

(8) The applicant must provide the liquor and cannabis board with a copy of their commissary kitchen license issued by the city or county health department.

(9) (a) The licensee is required to send a list of scheduled catered events to their regional enforcement office on the first of each month. The licensee must provide the following information:

(i) Date of the catered events;

(ii) Time of the catered events; and

(iii) Place and location of catered events.

(b) Any changes to the information provided to the board must be reported to the regional enforcement office 72 hours prior to the catered event.

(10) For events at a civic campus authorized under WAC 314-03-211 or events at fan zone authorized under WAC 314-03-212, participating caterers must attest to joint responsibility as submitted by the campus operator or the local authority.

(11) A caterer's license holder is not allowed to cater events at a liquor licensed premises, except as permitted in RCW 66.24.800 (3) (b), (effective until December 31, 2027).

~~((11))~~ (12) The holder of the caterer's license may store liquor on other premises operated by the licensee if the licensee owns or has a leasehold interest at the other premises. Documentation must be provided to the board showing the licensee owns or has a leasehold interest in the property.

~~((12))~~ (13) All employees that sell or serve alcohol must hold MAST permits.

~~((13))~~ (14) The annual fee for the caterer's license is as follows:

(a) The annual fee for beer is ~~((200))~~ \$300;

(b) The annual fee for wine is ~~((200))~~ \$300; ~~((and))~~

(c) The annual fee for beer and wine is \$600; and

(d) The annual fee for a combined spirits, beer, and wine is
~~((1,000))~~ \$1,500.

[Statutory Authority: 2021 c 48 § 2, RCW 66.08.071, 66.08.030 and 2021 c 48. WSR 22-01-052, § 314-02-112, filed 12/8/21, effective 1/8/22.

Statutory Authority: RCW 66.08.030. WSR 17-12-030, § 314-02-112, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 66.24.690. WSR 14-24-128, § 314-02-112, filed 12/3/14, effective 1/3/15.]

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AMENDATORY SECTION (Amending WSR 24-04-042, filed 1/31/24, effective 3/2/24)

WAC 314-03-200 Outside or extended alcohol service. (1) A

licensee must request approval from the board's licensing division for ongoing outside alcohol service or extended indoor alcohol service. Any language in this rule referring to outdoor alcohol service applies also to extended indoor alcohol service.

(2) **Outdoor alcohol services in privately owned spaces.** For outdoor alcohol service located in privately owned spaces, a licensee must meet the following requirements:

(a) The licensee must have legal authority to use the outdoor alcohol service area including, but not limited to, ownership or leasehold rights;

(b) The licensee must have a building that provides indoor dining or production in order to qualify for an outdoor alcohol service area;

(c) The outdoor alcohol service area must be contiguous to the licensed business or located on the same property or parcel of land as the licensed business;

(d) The outdoor alcohol service area must have an attendant, wait staff, or server dedicated to the area when patrons are present;

(e) (i) Interior access to the licensed premises from the outdoor alcohol service area is not required. However, unless there is (A) interior access to the licensed premises from the outdoor alcohol service area, or (B) an unobstructed direct line of sight from inside the licensed premises to the outdoor alcohol service area, an employee with a mandatory alcohol server training (MAST) permit under chapter 314-17 WAC must be in the outdoor alcohol service area at all times that patrons are present, in order to monitor alcohol consumption. This requirement is in addition to the requirement in (d) of this subsection that the outdoor alcohol service area must have an attendant, wait staff, or server dedicated to the area when patrons are present;

(ii) If the interior access is from an area classified by the board as off limits to any person under the age of 21, people under the age of 21 are prohibited in the outside or extended alcohol service area;

(f) If there are food service requirements for the licensee, then the required food service must be available in any outdoor or extended alcohol service area;

(g) The outdoor alcohol service area must be enclosed with a permanent or movable barrier a minimum of 42 inches in height. However, the board may grant limited exceptions to the required 42 inch high barrier for outdoor alcohol service areas if the licensee has permanent boundaries for the outdoor alcohol service area, but may not grant limited exceptions to beer gardens, standing room only venues, or permitted special events;

(h) Openings into and out of the outdoor alcohol service area cannot exceed 10 feet. If there is more than one opening along one side, the total combined opening may not exceed 10 feet; and

(i) Licensees must comply with local building codes, local health jurisdiction requirements, department of labor and industries requirements, and any other applicable laws and rules.

(3) **Outdoor alcohol services in public spaces.** For outdoor alcohol service located in public spaces, a licensee must request approval from the board's licensing division and meet the following requirements:

(a) The licensed business must have a permit from their local jurisdiction allowing the business to use the public space as a service area, such as a sidewalk cafe permit or other similar outdoor area permit authorized by local regulation;

(b) The licensee must have a building that provides indoor dining or production in order to qualify for an outdoor alcohol service area;

(c) (i) Except as provided in (c) (ii) of this subsection, the outdoor alcohol service area must be enclosed with a permanent or movable barrier a minimum of 42 inches in height.

(ii) Licensees with outdoor alcohol service areas contiguous to the licensed premises may use a permanent fence-free demarcation of the designated alcohol service area for continued enforcement of the boundaries, instead of a permanent or movable barrier a minimum of 42 inches in height. The permanent fence-free demarcation used must be:

(A) At all boundaries of the outdoor alcohol service area;

(B) At least six inches in diameter; and

(C) Placed no more than 10 feet apart;

(iii) The exception identified in (c) (ii) of this subsection does not apply to beer gardens, standing room only venues, and permitted special events, all of which must always have a permanent or movable barrier a minimum of 42 inches in height;

(d) Openings into and out of the outdoor alcohol service area cannot exceed 10 feet. If there is more than one opening along one side, the total combined opening may not exceed 10 feet;

(e) The outdoor alcohol service area must have an attendant, wait staff, or server dedicated to the area when patrons are present;

(f) If there are food service requirements for the licensee, then the required food service must be available in any outdoor or extended alcohol service area; and

(g) Licensees must comply with local building codes, local health jurisdiction requirements, department of labor and industries requirements, and any other applicable laws and rules.

(4) For multiple licensees to share an outdoor alcohol service area, the licensees must request approval from the board's licensing division and meet the following requirements:

(a) The licensees' property parcels or buildings must be located in direct physical proximity to one another. For the purposes of this subsection, "direct physical proximity" means that the property parcels or buildings are physically connected or touching each other along a boundary or at a point;

(b) (i) If the shared outdoor alcohol service area is located on public space, the licensees sharing the space must meet all of the requirements in subsection (3) of this section and shared use of the outdoor service area must be authorized by the licensees' local jurisdiction permits; or

(ii) If the shared outdoor alcohol service area is located in a privately owned space, the licensees sharing the space must meet all of the requirements in subsection (2) of this section and must have legal authority to share use of the outdoor service area including, but not limited to, ownership or leasehold rights;

(c) The licensees must maintain separate storage of products and separate financial records for the shared outdoor alcohol service area. If licensees share any point of sale system, the licensees must keep complete documentation and records for the shared point of sale system showing clear separation as to what sales items and categories belong to each respective licensee;

(d) The licensees must use distinctly marked glassware or serving containers in the shared outdoor alcohol service area to identify the source of any alcohol product being consumed. The distinctive markings may be either permanent or temporary. Any temporary markings must remain on the glassware or serving containers through the duration of use by the customer;

(e) The licensees must complete an operating plan for the shared outdoor alcohol service area. The operating plan should demonstrate in general how responsibility for the outdoor alcohol service area is shared among the licensees. Licensees are required to submit the

operating plan to the board's licensing division at the time of application or alteration and must keep documentation of an up-to-date plan available for inspection on premises; and

(f) Consistent with WAC 314-11-065, a licensee may not permit the removal of alcohol in an open container from the shared outdoor alcohol service area, except to reenter the licensed premises where the alcohol was purchased. Signage prohibiting the removal of alcohol in an open container must be visible to patrons in the shared outdoor alcohol service area.

(5) If multiple licensees use a shared outdoor alcohol service area as described in subsection (4) of this section, all participating licensees are jointly responsible for any violation or enforcement issues unless it can be demonstrated that the violation or enforcement issue was due to one or more licensee's specific conduct or action, in which case the violation or enforcement action applies only to those identified licensees.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Alcohol service" means service of liquor as defined in RCW 66.04.010.

(b) "Contiguous" means touching along a boundary or at a point.

(c) "Sidewalk cafe" means a designated seating area on the sidewalk, curb space, or other public space where a business provides table service and seating for their patrons during business hours.

(7) This rule does not apply to outdoor or expanded alcohol service authorized by RCW 66.24.800 (effective until December 31, 2027).

[Statutory Authority: RCW 66.08.030, 66.20.330, and 66.24.710(7). WSR 24-04-042, § 314-03-200, filed 1/31/24, effective 3/2/24. Statutory Authority: 2023 c 279, RCW 66.08.071, and 66.08.030. WSR 23-14-119, § 314-03-200, filed 7/5/23, effective 7/5/23. Statutory Authority: 2021 c 48 § 2, RCW 66.08.071, 66.08.030 and 2021 c 48. WSR 22-01-052, § 314-03-200, filed 12/8/21, effective 1/8/22. Statutory Authority: RCW 66.08.030 and 66.44.310. WSR 20-03-180, § 314-03-200, filed 1/22/20, effective 2/22/20. Statutory Authority: RCW 66.08.030. WSR 17-12-030, § 314-03-200, filed 5/31/17, effective 7/1/17.]

AMENDATORY SECTION (Amending WSR 20-20-038, filed 9/30/20, effective 10/31/20)

WAC 314-05-020 Special occasion license. (1) Consistent with RCW 66.24.380, a special occasion license allows a nonprofit organization to sell, at a specified date, time, and place:

(a) Spirits, beer, and wine by the individual serving and wine by the bottle for on-premises consumption, except that wine by the bottle or in original, unopened containers may not be sold for on-premises consumption at events pursuant to RCW 66.24.800 (expires December 31, 2027), WAC 314-03-211 (expires December 31, 2027), or WAC 314-03-212 (expires August 1, 2026); and

(b) Spirits, beer, and wine in original, unopened containers for off-premises consumption.

(2) (a) Special occasion licensees may have no more than ~~((twelve))~~ 12 days of events per calendar year (see RCW 66.24.380(1) for an exception for agricultural fairs).

(b) Events pursuant to authorized civic campus and fan zones as referenced in WAC 314-03-211 and 314-03-212 do not count towards the limitation in (a) of this subsection.

(3) (a) The fee for the special occasion license is (~~sixty dollars~~) \$90 per day, per event. Multiple alcohol service locations at an event are an additional (~~sixty dollars~~) \$90 per location.

(b) The fee is \$185 per day, per event, for civic campus and fan zone events pursuant to WAC 314-03-211 and 314-03-212. Multiple alcohol service locations at an event are an additional \$185 per location.

(4) A special occasion license is a retail liquor license. Nonprofit organizations must comply with applicable retail liquor license requirements when operating under the special occasion license.

[Statutory Authority: RCW 66.08.030. WSR 20-20-038, § 314-05-020, filed 9/30/20, effective 10/31/20. Statutory Authority: RCW 66.08.030 and 66.20.010. WSR 17-08-099, § 314-05-020, filed 4/5/17, effective 5/6/17. Statutory Authority: RCW 66.08.030 and 66.08.050. WSR 12-17-006, § 314-05-020, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.030. WSR 09-02-013, § 314-05-020, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 66.08.030, 66.24.375, 66.24.380, 66.28.010. WSR 04-22-078, § 314-05-020, filed 11/2/04, effective 12/3/04.]

AMENDATORY SECTION (Amending WSR 20-20-038, filed 9/30/20, effective 10/31/20)

WAC 314-05-025 Application process for a special occasion

license. (1) Special occasion applications should:

(a) Be submitted at least (~~((forty-five))~~) 45 days prior to an event where no minors will attend;

(b) Be submitted with an application addendum at least (~~((sixty))~~) 60 days prior to an event where the applicant requests minors in attendance and for events for civic campus and fan zones pursuant to WAC 314-03-211 and 314-03-212; or

(c) Applications submitted less than the required (~~((forty-five or sixty))~~) 45 or 60 days prior to the event might not be approved.

(2) Special occasion applications must include:

(a) Documentation verifying that the organization is a registered nonprofit with the Washington secretary of state or with the Internal Revenue Service;

(b) The name of any winery that will be taking orders at the event and accepting payment for wine of its own production to be delivered at a later date; and

(c) Any additional relevant information requested by the board.

(3) Consistent with RCW 66.24.010(8), the board must send a notice to the local authority for each application received, unless the local authority has received authorization for civic campus or fan zone events pursuant to WAC 314-03-211 or 314-03-212. The local authority has ~~((twenty))~~ 20 days to respond or request an extension for good cause.

(4) The board may conduct a criminal history check on the organization's officers and/or managers.

(5) (a) Special occasion licenses may be denied for reasons including, but not limited to, those outlined in chapter 314-07 WAC. Denials are subject to the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

(b) At the board's discretion, repeat violations at events on civic campuses and fan zones pursuant to WAC 314-03-211 and 314-03-212 within a two-year period can be cause for denial of a license under this rule, or participation in future events.

[Statutory Authority: RCW 66.08.030. WSR 20-20-038, § 314-05-025, filed 9/30/20, effective 10/31/20; WSR 16-01-102, § 314-05-025, filed 12/16/15, effective 1/16/16; WSR 11-23-046, § 314-05-025, filed 11/9/11, effective 12/10/11. Statutory Authority: RCW 66.08.030,

66.24.375, 66.24.380, 66.28.010. WSR 04-22-078, § 314-05-025, filed 11/2/04, effective 12/3/04.]

AMENDATORY SECTION (Amending WSR 20-20-038, filed 9/30/20, effective 10/31/20)

WAC 314-05-030 Requirements for special occasion license events.

(1) The special occasion license must be posted at each alcohol service area at the event.

(2) Consistent with RCW 66.28.070, all spirits, beer, and wine purchased for the event by the special occasion licensee may only be purchased in the manufacturer's approved container or package from the following:

- (a) A licensed off-premises retailer;
- (b) A distributor;
- (c) A distillery or craft distillery;
- (d) A domestic brewery or microbrewery;
- (e) A winery; or

(f) A certificate of approval holder with a direct shipping to Washington retailer endorsement.

(3) Consistent with RCW 66.28.310, special occasion licensees are allowed to pay for beer, wine, and spirits used for the special occasion event immediately following the end of the event.

(4) Consistent with RCW 66.28.040, alcohol may be donated to special occasion licensees registered as 501(c)(3) and 501(c)(6) for the event as follows:

(a) In state breweries and beer certificate of approval holders may donate beer;

(b) In state wineries and wine certificate of approval holders may donate wine;

(c) An accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor may donate spirits.

(5) Alcohol may not be provided, or advertised as being provided, to the public free of charge at the special occasion event.

(6) Alcohol may not be sold, or advertised as being sold, below the manufacturer's cost at the special occasion event.

(7) If alcohol is auctioned at the event, the final sale price may not be below the manufacturer's cost.

(8) If tickets are sold for the special occasion event and the ticket fee includes alcohol for event attendees, the ticket must be sold directly by the nonprofit organization and may not be sold by a

third party. In order to ensure alcohol is not being given away or sold below the manufacturer's cost, if the ticket fee includes alcohol the total ticket fee must be above the manufacturer's cost of the included alcohol.

(9) Consistent with RCW 66.24.375, no portion of the profits from special occasion events may be paid directly or indirectly to members, officers, directors, or trustees of the nonprofit organization except for services performed for the organization.

(10) Wineries, breweries, and distilleries participating in a special occasion event may pay booth fees to the special occasion licensee. Booth fees must be uniform for all participating wineries, breweries, and distilleries.

(11) Breweries may provide installation of draft beer dispensing equipment for a special occasion event.

(12) Pouring or dispensing may be provided at any type of special occasion event by wineries, distilleries, or spirits distributors.

(13) Pouring or dispensing may be provided by breweries at a beer tasting exhibition or judging event. A beer tasting exhibition or judging event must be sponsored by the special occasion licensee and have at least three breweries represented that are pouring samples.

(14) Consistent with RCW 66.24.380, the sale, service, and consumption of alcohol must be confined to a designated area, unless the event is pursuant to RCW 66.24.800 (expires December 31, 2027).

(15) If a special occasion event is held at an establishment that has a liquor license, the following applies, unless the event is pursuant to RCW 66.24.800 (expires December 31, 2027):

(a) The special occasion event must be in a designated area of the licensed premises separate from areas open to the general public;

(b) The licensed premises' liquor cannot be sold or served in the designated special occasion event area;

(c) The liquor licensee cannot charge for the liquor purchased and brought by the special occasion licensee for service at the event;

(d) The liquor licensee must sign the special occasion application acknowledging that they will not sell or serve their liquor at the event and giving permission for the special occasion licensee to bring and sell their liquor at the liquor licensed premises; and

(e) The special occasion event cannot be held at a premises where the liquor license will be suspended by the board on the date(s) of the scheduled event.

[Statutory Authority: RCW 66.08.030. WSR 20-20-038, § 314-05-030, filed 9/30/20, effective 10/31/20. Statutory Authority: RCW 66.08.030 and 66.08.050. WSR 12-17-006, § 314-05-030, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.030. WSR 11-23-046, § 314-05-030, filed 11/9/11, effective 12/10/11; WSR 09-02-013, § 314-05-030, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 66.08.030, 66.20.360 through [66.20].380, 66.20.390, 66.24.170, 66.24.206, 66.24.210, 66.24.240, 66.24.244, 66.24.270, 66.24.290, 66.28.170, 66.28.180, and 42.56.270. WSR 07-02-076, § 314-05-030, filed 12/29/06, effective 1/29/07. Statutory Authority: RCW 66.08.030, 66.24.375, 66.24.380, 66.28.010. WSR 04-22-078, § 314-05-030, filed 11/2/04, effective 12/3/04.]

AMENDATORY SECTION (Amending WSR 09-21-050, filed 10/14/09, effective 11/14/09)

WAC 314-29-025 Group 2 regulatory violations. Group 2

violations are violations involving general regulation and administration of retail or nonretail licenses.

Violation Type	1st Violation	2nd Violation in a two-year window	3rd Violation in a two-year window	4th Violation in a two-year window
Club liquor to the public. WAC 314-40-010	5-day suspension or \$500 monetary option	5-day suspension or \$1,500 monetary option	10-day suspension or \$3,000 monetary option	Cancellation of license
Employee under legal age or without required mandatory alcohol server training permit. RCW 66.44.316 RCW 66.44.318 RCW 66.44.340 RCW 66.44.350 WAC 314-11-040 WAC 314-11-045 Chapter 314-17 WAC	5-day suspension or \$500 monetary option	5-day suspension or \$1,500 monetary option	10-day suspension or \$3,000 monetary option	Cancellation of license
<u>Failure to assign MAST trained employee to an expanded alcohol service area.</u>	<u>5-day suspension or \$500 monetary option</u>	<u>5-day suspension or \$1,500 monetary option</u>	<u>10-day suspension or \$3,000 monetary option</u>	<u>Cancellation of license</u>
Failure to follow 11:00 p.m. entertainment rules. WAC 314-02-025(2)	5-day suspension or \$500 monetary option	5-day suspension or \$1,500 monetary option	10-day suspension or \$3,000 monetary option	Cancellation of license
Hours of service: Sales, service, removal, or consumption of alcohol between 2:00 a.m. and 6:00 a.m. WAC 314-11-070	5-day suspension or \$500 monetary option	5-day suspension or \$1,500 monetary option	10-day suspension or \$3,000 monetary option	Cancellation of license
Keg registration: Failure to properly register kegs. RCW 66.28.200 RCW 66.28.210 WAC 314-02-115	5-day suspension or \$500 monetary option	5-day suspension or \$1,500 monetary option	10-day suspension or \$3,000 monetary option	Cancellation of license
Spirituuous liquor not sold by the individual drink. RCW 66.24.400 WAC 314-02-015 (1)(a)	5-day suspension or \$500 monetary option	5-day suspension or \$1,500 monetary option	10-day suspension or \$3,000 monetary option	Cancellation of license

Violation Type	1st Violation	2nd Violation in a two-year window	3rd Violation in a two-year window	4th Violation in a two-year window
Food service: Required food service not available. WAC 314-02-035 WAC 314-02-0411 WAC 314-02-065 WAC 314-02-075	5-day suspension or \$250 monetary option	5-day suspension or \$1,500 monetary option	10-day suspension or \$3,000 monetary option	Cancellation of license
Hours of operation: Failure to meet required hours of operation. WAC 314-02-015(2)	5-day suspension or \$250 monetary option	5-day suspension or \$1,500 monetary option	10-day suspension or \$3,000 monetary option	Cancellation of license
NSF check: Payment by a retail licensee for alcohol purchases. WAC 314-13-020	5-day suspension or \$250 monetary option	5-day suspension or \$1,500 monetary option	10-day suspension or \$3,000 monetary option	Cancellation of license
Premises not open to the general public while liquor is sold, served, or consumed. WAC 314-11-072	5-day suspension or \$250 monetary option	5-day suspension or \$1,500 monetary option	10-day suspension or \$3,000 monetary option	Cancellation of license
Sampling and/or cooking class violations. WAC 314-02-105	5-day suspension or \$250 monetary option	5-day suspension or \$1,500 monetary option	10-day suspension or \$3,000 monetary option	Cancellation of license
Substituting, tampering, improper labeling, unlawful removal, possession, or unauthorized sale of liquor. WAC 314-11-065 WAC 314-11-080 WAC 314-16-020	5-day suspension or \$250 monetary option	5-day suspension or \$1,500 monetary option	10-day suspension or \$3,000 monetary option	Cancellation of license
Advertising: Advertising violations other than those involving prohibited practices between a nonretail and a retail licensee. Chapter 314-52 WAC.	5-day suspension or \$100 monetary option	5-day suspension or \$500 monetary option	10-day suspension or \$1,000 monetary option	20-day suspension
Product placement: <u>Documented product placement violation.</u> <u>WAC 314-02-140</u>	<u>5-day suspension or \$100 monetary option</u>	<u>5-day suspension or \$500 monetary option</u>	<u>10-day suspension or \$1,000 monetary option</u>	<u>20-day suspension</u>
Hotel/motel honor bar violation. WAC 314-02-080	5-day suspension or \$100 monetary option	5-day suspension or \$500 monetary option	10-day suspension or \$1,000 monetary option	20-day suspension
Inventory: Inventory below required amount. WAC 314-02-100 WAC 314-02-105	5-day suspension or \$100 monetary option	5-day suspension or \$500 monetary option	10-day suspension or \$1,000 monetary option	20-day suspension
Lighting: Inadequate lighting. WAC 314-11-055	5-day suspension or \$100 monetary option	5-day suspension or \$500 monetary option	10-day suspension or \$1,000 monetary option	20-day suspension
Liquor purchased from	5-day	5-day suspension	10-day suspension	20-day suspension

Violation Type	1st Violation	2nd Violation in a two-year window	3rd Violation in a two-year window	4th Violation in a two-year window
unauthorized source or sale below cost in violation of liquor law or rule. WAC 314-11-085 WAC 314-13-010 WAC 314-13-040	suspension or \$100 monetary option	or \$500 monetary option	or \$1,000 monetary option	
Private club violations: Club regulations other than club liquor to the public. Chapter 314-40 WAC	5-day suspension or \$100 monetary option	5-day suspension or \$500 monetary option	10-day suspension or \$1,000 monetary option	20-day suspension
Records: Improper recordkeeping. WAC 314-11-090 WAC 314-11-095 WAC 314-12-135	5-day suspension or \$100 monetary option	5-day suspension or \$500 monetary option	10-day suspension or \$1,000 monetary option	20-day suspension
Retailer/nonretailer violation: Violation on the part of a retail licensee that involves a nonretail licensee, other than group four violations.	5-day suspension or \$100 monetary option	5-day suspension or \$500 monetary option	10-day suspension or \$1,000 monetary option	20-day suspension
Signs: Failure to post required signs. WAC 314-11-060	5-day suspension or \$100 monetary option	5-day suspension or \$500 monetary option	10-day suspension or \$1,000 monetary option	20-day suspension
Unauthorized alterations, change of trade name, or added activity. WAC 314-02-025 WAC 314-02-125 WAC 314-02-130	5-day suspension or \$100 monetary option	5-day suspension or \$500 monetary option	10-day suspension or \$1,000 monetary option	20-day suspension

[Statutory Authority: RCW 66.08.030. WSR 09-21-050, § 314-29-025, filed 10/14/09, effective 11/14/09. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. WSR 03-09-015, § 314-29-025, filed 4/4/03, effective 5/5/03.]

AMENDATORY SECTION (Amending WSR 22-13-054, filed 6/8/22, effective 7/9/22)

WAC 314-29-030 Group 3 license violations. Group 3 violations are violations involving licensing requirements, license classification, and special restrictions.

Violation Type	1st Violation	2nd Violation in a two-year window	3rd Violation in a two-year window	4th Violation in a two-year window
True party of interest violation. RCW 66.24.010(1) WAC 314-12-030	Cancellation of license			
Failure to furnish required documents. WAC 314-12-035	Cancellation of license			
Misrepresentation of fact. WAC 314-12-010	Cancellation of license			
Misuse or unauthorized use of liquor license (operating outside of license class, lending or contracting license to another person/entity). Chapter 66.24 RCW WAC 314-02-015 WAC 314-02-041 WAC 314-02-045 WAC 314-02-065 WAC 314-02-070 WAC 314-02-075 WAC 314-02-090 WAC 314-02-095 WAC 314-02-100 WAC 314-02-105 WAC 314-02-110 WAC 314-12-030	5-day suspension or \$1,500 monetary option	Cancellation of license		
Operating plan: Violations of a board-approved operating plan. WAC 314-03-060 <u>WAC 314-03-211</u> <u>WAC 314-03-212</u> WAC 314-16-270 WAC 314-16-275	5-day suspension or \$500 monetary option	7-day suspension or \$1,500 monetary option	10-day suspension with no monetary option	Cancellation of license
Sale of alcohol in violation of a board-approved local authority	5-day suspension or \$500 monetary	7-day suspension or \$1,500	10-day suspension with no monetary	Cancellation of license

Violation Type	1st Violation	2nd Violation in a two-year window	3rd Violation in a two-year window	4th Violation in a two-year window
restriction. Chapter 66.24 RCW	option	monetary option	option	
Sale of alcohol in violation of a board-approved alcohol impact area restriction. WAC 314-12-215	5-day suspension or \$500 monetary option	7-day suspension or \$1,500 monetary option	10-day suspension with no monetary option	Cancellation of license
Catering endorsement violation. WAC 314-02-060 WAC 314-02-061	5-day suspension or \$250 monetary option	5-day suspension or \$1,500 monetary option	10-day suspension or \$3,000 monetary option	Cancellation of license

[Statutory Authority: RCW 66.08.030. WSR 22-13-054, § 314-29-030, filed 6/8/22, effective 7/9/22; WSR 09-21-050, § 314-29-030, filed 10/14/09, effective 11/14/09. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. WSR 03-09-015, § 314-29-030, filed 4/4/03, effective 5/5/03.]